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Date: 7 August 2023
Our ref: Planning Committee Agenda
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PLANNING COMMITTEE

16 AUGUST 2023

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 16 August 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Crittenden (Chair); Councillors: Bright (Vice-Chair), Albon, J Bayford, Boyd, Dennis, Driver, Garner, Keen, Makinson, Matterface, Paul Moore, Rattigan, Rusiecki and Wing

AGENDA

Item
No

Subject

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 advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 14)

To approve the Minutes of the Planning Committee meeting held on 19th July 2023, copy attached.

4. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 15 - 20)

To consider the report of the Director of Place, 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.

Item
No

Subject

Applications for Approval

- 4a **A01 F/TH/23/0502 - 6-6A LUTON AVENUE, BROADSTAIRS** (Pages 21 - 42)
- 4b **A02 F/TH/23/0080 - WINTER GARDENS, FORT CRESCENT, MARGATE**
(Pages 43 - 48)
- 4c **A03 L/TH/23/0079 - WINTER GARDENS, FORT CRESCENT, MARGATE**
(Pages 49 - 52)
- 4d **A04 L/TH/23/0700 - RAMSGATE BOWLING CLUB, BLOWING GREENS,
ROYAL ESPLANADE** (Pages 53 - 56)

Applications for Refusal

- 4e **R05 F/TH/23/0239 - 45-45A YORK STREET, BROADSTAIRS** (Pages 57 -
66)
- 4f **R06 F/TH/23/0492 - 22 GROSVENOR ROAD, BROADSTAIRS** (Pages 67 -
76)
- 4g **R07 F/TH/23/0782 - KIOSK AT ROYAL VICTORIA PAVILLION, HARBOUR
PARADE, RAMSGATE** (Pages 77 - 84)

Application for Deferral

- 4h **D08 F/TH/22/0769 - THE ROYAL, 51 HARBOUR PARADE, RAMSGATE**
(Pages 85 - 114)



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

Planning Committee

Minutes of the meeting held on 19 July 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Helen Crittenden (Chair); Councillors J Bright, Albon, J Bayford, Boyd, Dennis, Driver, Garner, Keen, Makinson, Matterface, Rattigan and Wing

In

Attendance: Councillors Dawson, Fellows and Whitehead

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Rusiecki who is substituted by Councillor Wright and from Councillor Paul Moore.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES OF PREVIOUS MEETING**

Councillor Albon proposed, Councillor Rattigan seconded and Members agreed that the minutes of the meeting held on 14 June 2023 be approved as a correct record.

4. **SCHEDULE OF PLANNING APPLICATIONS**

The Chair informed Committee Members that any site visits would take place on the morning of 4 August 2023.

(a) **A01 OL/TH/22/1586 - Land Between 310 and 316 Canterbury Road, Birchington**

PROPOSAL: Outline application for the erection of up to 9No dwellings including access.

Mr Solly spoke against the application.

Councillor Dawson spoke against the application under Council Rule 20.1.

Councillor Fellows spoke against the application under Council Rule 20.1.

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

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

- 1) Approval of the details of the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, (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) To assess and mitigate the impacts of development on significant archaeological remains:
 - A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
 - B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of 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.

- C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
- D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
 - i) a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - ii) an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
 - iii) a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.
- E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

GROUND:

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the National Planning Policy Framework.

- 6) 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 protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water, in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the NPPF.

- 7) Details to be provided in pursuant of condition 1 above shall include the retention of the public right of way through the site (TM32), with upgrade works that include the widening of the public right of way to 3m, and its resurfacing with a hoggin surface.

GROUND:

In the interests of pedestrian movement, in accordance with Policy TP02 of the Thanet Local Plan.

- 8) Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local

Planning Authority and should be carried out in accordance with the approved 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
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

GROUND:

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

- 9) Prior to the first occupation of the dwelling the following works between the dwelling and the adopted highway shall be complete
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

GROUND:

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the NPPF.

- 10) The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

GROUND:

In the interests of highway safety, in accordance with the advice contained within the NPPF.

- 11) Prior to the first occupation of the development hereby approved visibility splays of 2.4m x 43m shall be provided to the access on to Canterbury Road as shown on the approved plan no A1625-09 Rev P4 with no obstructions over above carriageway level within the splays, which shall thereafter be maintained.

GROUND:

In the interest of highway safety in accordance with the advice contained within the NPPF.

- 12) Details to be submitted in pursuant of Condition 1 above shall include details of the electric vehicle charging points to be provided within the development, including their location and design. The electric vehicle

charging points shall be in the form of one active charging point per allocated parking space, and one active charging point per ten unallocated parking spaces.

GROUND:

To protect air quality, in accordance with Policy of the Thanet Local Plan and the advice as contained within the NPPF.

- 13) The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND:

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

- 14) The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

- 15) Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall
 - a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
 - b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
 - c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND:

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

- 16) The details to be submitted in pursuant of condition 1 above for landscaping shall include the retention of existing hedge planted boundaries, the provision of new hedge and tree planting, and the provision of ecological enhancements within the site.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

- 17) The details to be submitted in pursuant of condition 1 above for scale shall show no development exceeding 2-storeys in height to eaves level.

GROUND:

To limit the impact upon the character and appearance of the area and neighbouring amenity, in accordance with Policies QD02 and QD03 of the Thanet Local Plan.

Upon being put to the vote, the motion was declared **LOST**.

It was proposed by Councillor Albon, seconded by Councillor Garner and agreed upon by Members, that:

The proposal, by virtue of its location and form, would result in the loss of open space and harm to the characteristics of the Central Thanet Undulating Chalk Farmland Landscape Character Area (LCA), where the need for and the impact from the development has not been demonstrated to outweigh the need to protect Thanet's landscape character and local distinctiveness, with the visual harm resulting from the additional built form not sufficiently outweighed by economic, social or environmental benefits, contrary to Policies SP26 and QD02 of the Thanet Local Plan 2020 and paragraphs 130 and 174 of the National Planning Policy Framework.

The proposed development would result in the irreversible loss of best and most versatile agricultural land. The proposal has failed to demonstrate that the benefits of the proposal would outweigh the harm arising from the loss of agricultural land, and that no other suitable sites of poorer agricultural quality could accommodate the development, or lead to likely accumulated and significant losses of high quality agricultural land. The proposal would therefore be contrary to Policy E16 of the Thanet Local Plan and paragraph 174 of the National Planning Policy Framework.

(b) **A02 F/TH/23/0531 - Unit 1 Blenheim Close, Broadstairs**

PROPOSAL: Change of use to laundrette (Use class Sui Generis) together with erection of flues on the rear elevation.

It was proposed by Councillor Albon and seconded by Councillor Bayford:

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 numbered 23.1965.PL005, 23.1965.PL006 and, 23.1965.PL007 received 17 April 2023.

GROUND:

To secure the proper development of the area.

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

- (c) **A03 F/TH/23/0335 - Minster Meze and Grill 7 - 9 Monkton Road, Minster**

PROPOSAL: Change of use of first floor from residential (use class C3) to Bed and Breakfast accommodation (use class C1).

It was proposed by Councillor Albon and seconded by Councillor Bayford:

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 numbered Proposed First Floor Plan received 30 March 2023 and, Proposed Ground Floor Plan received 12 April 2023.

GROUND:

To secure the proper development of the area.

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

- (d) **D04 F/TH/22/1591 - 122 Northdown Road, Margate**

PROPOSAL: Change of use of existing office space and 2No 1 bed flats to office space and the creation of 3No. 1 bed flats, 1No bedsit and 1 no 1 bed maisonette together with alterations of roof to rear outrigger including external

stairs, excavation to create entrance to basement at front and reinstatement of iron railings to first floor and provision of ground floor railings to front elevation, alterations to fenestration.

Mr Kinnear spoke in favour of the application.

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

THAT the officer's recommendation be adopted, namely:

To defer and delegate for approval subject to the receipt of a satisfactory signed legal agreement to secure the contributions towards the SAMM project within 6 months and 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 documents, drawing numbered, 06 B (received 02/05/23), 07 B (received 02/05/23), 08 B (received 02/05/23), 09 B (received 02/05/23) and 12 A (received 10/07/23).

GROUND:

To secure the proper development of the area.

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

GROUND:

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

- 4) Prior to the installation of any railings hereby approved, manufacturers details to a scale of 1:20 shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

- 5) Prior to the installation of any external windows and doors, joinery details at a scale of 1:20 of the windows and doors 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 approved development.

GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with policy HE02 and advice contained within the National Planning Policy Framework.

- 6) Prior to the first occupation of the development hereby approved, full details of hard landscape works, to include:
- 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 QD02 and HE02 of the Thanet Local Plan.

- 7) All hard landscape works, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Following completion of the landscape works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition.

GROUND:

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02 and HE02 of the Thanet Local Plan.

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

- (e) **D05 F/TH/22/1668 - British Heart Foundation 113 - 117, High Street, Margate**

PROPOSAL: Change of use of first floor retail (Use Class E) to 3no. 2 bed flats and 1no. 1 bed flat (Use Class C3), alterations to shopfront to facilitate sub-division of ground floor into 3no. retail units, following two storey rear extension

Mr Munnelly spoke in favour of the application.

Councillor Whitehead spoke under Council Rule 20.1.

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

THAT the officer's recommendation be adopted, namely:

To defer and delegate for approval subject to the receipt of a satisfactory signed legal agreement to secure the contributions towards the SAMM project within 6 months and 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 0543-PL 1100, 0543-PL 1101, 0543-PL 2104, 0543-PL-2200- Rev A, 0543-PL 2201 and 0543-PL 2300 received 12 April 2023.

GROUND:

To secure the proper development of the area.

- 3) The external materials and external finishes to be used in the development hereby approved shall be as detailed on drawing numbered 0543-PL-2200-Rev A, received 12 April 2023.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

- 4) Prior to the first occupation of the residential units, details of the construction of the ceilings and floors that separate the (residential and commercial unit) shall be submitted to and approved by the Local Planning Authority. The ceilings and floors shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014 Acoustics - Field measurement of sound insulation in buildings and of building elements Part 1: Airborne sound insulation. The work shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

GROUND:

In the interests of the residential amenity of future occupiers of the flats in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

- 5) An acoustic assessment of compliance with condition 4 shall be submitted to the Local Planning Authority prior to the first occupation of the residential units hereby permitted. Any further mitigation measures recommended in the assessment to meet the criteria stated within condition 4 shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment. All works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

GROUND:

In the interests of the residential amenity of future occupiers of the flats in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

- 6) Prior to the first occupation of the flats hereby approved the windows in the northern elevation of Flat 4 and the bedroom windows of Flats 2 and 3, facing onto the internal courtyard shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

To safeguard the residential amenities of occupiers of the flats in accordance with Policy QD03 of the Thanet Local Plan.

- 7) The refuse storage facilities as specified upon the approved drawing numbered 0543-PL 1100 and received on 12 April 2023 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:

In the interests of the residential amenity of future occupiers of the flats in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

- 8) Prior to the first occupation of the flats hereby approved, the secure cycle parking facilities, as shown on approved drawing numbered 0543-PL 1101 shall be provided and thereafter maintained.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

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

Meeting concluded: 9:07pm

THANET DISTRICT COUNCIL

PLANNING COMMITTEE

16TH AUGUST 2023

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 and via thanet.gov.uk and gov.uk)

1. Thanet District Council Local Plan and associated documents.
2. Cliftonville Development Plan Document
3. Broadstairs and St Peters Neighbourhood Plan
4. The National Planning Policy Framework and the National Planning Practice Guidance issued by the Ministry of Housing, 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 via the Council's website <https://planning.thanet.gov.uk/online-applications/> or 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 via the Council's website <https://planning.thanet.gov.uk/online-applications/>)

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:7th AUGUST 2023

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THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART A

TO: THE PLANNING COMMITTEE

DATE: 16 August 2023

| Application Number | Address and Details | Recommendation |
|--------------------|--|----------------|
| A01 F/TH/23/0502 | <p>6 - 6A Luton Avenue BROADSTAIRS Kent CT10 2DH</p> <p>Change of Use from Assisted Living home (+ 55 year olds) with no living-in staff Home (Class C3) to a 16 bed House in Multiple Occupation (HMO) (Sui Generis)</p> <p>Ward: Viking</p> | Approve |
| A02 F/TH/23/0080 | <p>Winter Gardens Fort Crescent MARGATE Kent CT9 1HX</p> <p>Temporary installation of metal security screens to external openings and metal fencing to public access points (retrospective application)</p> <p>Ward: Margate Central</p> | Approve |
| A03 L/TH/23/0079 | <p>Winter Gardens Fort Crescent MARGATE Kent CT9 1HX</p> <p>Application for Listed Building Consent for the temporary installation of security screens and fencing (retrospective application)</p> <p>Ward: Margate Central</p> | Approve |
| A04 L/TH/23/0700 | <p>Ramsgate Bowling Club Bowling Greens Royal Esplanade RAMSGATE Kent</p> <p>Application for Listed Building Consent for resurfacing of promenade and steps</p> | Approve |

Agenda Item 4 Annex 1

of Ramsgate Bowling Club with asphalt following the removal of existing asphalt, replace missing balusters and repair cracks

Ward: Cliffsend And Pegwell

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART B

TO: THE PLANNING COMMITTEE

DATE: 16 August 2023

| Application Number | Address and Details | Recommendation |
|--------------------|--|-------------------|
| R05 F/TH/23/0239 | <p>45 - 45A York Street BROADSTAIRS Kent CT10 1PB</p> <p>Erection of extract system / flue with free standing bamboo screening to the north and eastern edges of the roof extension and regularise existing handrail (part retrospective)</p> <p>Ward: Viking</p> | Refuse Permission |
| R06 F/TH/23/0492 | <p>22 Grosvenor Road BROADSTAIRS Kent CT10 2BT</p> <p>Erection of pitched roof front extensions with alterations to fenestration to provide first floor storage</p> <p>Ward: Viking</p> | Refuse Permission |
| R07 F/TH/23/0782 | <p>Kiosk At Royal Victoria Pavillion Harbour Parade Ramsgate Kent</p> <p>Erection of a single storey kiosk for the sale of food and drink, with associated seating following removal of existing.</p> <p>Ward: Eastcliff</p> | Refuse Permission |

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART C

TO: THE PLANNING COMMITTEE

DATE: 16 August 2023

| Application Number | Address and Details | Recommendation |
|--------------------|---|------------------|
| D08 F/TH/22/0769 | The Royal 51 Harbour Parade RAMSGATE Kent CT11 8LJ | Defer & Delegate |

Change of use of existing public house (sui generis) to commercial unit (Class E), partial demolition of existing building and erection of five-storey side extension with recessed balconies, single storey roof extension and roof terrace and new three-storey building to rear to provide 8no. new apartments (2no 1 bed and 8no 2 bed), and rearrangement of 2no. existing apartments

Ward: Central Harbour

A01

F/TH/23/0502

PROPOSAL: Change of Use from Assisted Living home (+ 55 year olds)
with no living-in staff Home (Class C3) to a 16 bed House in

LOCATION: Multiple Occupation (HMO) (Sui Generis)

6 - 6A Luton Avenue BROADSTAIRS Kent CT10 2DH

WARD: Viking

AGENT: Tony Michael

APPLICANT: Mr S Mayhew

RECOMMENDATION: Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered TMC 002A, TMC 005A, TMC 006, LA/21/7/1.

GROUND

To secure the proper development of the area.

2 No more than sixteen persons shall occupy the property as principal or main residence at any one time.

GROUND

In the interests of neighbouring amenity, in accordance with Policy QD02 and HO19 of the Thanet Local Plan.

3 Within one month of the date of the decision, the cycle storage facilities as shown on approved drawings no. TMC 002A and LA/21/7/1 shall be provided and thereafter maintained.

GROUND

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

4 At no time shall the rear garden to the property be used for the parking of vehicles.

GROUND

In the interests of neighbouring amenity, in accordance with Policy QD02 and HO19 of the Thanet Local Plan.

5 Within one month of the date of the decision, the refuse storage facilities as shown on approved drawing no. TMC 002A shall be provided and thereafter maintained.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

6 Within three months of the date of the decision, 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
- the timetable for implementation of the works

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

All hard and soft landscape works, shall be carried out in accordance with the approved details.

Following completion of the landscape works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided 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 QD02 and GI04 of the Thanet Local Plan

7 Within one month of the decision date, a plan shall be submitted for the written approval of the Local Planning Authority indicating the height, design and materials of the boundary treatment to the side of no.6A adjacent to the fire exit to be erected, and a timetable for implementation. The boundary treatment shall be constructed in accordance with the approved details and thereafter maintained.

GROUND

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

8 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

GROUND

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

9 The ground floor side elevation fire escape door shall be fitted with a mechanism to only allow opening in the event of activation of the fire alarm, details of which shall be submitted for the written approval of the Local Planning Authority within one month of the decision, to also include a timetable for installation. The mechanism shall be fitted in accordance with the approved details and maintained in good working order, with the door to be only used in the event of an emergency and at no other time.

GROUND

In the interests of the amenities of the locality and the living conditions of the neighbouring property, in accordance with the principles of the NPPF and Policy QD02 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The site is located on the western side of Luton Avenue in Broadstairs. Whilst previously two properties the building is now one two storey building, with a small infill extension providing the link between the two. No. 6 is traditional in style with two bay windows at ground floor and a central front door with windows above these openings to create a well balanced and pleasing front facade. The property is enclosed to the road by a small wall. No. 6A is more modern in age with a mono pitch ground floor front projection and no front entrance as it is now conjoined with no. 6.

Luton Avenue is residential in character with a mix of styles and ages of properties.

RELEVANT PLANNING HISTORY

F/TH/21/0552 - Change of Use from Residential Care Home (Class C2a) to HMO Refused 22nd September 2021, for the following reasons:

The proposed change of use, by virtue of the increased demand for parking, number of residents and restricted parking area, would resulting in additional parking pressure in an area where there is reduced on-street parking provision, causing significant harm to parking amenity in the area, contrary to policies HO19, QD02 and TP06 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and paragraphs 111 and 130 of the National Planning Policy Framework.

The proposed use, by virtue of the location and proximity of the parking area and side entrance door to the boundary with 8 Luton Avenue, would result in a significant increase in noise and disturbance to the neighbouring residential property, causing significant harm to the living amenity of the occupiers, contrary to policies HO19 and QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

Subsequently dismissed at appeal earlier this year. In relation to noise and parking the Inspector noted:

'This is a residential area mostly of individual homes. The proposed HMO, which would be for 17 residents, would occupy two conjoined houses which are currently used as a care home. The noise generated by a care home would normally be expected to be reasonably subdued, but the introduction of 17 independent individuals in an HMO in this quiet street would be likely to generate significantly more movement to and from the premises, as well as noise and disturbance from the house and garden, which would unacceptably affect the living conditions of the residents of neighbouring properties and the character of the area.

The proposed HMO would include a new parking area in the back garden reached by a narrow drive along the side of the house adjacent to 8 Luton Avenue. This has been partially constructed. The parking arrangement satisfies the highway authority, but it is unneighbourly. The drive would run immediately to the side of 8 Luton Avenue, and vehicle movements along the drive and manoeuvring within the car park would take place excessively close to both No 8 and its garden. The result would be an unacceptable increase in noise and disturbance to the residents of No 8.

The drive and parking area would significantly reduce the amount of greenery in the back garden and would introduce a harsh visual element into this area. There is no room for planting along the boundary with No. 8. The fence around the car park cuts across very close to the rear of part of the appeal premises. The scheme would erode the character and appearance of this part of the street and the living conditions of nearby residents both as a result of noise and disturbance and visual impact.'

This appeal decision is appended to this report at Annex 1.

OL/TH/21/0319 Outline application for the erection of a 3 storey building containing up to 10 units following demolition of existing buildings to include layout and scale. Refused 4th June 2021 for the following reasons:

The amended proposal, by virtue of its location, height, scale and footprint, would introduce a built form which would appear significantly out of keeping with the traditional form of the two storey detached and semi-detached dwellings within the street scene, to which the application property forms a part, and the wider character and appearance of the area, severely detrimental to the visual amenities of the locality contrary to policies SP35, and QD02 and of the Thanet Local Plan, policy BSP9 of the Broadstairs and St Peter's Neighbourhood plan and paragraphs 127 and 130 of the National Planning Policy Framework.

The applicant has failed to submit a Preliminary Ecological Appraisal or Bat Scoping Survey that assesses the impact of the development upon biodiversity and any mitigation measures to deal with these impacts. As a result of the lack of information submitted to demonstrate that the application would not have an adverse impact on ecology, the proposal is considered to be contrary to policies SP28 and SP30 of the Thanet Local Plan and paragraphs 170, 175 and 176 of the National Planning Policy Framework.

The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to Policy SP29 of the Thanet Local Plan, Paragraph 176 and 177 of the NPPF and the Habitats Directive.

An appeal against the Council's refusal was subsequently dismissed at appeal.

TH/80/0610/A - Alterations and extensions to convert premises to annexe to existing hostel for the elderly. Granted 27 July 1981

TH/80/0610 - Change of use from residential dwelling to warden controlled residential scheme as annexe to adjoining premises. Granted 07 January 1981

ES/3/64/8 - Change of use to Abbeyfield House Granted 6 June 1972

PROPOSED DEVELOPMENT

The proposed development is the change of use of Assisted Living home (+ 55 year olds) with no living-in staff to a 16 bed HMO (sui generis). The application is in part retrospective as the use has commenced and seeks to address the previous reasons for refusal.

The proposed changes from the previous application are summarised below:

Reduction in the number of beds from 17 to 16.

Removal of all off-site parking, including parking area to the rear.

Side door now fire door - restricted entry/exit

Provision of landscaping at front and rear

No external alterations to the building are proposed, although internal alterations will be required to remove partition walls.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing

SP22 - Types and Sizes of Dwellings

SP28 - Protection of the International and European Designated Sites

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP30 - Biodiversity and Geodiversity Assets

SP35 - Quality Development
SP43 - Safe and Sustainable Travel
GI04 - Amenity Green Space and Equipped Play Areas
HO18 - Care and Supported Housing
HO19 - Houses in Multiple Occupation
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living Conditions
CM02 - Protection of Existing Community Facilities
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peter's Neighbourhood Plan

BSP9 Design in Broadstairs & St. Peter's

NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site.

89 representations were received, 23 of these support the application and 66 objections.

- The concerns can be summarised as follows:
- Adversely affect living conditions
- Significant increase in cars parked on the road which would negatively affect highway safety
- Increased pollution from additional traffic
- Noise from vehicles
- Scheme conflict with policy H019 in the Local Plan and BSP9 of the Broadstairs and St. Peters Neighbourhood Plan
- Planting removed from the site providing a harsh environment
- Anti social behaviour
- Car parking on pavements/inconsiderate parking
- Amenities can not support this type of use
- Concerns about accurate and independence of the Parking Survey The previous use had 17 residents not as stated - question the impact on the traffic survey
- Currently operating without planning permission
- Out of character with the area
- The grant of a HMO licence should not be considered a material consideration
- Traffic movements a danger to school children
- Will result in a concentration of high-density accommodation with limited indoor and outdoor recreational space.
- Fails to provide suitable arrangements for the storage and collection of waste
- Side fire door is being used
- Light pollution from side external light
- Delivery drivers adding to vehicle movements

- Noise from shift workers leaving at the same time and their cars
- Concern rooms could be used by more than 1 person
- Planting plan are insufficient/loss of planting at the front of the property
- Loss of privacy to neighbours
- Overdevelopment of the site

The letters in support outline:

- Improvements made to the property
- Mature employed professional people living at the premises
- Brings economic benefits to the area
- Ample parking
- Creates inclusive and sustainable living spaces
- Due to increased property prices this is a good way to get people living independently, affordably and safely
- No recorded complaints
- Similar planning applications approved elsewhere in the District
- Question photographic evidence of cars parked by objectors

Broadstairs Society: Whilst not going so far as to express support, the Society is impressed with the developers reasoning behind the desire to change it to an HMO and the effort it has made to persuade both their neighbours and the District Council.

Broadstairs Town Council: The Committee recommends REFUSAL as previous reasons for the refusal of the past application have not been addressed. The application does not comply with local policies HO19, QD02, TP06, Broadstairs & St Peter's Town Council's Neighbourhood Plan BSP09 and paragraphs 111 and 130 of the NPPF. (Majority - one abstention).

CONSULTATIONS

Environment Agency: We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

KCC Highways

Final comment: Following prior comments the applicant has submitted an additional parking survey conducted on a weekend date, evidencing that within 200m of the site on-peak the network has the capacity to accommodate the parking demand associated with proposals. It is reasonable to assume that every occupant of the HMO will not own or need a car, and this is aided by the sustainable location of the site. Broadstairs train station is an approximately 10 minute walk, and Swinburne Avenue bus stop is located 0.2 miles with regular services including The Loop arriving at a maximum frequency of 10 minutes.

It is acknowledged that the survey accounts for parking spaces situated in close proximity to junctions, and that these are unlikely to be utilised as formal parking spaces, however the

neighbouring streets remain sufficient in meeting demand. Parking demand for the existing use of the site as an assisted living home with both staff and visitors has historically been met on-street, and whilst this proposal may increase this demand and be considered to generate an impact on parking amenity in these streets it is unlikely to be a significant increase that has a material impact to road safety on the highway network.

Therefore, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

A series of standard informatives are also requested.

Initial comment: Application F/TH/21/0552, previously refused at this site, had a proposed parking provision of 6 spaces, and although grounds for refusal were partially the noise and disturbance caused by this parking area the first ground for refusal was the additional pressure in an area where there is reduced on-street parking provision.

The parking provision of the above application is unclear, as the application form states a provision of 2 bays however some site plans (Drawing No. TMC 002A) do not demonstrate these, and the Traffic Report also appears to indicate nil parking. This reduction from the previously proposed 6 bays will create an increased parking pressure on the reduced on-street parking and therefore additional assessment on the network is required and at this stage I would advise the 6 bays be reinstated.

I would also advise the applicant that bays should be a minimum of 2.5m wide by 5m in length, the width increased for any bays constrained by a hard boundary on one side as per Kent Parking Standards. There should also be a 10% Electric Vehicle Charging provision which would account to be 1 space at this site, with 100% passive provisions.

A parking survey has been submitted in support of the reduced provisions, however, with local knowledge of the area the network is often highly saturated on weekends and as such it would be preferable for a parking survey to be undertaken on a weekend both in the daytime and overnight in order to obtain a comprehensive picture of the surrounding network capacity.

As outlined within the Traffic Report, cycle parking is imperative to ensure the sustainability of the location and support the under-provision of parking per unit in comparison to the number of residents of the HMO. Therefore to also account for adaptive bicycles, at least one bay for non-standard cycles should be allocated at the end of the cycle stand, with this bay being a minimum of 1.5m wide in order to allow for dismounting.

TDC Private Sector Housing The premises is currently a licensed house in multiple occupation with a maximum permitted occupation of 17 persons, 17 households.

There are no licensed HMOs within 100m of the property. I have no information as to whether there are any smaller HMOs with shared accommodation (up to 4 persons) in the vicinity. As such smaller HMOs are not licensable, we have no records as to their whereabouts.

TDC Environmental Health The Inspector's comments (TH21/0552) regarding noise have been noted.

'The proposed use, by virtue of the location and proximity of the parking area and side entrance door to the boundary with 8 Luton Avenue, would result in a significant increase in noise and disturbance to the neighbouring residential property, causing significant harm to the living amenity of the occupiers, contrary to policies HO19 and QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.'

This updated application has taken the inspectors comments into account and submitted an accompanying noise impact assessment. It is understood that the application has been amended to reduce rooms from 17 to 16 and remove rear parking altogether.

The noise assessment was undertaken by a competent acoustic consultant using appropriate guidance, assessment methodology and impact criteria. The conclusions are accepted. Noise impact to surrounding neighbours is not a ground for refusal.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Kristian Bright due to concerns that the development would be out of keeping with the surrounding area.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

The site is located within the urban confines of Broadstairs. The history for the site indicates that approval was granted for use of the property as a warden controlled residential scheme, which is supported by recent Google Street View images which show the sign outside stating "Supported Housing (55+)". A statement has been submitted by the applicant's agent indicating a similar view, including that there were no permanent staff on the site and medical care was not provided. Policy CM02 of the Thanet Local Plan and BSP6 of the Broadstairs Neighbourhood Plan would therefore not apply as this use is therefore more likely to fall with a C3 class and not class C2.

Policy HO19 states that proposals for Houses in Multiple Occupation (HMO's), either through conversion of existing buildings or new built development, will not be permitted in those parts of the Cliftonville and Margate Central Wards as illustrated on the policies map.

Elsewhere proposals will be permitted where the development:

- 1) Does not give rise to an unacceptable impact on the living conditions of neighbouring residents through noise or general disturbance;
- 2) Does not result in an intensification or concentration of such uses which is detrimental to the amenity and character of the neighbourhood (having regard to the criteria set out in para 11.34 by way of guidance)
- 3) Provides suitable arrangements for car parking, or adequate on-street parking is available within the vicinity of the site and
- 4) Provides suitable arrangements for the storage and collection of waste

Policy HO21 of the Thanet Local Plan supports proposals to bring vacant property into residential use will be approved where:

- 1) It is compatible with nearby uses, and
- 2) the proposal would not conflict with any other policy.

The principle of development for an HMO is therefore considered acceptable if the development satisfies the criteria of Policy H019 and all other material considerations.

Character and Appearance

Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged.

This application makes no changes to the scale or external arrangement of the existing building on the site.

The Council's Housing Officer has confirmed that there are no licensed HMOs within 100m of the property and there is no planning history to indicate that there are any smaller HMOs within close proximity to the site.

The existing property has eighteen bedrooms, eight on the ground floor and ten on the first floor. This application proposes to alter one bedroom and storage area at ground floor to a dining room and kitchen, as such there would be seven beds at ground floor. At second floor level, two bedrooms will be knocked through into one creating nine bedrooms on this floor.

With regard to refuse storage at the property, the existing plans do not indicate the former location of the refuse storage area. The agent for the application has indicated on the submitted block plan that the refuse storage area would be located within the rear grassed garden in a designated enclosure. This would mean that it would not be visible from the public realm and therefore result in no visual harm. The refuse and recycling would then be put out on collection day in the usual manner. This arrangement is considered to be acceptable.

The current arrangement includes a vehicular access on the southern side of the property and a parking area to the rear. This was in situ at the time of a site inspection. The application proposes that this parking area would be removed, with soft landscaping installed and a gate at the side of the property.

There is a Tree Preservation Order (TPO) on the Walnut tree at the rear of the site and this is shown to be retained. This plan also shows that the existing wall and path at the front of the property would be retained and additional wall in front of 6A and wall as well as soft landscaping would be added to the front of the site. The side entrance to the ground floor of the property would also be only for use within an emergency situation. This deals with some of the points of concern raised by the Planning Inspector. The changes to the front amenity is considered to be of benefit to the overall appearance of the site as well as wider area, details of soft and hard landscaping including surfacing and boundary wall can be controlled by condition.

It is acknowledged that the previous use (assisted living for over 55's) of the property would have attracted various movements to and from the site from residents, staff and visitors and the use now proposed would also generate movements from residents and visitors. These in themselves are not considered to change the character of the area.

Given that there are no external changes, the decrease in number of proposed residents compared to the previous use and previous application, removal of the rear car parking area, it is considered, that the development would have no significant impact upon the character and appearance of the area, in line with policy QD02 and HO19 of the Thanet Local Plan, policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, and the National Planning Policy Framework.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) states that All new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.
- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The proposed change of use makes no alterations to the scale of the property or the number of openings. Therefore it is considered that this development would not result in any significant change in light, overlooking, sense of enclosure to the neighbouring properties

The proposed HMO would be used by up to 16 residents and this number could be controlled through the imposition of a planning condition. The property is detached with the main entrance to the property located towards the centre of no. 6 in the front elevation, with doors marked as fire exits to the rear elevations and on the southern side adjacent to no. 8. One bedroom at the rear of the property also has a door onto the rear amenity space. The communal lounges would be located on the ground floor towards the centre of the rear elevation and both of these rooms have adjacent kitchens. One further kitchen is located on the northern side of the first floor. All bedrooms would have an ensuite..

It is acknowledged that the previous use of the property would have attracted various movements to and from the site from residents, staff and visitors and the proposed use would also generate movements from residents and visitors throughout the day/night. The number of residents in relation to the previous use is disputed by the agent and neighbouring properties. Regarding the planning history; planning application TH/80/0610A, in connection with the use of 6A, the approved proposed floor plans show seven residents rooms. As such there could have been up to 7 residents in this smaller part of the property plus that within no. 6. A restrictive condition was attached to the consent that required that the premises shall be used as a Warden Controlled Residential dwelling in association with no. 6 and for no other purpose.

The planning history for no. 6 dates back to 1972, unfortunately there are no available records that details the floor plans or if there were restrictive conditions imposed. However the internal room layout and size of no. 6 would indicate it could have at least 8 bedrooms taking into account the need for a kitchen, communal lounge and or dining room, laundry area, staff room/office etc. These residents would also use the communal garden and leave the premises when they wished given that the age limitation was for over 55's and as such they would have potentially been mobile. As such taking into account the former use and numbers involved, this should be afforded weight in the consideration of the impact from this proposal

Previously it was considered that the residents of the HMO would not be living as one household and potentially have a greater variation in schedules than the residents of the previous use resulting in an increase in movements between the site and no. 8. It was considered that due to the number of proposed residents and the proximity of the access, parking area and side entrance door to the boundary this proposal would result in a

significant increase in noise and disturbance to number 8 Luton Avenue. This is detailed in the appeal decision within Annex 1 appended to this report

Since the appeal the number of bedrooms has been reduced by one, although not significant it is a decrease. The applicant has detailed that the residents that are currently residing at the property are professional people and due to the nature of their work some work shifts mean that not all residents are there on site all of the time. The type or profession of occupants, however, cannot be controlled through the planning process.

The side entrance door to the ground floor adjacent to no. 8 has been proposed in this application to remain locked shut by an electro-mechanical door mechanism and can only be opened in the event of a fire alarm activation. This is stated within the supporting statement with the application and on the ground floor plan. The rear parking area has also been removed from the proposal and this area would be landscaped, meaning that vehicles would not be driving past the side elevation of no.8. This removal overcomes the specific issues raised by the Inspector in paragraphs 4 and 5 of the appeal decision (Annex 1).

In addition the application is supported by a Soundscape Assessment. This concludes that the dominant noise element was vehicles travelling/using Luton Avenue. The report states that if residents of the application site and nearby existing residential properties chose to open windows, then the internal ambient noise level would likely exceed BS8233:2014 for daytime and nighttime periods, indicating that Luton Avenue is subject to regular passing traffic. The Council's Environmental Health officer reviewed the case including assessment and confirmed that the noise assessment was undertaken by a competent acoustic consultant using appropriate guidance, assessment methodology and impact criteria. The conclusions are accepted. Noise impact to surrounding neighbours is not a ground for refusal. It is therefore considered that the main source of noise within Luton Avenue is from road traffic generated noise and that the general activity through the comings and goings of residents associated with the HMO would not make a significant difference to the background noise levels.

Whilst the HMO can accommodate up to 16 unrelated people, there is no reason to assume that the occupants would cause more noise and disturbance or anti-social behaviour than people living in the property as a single household.

It is considered that the changes made from the modest reduction of one occupant, removal of rear car parking area and the restriction on use of the side access would limit the noise created by the proposed use. All of these matters would require the imposition of conditions to ensure that neighbouring amenities are protected. These conditions are considered necessary, reasonable, directly related to the development and enforceable.

It is appreciated that it is not possible to control noise from the use of the outside space, which could be particularly noticeable in the summer months, with less use in the spring, autumn and winter if the weather is inclement. It is acknowledged however, that residents of the former use would have also had access to and used the outside space in this way and as such, on balance the harm from noise and disturbance is not considered to be significant to result in material harm.

Taking account of the comments of Environmental Health in response to the noise report, and the changes to the proposal outlined above, it is considered that the impact of the development through noise and disturbance would not result in significant harm to the living conditions of neighbouring properties. The proposed development is therefore considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 130 National Planning Policy Framework.

Proposed accommodation

The Council's Private Sector Housing department have reviewed the application and have not raised any concerns; a licence under their legislation has all been permitted for up to 17 households at this site. Facilities such as cookers, fridges, fire extinguishers etc do not require planning permission, however, it would appear that adequate space is available for the required facilities for 16 residents. All habitable rooms would receive natural light and ventilation and an amenity area would be provided at the rear of the property. It is therefore considered that the proposed development would provide an acceptable standard of accommodation for the future residents.

The proposed development is therefore not considered to result in any significant change in the living amenity of the existing neighbouring property occupiers compared to the existing use to warrant refusal of the application and would provide an acceptable standard of accommodation for the future residents in line with policies HO19 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.

Paragraph 112 goes on to highlight that within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote

safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car.

Under Policy QD01, all developments are required to: provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children.

The site is located within a sustainable location close to Broadstairs with its numerous facilities and public transport links. No vehicular parking will be provided on site, however, a cycle shed is proposed adjacent to the boundary with no. 4 Luton Avenue.

Third party representations have raised significant concerns regarding the impact of the current partial occupation of the property upon parking amenity and safety in the area. These concerns include vehicles parking on the kerbs, blocking pavements, parking close to junctions in addition to an increase in the number of vehicles parking in the area and the proximity of nearby schools.

Luton Avenue consists predominantly of individual single dwellings, with a mix of properties with single off-street parking spaces. From visits to the property the on-street parking is focused adjacent and surrounding the application site at the northern end of Luton Avenue and the junction with Seafield road, with more on-street parking available to the south of Luton Avenue.

In the previous application a highway matter formed a reason for refusal which stated that "the use, by virtue of the increased demand for parking, number of residents and restricted parking area, would resulting in additional parking pressure in an area where there is reduced on-street parking provision, causing significant harm to parking amenity in the area".

The Inspector felt that the parking on site would result in harm to neighbour amenity due to its location and that the vehicular access would pass by the side of an existing property in very close proximity. The appeal decision (appended at Annex 1) does not discuss parking provision in the local area.

This application removes the vehicular parking area on-site and provides an extension to the gardens for residents in line with the Inspectors comments. As a result of this however, KCC Highways initially advised that this will create an increased parking pressure on the reduced on-street parking and therefore additional assessment on the network was required. They also stated that the 6 bays be reinstated. Whilst a parking survey had been submitted in support of the reduced provisions, it was considered that on the basis of local knowledge of the area the network is often highly saturated on weekends and as such it would be preferable for a parking survey to be undertaken on a weekend both in the daytime and overnight in order to obtain a comprehensive picture of the surrounding network capacity.

KCC also considered that adaptive bicycles should be catered for; at least one bay for non-standard cycles should be allocated at the end of the cycle stand, with this bay being a minimum of 1.5m wide in order to allow for dismounting.

The agent was advised of KCC's concerns and has undertaken a further Traffic Survey, This survey was carried out on Saturday 8th July at both 00.30 and 14.00 hours. This looked at the availability of spaces on Luton Avenue, Seafield Road, parts of Swinburne Avenue, The Vale, Swinburne Avenue, St Mildreds Avenue and Osborne Road. It identified available empty parking spaces on each night amounting to 119, 136 and 133 on the night surveys and 146 for the daytime survey. The agent has detailed that the HMO was in full operation and fully occupied. As such it concludes that there is spare parking capacity in the area.

In response to the additional survey work KCC Highways have confirmed that the additional parking survey, conducted on a weekend date, evidencing that within 200m of the site on-peak the network has the capacity to accommodate the parking demand associated with proposals. KCC considers that It is reasonable to assume that every occupant of the HMO will not own or need a car, and this is aided by the sustainable location of the site. Broadstairs train station is an approximately 10 minute walk, and Swinburne Avenue bus stop is located 0.2 miles with regular services including The Loop arriving at a maximum frequency of 10 minutes.

They note that the survey accounts for parking spaces situated in close proximity to junctions, and that these are unlikely to be utilised as formal parking spaces, however, the neighbouring streets remain sufficient in meeting demand. They comment that the former use has historically had parking needs met on-street, and whilst this proposal may increase this demand and be considered to generate an impact on parking amenity in these streets it is unlikely to be a significant increase that has a material impact to road safety on the highway network. Accordingly KCC recommends a condition relating to cycle parking facilities.

The previous use of the property was likely to generate some vehicular movements to and from the site as a result of staffing/visitors. The submitted statement indicated that this use generated 37 trips per day. The potential for 16 individuals with cars parking in the vicinity of the site would result in an increase in parking on-street in the area. It is appreciated that it is unlikely that all occupiers would have access to a private vehicle, however this cannot be controlled through conditions to restrict use/ownership of occupiers, with occupiers of the HMO (and their respective need for vehicles) subject to change.

A significant number of objections have been received during the application process from residents highlighting this impact upon parking amenity with the potential full occupation of the property, which is said not to have had these numbers when operating previously. The site is in a sustainable location and, based on the evidence of the traffic survey work with no substantive evidence to the contrary, it is considered on balance that the roads and streets around the site could absorb the cars generated from this use through on street parking with cycle parking would be provided within the site. On balance the use as proposed is not considered to result in significant harm to parking amenity in the area and would comply with policies HO19, QD02 and TP06 of the Thanet Local Plan, Policy BSP9 of the Broadstairs

and St Peter's Neighbourhood Plan and paragraphs 130 of the National Planning Policy Framework.

Ecology and biodiversity

Para 179 a) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

The site comprises an existing residential use with a managed rear garden. It is therefore considered that the site would have limited potential for protected species. The Walnut tree at the rear of the site has been protected through a TPO and the submitted landscaping plan shows additional planting around the site. Subject to conditions securing this planting it is considered that the proposed development would have no detrimental impact upon biodiversity in the area.

Contributions:

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The changes internally would lead to a reduction in the amount of bedrooms compared to the previous use. Given the scale of the property and the previous lawful use as a form of

residential accommodation the proposed development is not considered to result in any significant change in recreational pressure upon the special protection area and therefore a contribution has not been requested in this instance.

Conclusion

Currently there is a need for housing in Thanet and policy HO19 of the Thanet Local Plan identifies that HMOs can provide a cheap source of rental accommodation. However the benefits of providing this accommodation must be weighed against the harm to parking amenity in the area and the living conditions of the neighbouring property occupiers (previous reasons for refusal). Residents have raised significant concerns about the capacity of Luton Avenue and the surrounding road for additional parking and the proposed use is of a significant scale.

Due to the Inspectors concerns at the most recent appeal, the car parking to the rear of the site has been removed, this means that parking for the development would rely on street parking. Parking surveys have been submitted with the application and these have been carried out at various different times, this found that there was capacity to accommodate parking for the development within the street. KCC Highways have assessed this information and, taking into account that the previous use created demand for parking which was met in the area, have stated that the development would be unlikely to result in highways safety issues with parking demand able to be met in the area. In regard to noise and disturbance, the number of residents has been reduced by 1 resident from the previous application and the side door adjacent to no. 8 Luton Avenue has been shown to be a fire door only. A specific condition has been recommended to ensure that use of this access, which was specifically cited by the Planning Inspectorate decision in Annex 1, is only used in an emergency, thereby not resulting in harm to the amenity of no.8 Luton Avenue. The previous use of the building as assisted living accommodation would have generated movements to and from the site, and the proposed use, now these movements would be from the main entrance to the building, would not significantly exceed the previous movements to result in noise and disturbance to the living conditions of neighbours. Environmental Health have assessed and accepted the conclusions of the acoustic report, stating that is not a ground for refusal of the application.

Taking this into account it is considered, on balance, that the reasons raised by the previous refusal and concerns from the Planning Inspector have been sufficiently overcome. It is therefore recommended that Members approve the application subject to safeguarding conditions.

Case Officer

Gillian Daws

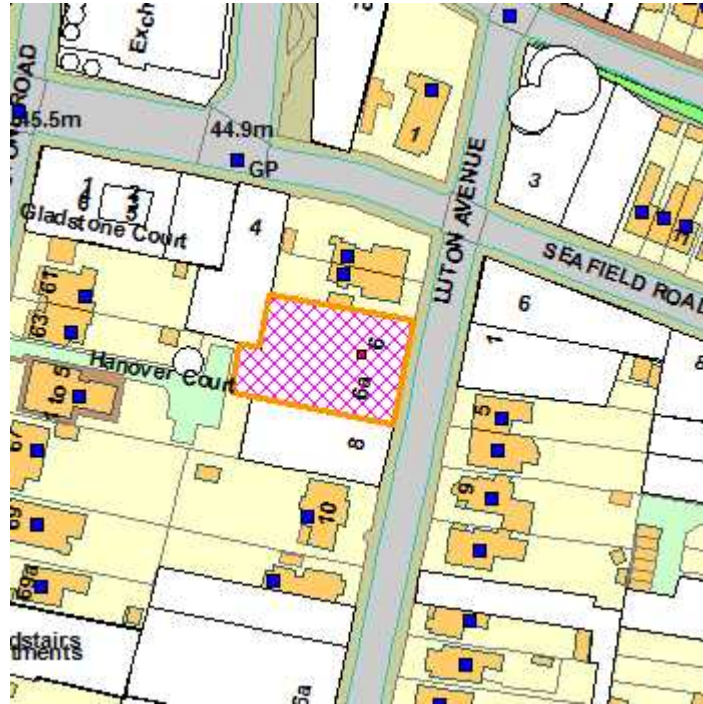
Annex 1 – Appeal Decision Luton Avenue F/TH/21/0552

TITLE:

F/TH/23/0502

Project

6 - 6A Luton Avenue BROADSTAIRS Kent CT10 2DH



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Appeal Decision

Site visit made on 22 March 2023

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/Z2260/W/21/3286227

6 - 6A Luton Avenue, Broadstairs, Kent CT10 2DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Maybank Homes against the decision of Thanet District Council.
 - The application Ref 21/0552, dated 8 April 2021, was refused by notice dated 16 September 2021.
 - The development proposed is change of use from residential care home (Class C2a) to a house in multiple occupation (HMO).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the scheme on the living conditions of neighbouring residents and on the character and appearance of the area.

Reasons

3. This is a residential area mostly of individual homes. The proposed HMO, which would be for 17 residents, would occupy two conjoined houses which are currently used as a care home. The noise generated by a care home would normally be expected to be reasonably subdued, but the introduction of 17 independent individuals in an HMO in this quiet street would be likely to generate significantly more movement to and from the premises, as well as noise and disturbance from the house and garden, which would unacceptably affect the living conditions of the residents of neighbouring properties and the character of the area.
4. The proposed HMO would include a new parking area in the back garden reached by a narrow drive along the side of the house adjacent to 8 Luton Avenue. This has been partially constructed. The parking arrangement satisfies the highway authority, but it is unneighbourly. The drive would run immediately to the side of 8 Luton Avenue, and vehicle movements along the drive and manoeuvring within the car park would take place excessively close to both No 8 and its garden. The result would be an unacceptable increase in noise and disturbance to the residents of No 8. The drive is so close that an acoustic fence would not be sufficient and significant fencing would be intrusive in this location. Both drive and car park are unacceptable features of the scheme.
5. The drive and parking area would significantly reduce the amount of greenery in the back garden and would introduce a harsh visual element into this area.

There is no room for planting along the boundary with No. 8. The fence around the car park cuts across very close to the rear of part of the appeal premises. The scheme would erode the character and appearance of this part of the street and the living conditions of nearby residents both as a result of noise and disturbance and visual impact.

6. Each of the above reasons on its own is sufficient to dismiss the appeal. The scheme would conflict with Policy HO19 of the Thanet Local Plan which allows for HMOs where they would not give rise to an unacceptable impact on the living conditions of neighbouring residents through noise or general disturbance, and where suitable arrangements for car parking are provided. It would also conflict with Local Plan Policies QD02 and QD03 and Broadstairs and St Peter's Neighbourhood Plan Policy BSP9 which require development to respect the character of the area and not lead to unacceptable living conditions.

Other Matters

7. The district has less than 5 years' supply of deliverable housing land, and the type of accommodation provided in the HMO would contribute towards the mix and variety of available housing in the district. However, the existing care home also provides a housing resource, and the harm caused by the scheme significantly and demonstrably outweighs any benefits arising from the provision of the HMO. The rear parking arrangement in nearby Hanover Court is noted but it does not provide a good reason to allow the proposed scheme which is unacceptable for the reasons given above.

Conclusion

8. I have considered all the other matters raised but they do not alter the balance of my conclusions. For all the reasons given above, the appeal is to be dismissed.

Jonathan Bore

INSPECTOR

PROPOSED DEVELOPMENT

The scheme seeks permission for the temporary installation of metal security screens to the external openings of the building together with the erection of metal fencing to public access points. These works have already been undertaken and as such this is a retrospective application.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

QD02 - General Design Principles

QD03 - Living Conditions

NOTIFICATIONS

Letters were sent to neighbouring occupiers, a site notice was posted and an advert placed in the local newspaper.

No representations have been received in response.

CONSULTATIONS

TDC Conservation Officer: I would like to state that I have no objections on the basis that this application is temporary. A time limit should be advised through the condition of when these shutters should be removed or their continued use extended.

COMMENTS

The application is brought before Members as the applicant is Thanet District Council on land owned by the Council.

The main considerations with regard to this planning application are the principle of the proposed development, the impact of the proposal upon the character and appearance of the area, in particular the Margate Conservation Area as a designated heritage asset, the impact on living conditions of neighbouring property occupiers and highway safety.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The proposal seeks permission for the temporary installation of metal security screens and fencing to prevent unauthorised access to the vacant building and grounds.

The site is located within the urban confines and therefore the principle of the development is considered acceptable, subject to the assessment of material considerations.

Character and Appearance

In terms of character and appearance, Paragraph 130 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Paragraph 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Thanet Local Plan Policy HE02 states that new development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

Thanet Local Plan Policy QD02 relates to general design principles and outlines that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design that is sustainable in all other respects. Proposals must relate to the surrounding development in terms of its form and layout, be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout, use of materials appropriate to the locality, be compatible with neighbouring buildings and spaces.

The application site lies within the Margate Conservation Area. The proposed fencing and metal shutters will cause some harm to the appearance of the building within the conservation area, and the setting of the building as a Grade II Listed building.

However, the proposed security measures are temporary, and as such the proposed works would result in less than substantial harm to the setting of the listed building, and the character and appearance of the conservation area. The installation of the security screens and fencing are necessary to ensure that unauthorised access to the vacant site does not result in the deterioration of the listed building and negatively impact the long term viability of the designated heritage asset. The security measures would preserve the building and allow for its long term conservation through viable future use, which will be of benefit to the conservation area.

Given the limited visual harm to the character and appearance of the area and the Margate Conservation Area as a designated heritage asset, and the temporary nature of the works, the proposal is considered to comply with Policies QD02 and HE02 of the Thanet Local Plan.

Living Conditions

In terms of living conditions, Paragraph 119 of the NPPF outlines that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy QD02 of the Thanet Local Plan outlines that new development must be compatible with neighbouring buildings and spaces and inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Thanet Local Plan Policy QD03 states that new development must not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

The security screens are fixed to the external openings of the building and the security fencing is located at public access points. Having regard to the nature of the development and the relationship with the nearest neighbouring properties, it is not considered that the proposal would result in harm to the residential amenities currently enjoyed by neighbouring occupiers. The development therefore accords with Policies QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

The development is restricted to the external facade of the building and the security of public access points to the vacant site.

For these reasons, it is not considered that the proposed development would result in harm to highway safety or amenity.

Conclusion

For the reasons outlined above, it is considered that the principle of the development is acceptable, with no material harm caused to the living conditions of neighbouring property occupiers, or the local highway network. Whilst the development results in visual harm to the streetscene and wider character and appearance of the area, particularly the Margate Conservation Area as a designated heritage asset; this harm is limited and temporary and the works are necessary to protect and preserve the Margate Conservation Area. The development therefore accords with Policies SP35, SP36, HE02, QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

It is therefore recommended that Members approve the application.

Case Officer

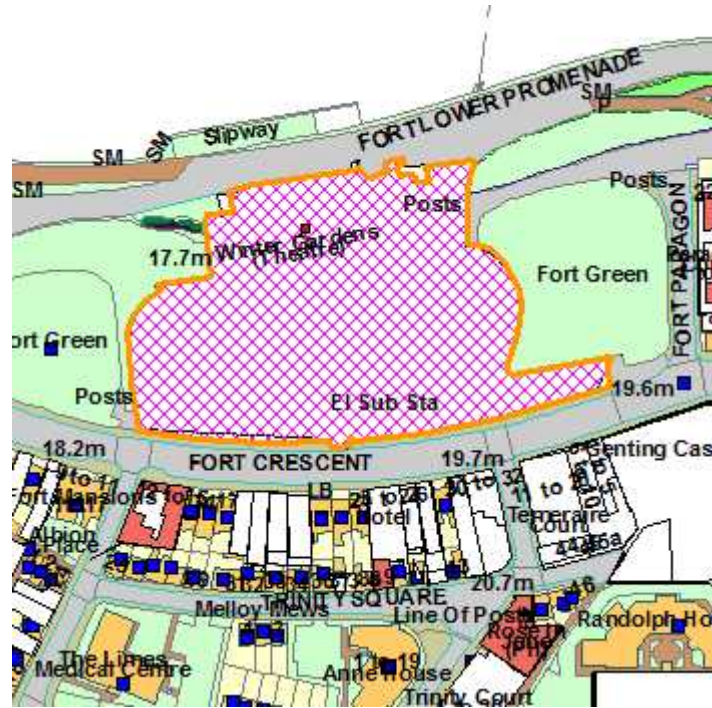
Tanya Carr

TITLE:

F/TH/23/0080

Project

Winter Gardens Fort Crescent MARGATE Kent CT9 1HX



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A03

L/TH/23/0079

PROPOSAL: Application for Listed Building Consent for the temporary installation of security screens and fencing (retrospective application)

LOCATION: Winter Gardens Fort Crescent MARGATE Kent CT9 1HX

WARD: Margate Central

AGENT: No agent

APPLICANT: Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

1 At the expiration of the date 16th August 2026, unless further permission has been granted, the temporary fencing works and shutters hereby approved shall be removed, and the land/building restored to its former condition.

GROUND;

In view of the temporary nature of the proposal in accordance with policies SP36 and HE03 of the Thanet Local Plan and paragraphs 127 and 196 of the NPPF.

SITE, LOCATION AND DESCRIPTION

The site comprises the Winter Gardens, a Grade II listed building built in 1911 in a Neo-Grecian style which lies inside the Margate Conservation Area. The building lies on the northern side of Fort Crescent and is set in an excavated hollow with the entrance at higher street level. There is also access available from Fort Lower Promenade to the rear of the site.

The property, an entertainment venue, is currently vacant.

RELEVANT PLANNING HISTORY

F/TH/98/0019 - Erection of railings to site boundary and rebuilding of boundary wall and steps (Regulation 3) - granted 17/02/1998

L/TH/12/0412 - Application for Listed Building Consent for the insertion of two pairs of fire doors, following the removal of one set of doors - granted 25/07/2012

There is also a Full Planning Application, reference F/TH/23/0080 which accompanies this application and is due for determination.

PROPOSED DEVELOPMENT

The scheme seeks consent for the temporary installation of metal security screens to the external openings of the building together with the erection of metal fencing to public access points. These works have already been undertaken and as such this is a retrospective application.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP36 - Conservation and Enhancement of Thanet's Historic Environment
HE03 - Heritage Assets

NOTIFICATIONS

Letters were sent to neighbouring occupiers, a site notice was posted and an advert placed in the local newspaper.

No representations have been received in response.

CONSULTATIONS

TDC Conservation Officer: I would like to state that I have no objections on the basis that this application is temporary. A time limit should be advised through the condition of when these shutters should be removed or their continued use extended.

COMMENTS

The application is brought before Members as the applicant is Thanet District Council on land owned by the Council.

The only consideration required in this instance is the impact of the works on the listed building.

The proposal involves the temporary installation of metal security shutters to the windows and doors of the Grade II Listed Building and the temporary installation of metal security fencing to public access points around the site to prevent unauthorised access to the vacant building and grounds.

In line with the Planning (Listed Building and Conservation Areas) Act (1990), there is a legal duty to protect listed buildings and their setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historical interest which it possesses.'

Paragraph 197 of the National Planning Policy Framework states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

National Planning Policy Framework Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

Policy SP36 of the Thanet Local Plan states that the Council will support, value and have regard to the historic or archaeological significance of heritage assets. Thanet Local Plan Policy HE03 states that the Council supports the retention of local heritage assets, including buildings, structures, features and gardens of local interest.

The proposed security measures are temporary and whilst they do not damage the fabric of the Grade II Listed Building there would be a visual impact resulting in harm to the setting of the Listed Building whilst the metal screens and fencing are in situ. It is considered that the works would result in less than substantial harm to the setting of the listed building and the harm would be temporary. The installation of the security screens and fencing are necessary to ensure that unauthorised access to the vacant site does not result in the deterioration of the listed building and negatively impact the long term viability of the designated heritage asset. The security measures would preserve the building and allow for its long term conservation through viable future use.

Conclusion

The works would result in less than substantial harm to the listed building; this harm would be temporary and the development is necessary to preserve the designated heritage asset which is of public benefit. The works are therefore considered to have sufficient regard to the Listed Building in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act (1990), Thanet Local Plan Policies SP36 and HE03 and the National Planning Policy Framework.

It is therefore recommended that Members approve the application.

Case Officer

Tanya Carr

TITLE:

L/TH/23/0079

Project

Winter Gardens Fort Crescent MARGATE Kent CT9 1HX



A04

L/TH/23/0700

PROPOSAL: Application for Listed Building Consent for resurfacing of promenade and steps of Ramsgate Bowling Club with asphalt following the removal of existing asphalt, replace missing balusters and repair cracks

LOCATION: Ramsgate Bowling Club Bowling Greens Royal Esplanade RAMSGATE Kent

WARD: Cliffsend And Pegwell

AGENT: No agent

APPLICANT: Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND;

In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

SITE, LOCATION AND DESCRIPTION

The application relates to Ramsgate Bowls Pavilion which is located on the southern side of Royal Esplanade, Ramsgate. The property is Grade II listed (1988) and is located within the Ramsgate Royal Esplanade Conservation Area.

The building is single storey with a flat roof that forms a promenade accessed by steps from the pavement. The perimeter of the promenade has concrete balustrades in between piers. The surface of the promenade and steps are finished with asphalt.

RELEVANT PLANNING HISTORY

The site has had numerous applications over the years, however, none are directly relevant to this application.

PROPOSED DEVELOPMENT

Listed building consent is sought for the removal of the asphalt covering from the roof promenade and steps and relay new asphalt to match the existing, together with replacing missing balusters and repairing cracks.

REPRESENTATIONS

Letters were sent to the occupiers of adjoining properties, a site notice posted close to the site and the application advertised in a local newspaper. No representations have been received.

Ramsgate Town Council: No comment

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

Policy SP36 - Conservation and Enhancement of Thanet's Historic Environment

Policy HE03 - Heritage Assets

CONSULTATIONS

TDC Conservation Officer: Following a review of the proposed scheme I would like to state that I have no objections given the previous approval.

COMMENTS

This application is referred to the Planning Committee as the applicant is Thanet District Council.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when 'considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Paragraph 197 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 of the NPPF goes on to advise that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy SP36 sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development, encouraging new uses to bring listed buildings back into use and encouraging their survival and maintenance without comprising the conservation or significance of the asset and supporting development that is of a high quality design and supports sustainable development. Policy HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF.

The only consideration in the determination of this application is the impact of the work on the significance of the listed building bearing in mind the National Planning Policy Framework (NPPF) which advises that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them into a viable use consistent with their conservation.

The aim of this application is to protect the historic fabric of significance, carrying out external repairs, resurfacing and replacement of missing balusters.

The Conservation Officer has confirmed that no objection is raised to the works.

The resurfacing of the promenade and steps with asphalt would be a like for like repair and therefore no result in harm to the designated heritage asset.

Other works include the replacement of missing balusters which is considered to be an overall improvement to the whole appearance of the asset. Indeed the repair of cracks within the fabric are also considered to be an improvement and secure the longevity of the asset.

Negligible harm will be caused to the building, indeed the proposals will enhance the building's fabric and appearance with the repair of damaged elements. Whilst some replacement will be necessary this will ensure the continued use and protection of the building.

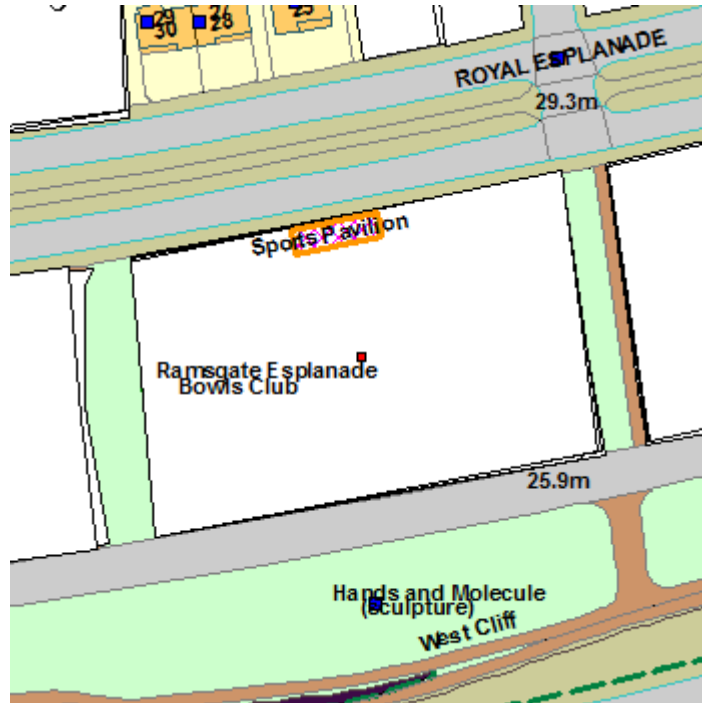
It is considered that the proposal results in negligible harm to the significance of the listed building, but this harm will be less than substantial when considered against the improvements proposed and the public benefit of providing the continued use of the facility. The proposal as amended would preserve the special architectural and historic interest of the listed building in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of policies SP36 and HE03 of the Thanet Local Plan. Therefore the application is recommended for approval.

Case Officer

Gillian Daws

TITLE: L/TH/23/0700

Project Ramsgate Bowling Club Bowling Greens Royal Esplanade RAMSGATE Kent



R05

F/TH/23/0239

PROPOSAL: Erection of extract system / flue with free standing bamboo screening to the north and eastern edges of the roof extension and regularise existing handrail (part retrospective)

LOCATION: 45 - 45A York Street BROADSTAIRS Kent CT10 1PB

WARD: Viking

AGENT: Mr Tony Michael

APPLICANT: Mr Formicola

RECOMMENDATION: Refuse Permission

Reason for the following reason:

1 The extraction system by virtue of its size and prominent sitting is an unduly disruptive, obtrusive and incongruous feature unrelated to and out of keeping with the established the street scene, to the detriment of the character and visual amenities of the Broadstairs Conservation Area and detrimental to the visual amenities enjoyed by the occupiers adjoining properties, contrary to Policies SP35, HE02 and QD02 of the Thanet Local Plan and paragraph 197 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The application site lies within the urban confines of Broadstairs.

No. 45-45A York Street is a two storey end of terrace period property within the Broadstairs Conservation Area which contains a traditional timber shopfront at ground level

The surrounding streetscene is characterised by a mixture of commercial and residential properties of varying scale and design.

RELEVANT PLANNING HISTORY

F/TH/21/1396 - Approved 17th December 2021

Change of use of first floor flat (Use Class C3) above restaurant to additional restaurant space (Use Class E)

F/TH/22/0348 - Approved 10th May 2022

Retrospective application for the erection of a single storey rear extension to restaurant, together with removal of existing escape staircase from first floor, and replacement with new escape staircase and guarding

PROPOSED DEVELOPMENT

Planning consent is sought for the erection of an extract system / flue with free standing bamboo screening to the north and eastern edges of the roof extension and regularise existing handrail (part retrospective).

This has been submitted following the breach of Condition 4 of approved application ref: F/TH/22/0348 which was added following the installation of an incorrect extraction system:

4. The new extraction system recently installed to the roof of the approved extension shall be removed as a matter of urgency and a suitable extraction system will be sourced and submitted for approval under a separate application.

GROUND;

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan."

This application seeks the retention of the extraction system but with amelioration works such as painting the ducting black and the addition of bamboo screening.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP35 - Quality Development
HE02 - Development in Conservation Areas
QD02 - General Design Principles
QD03 - Living Conditions

NOTIFICATIONS

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

Three residential objections have been received and raised the following issues:

- Too large
- Visible from bedroom windows and gardens.
- Lack of fire escape still
- Overshadows neighbouring courtyard
- Unattractive
- The flue is misplaced within the architectural styles of the conservation area
- The bamboo screen is not fit for purpose and does not cover the flue and strong winds could uncover it.

- Overlooking from the extension into private amenity space. The conditioned fence panel to screen off the site from the neighbouring garden has not been erected.
- Lack of privacy and noise causing health concerns.

Broadstairs and St Peters Town Council: Neutral

Broadstairs Society: No Comment

CONSULTATIONS

TDC Conservation Officer -

45 - 45A York Street is a property located within Broadstairs Conservation Area Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.' As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Previously under reference F/TH/22/0348 a smaller scale of development was approved for the site and the flu was largely set back out of site. However it was set back and down away from adjacent properties. This application looks to expand the flu forwards towards the adjacent property and proposes to put some light weight masking in place to assist in reducing its impact.

Reviewing the plans proposed and what is already out on site, as this application is retrospective. I would still consider the scheme to cause harm through its presence and appear out of place in the context of the conservation area. As such I do not consider that it complies with the above legislation and therefore I object to the application proposed and suggest the previous permissions are put in place.

TDC Environmental Health -

Final Comment

Thank you for consulting Environmental Protection. The information regarding odour control, height and position of the flue is accepted. However the following safeguarding conditions are recommended:

PLANT AND DUCTING SYSTEMS

Noise from the running/operation of any ventilation plant, as measured within neighbouring or adjoining residential premises, not in the occupation of the proprietors of the food business, shall not exceed a sound level in excess of that described by the undermentioned noise rating curve numbers in the frequency range 31.5Hz to 8KHz:- noise rating curve 20. As defined by BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006.

INDUSTRIAL/COMMERCIAL NOISE RATING LEVEL

The rating level of noise emitted from the proposed plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dB A,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Initial Comment

Thank you for consulting Environmental Protection on the above application for which we recommend refusal.

The proposed relocation of the flue has a potential to introduce significant levels of cooking odours in the locality. The application has been submitted with an odour assessment and confirms a very high risk of significant odour and requiring extensive control, however, the scoring has taken into account that the flue will terminate 1m above eaves and so the odour risk score is in fact even higher than stated.

The system design should have an elevated dispersion and an effective stack height which is higher than the surrounding buildings.

Ideally a discharge that terminates 1m above RIDGE but where this is not practicable in planning terms, then at least 1m above EAVES. There should be no cowl restricting / impeding dispersion and the termination should have an accelerator cone.

There are nearby dwellings and a low level flue is not acceptable at this location and will likely have an adverse effect on residents in the locality. The specification given does not include ES or carbon filters either which is recommended for high risk assessments such as this.

The aim of any ventilation/extraction is to ensure that no nuisance, disturbance or loss of amenity is caused by odour, fumes, food droplets or noise, to nearby properties. No information / data regarding noise has been provided either i.e. sound power levels or sound pressure levels and frequency / octave band analysis of the noise produced by the system along with details of noise reduction measures i.e. antivibration mounts / silencers etc..

Environmental Health must therefore recommend refusal as this scheme does not safeguard neighbours from unacceptable noise and odour.

COMMENTS

The application is reported to the Planning Committee as the application has been submitted by an elected member of the Council.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The site comprises an existing dwelling located within the urban confines of Broadstairs. The principle of the development is therefore considered to be acceptable, subject to the consideration of all other material planning considerations, including the impact upon the character and appearance of the area and neighbouring living conditions.

Character and Appearance

The application proposes to retain an extract flue system with free standing bamboo screening to the north and eastern edges of the roof extension and regularise the existing handrail.

The National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment, establish and maintain a strong sense of place, and that permission should be refused for development of poor design which fails to take the opportunities available to improve the character and quality of an area.

Policy QD02 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.

Policy HE02 of the Thanet Local Plan states that development will be permitted provided that the character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations, and that appropriate materials and detailing are used. It also states that any development resulting in the loss of features that contribute to the character or appearance of the conservation area, or which detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

The current extract flue system was erected in error, during the determination of the previous application F/TH/22/0348 'Retrospective application for the erection of a single storey rear extension to restaurant, together with removal of existing escape staircase from first floor, and replacement with new escape staircase and guarding'. The agent advised that an internal extraction system should have been installed instead and agreed for its replacement to be conditioned. Therefore approval was granted for the main works subject to Condition 4 being met which stated :

"4. The new extraction system recently installed to the roof of the approved extension shall be removed as a matter of urgency and a suitable extraction system will be sourced and submitted for approval under a separate application.

GROUND;

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan."

However, the extraction system has not been changed. It remains set upon the roof of the approved extension, and consists of a large element of aluminium ducting and flue. The ducting has a diameter of approximately 0.50m and a total length of 9.96m, of which 6.35m runs alongside the boundary with 43b York Street, and which approximately 3.61m runs opposite along the extension roof line directly in line with the first floor window of No. 3 Oscar Road.

Objections have been received regarding the appearance and size of the extraction system.

Given the size, colour and location of the ducting, it is highly visible from the Oscar Road section of the Broadstairs Conservation Area. Objections have also been received regarding these points.

This application therefore proposes to retain the extraction system, but to paint the ducting black and retain handmaid pressure treated planters filled with *Fargesia Rufa* also known as fountain bamboo.

Although it is accepted that bamboo screening may create some relief once fully grown, and the painting of the ducting to a black could reduce the glare, given the size of the ducting, it would still remain obvious for some time and not in keeping with the Broadstairs Conservation Area. Furthermore, these measures would not be permanent solutions, relying on the regular maintenance of the screening and subject to weather conditions, as to its overall success in providing effective cover.

The Conservation Officer also objects to the extraction unit and screening, and considers it to be harmful to the conservation area.

The regularisation of the existing handrail system, which had been erected in error, by painting it in black, is however, considered to be acceptable.

Therefore, the extraction system by virtue of its size and prominent sitting is an unduly disruptive, obtrusive and incongruous feature unrelated to and out of keeping with the established the street scene, to the detriment of the character and visual amenities of the Conservation Areas and detrimental to the visual amenities enjoyed by the occupiers adjoining properties, contrary to Policies SP35, HE02 and QD02 of the Thanet Local Plan and the NPPF.

Living Conditions

In terms of living conditions, paragraph 119 of the NPPF outlines that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Thanet Local Plan Policy QD03 states that new development must not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

Given the arrangement of the neighbouring properties and their small amenity spaces, concern was raised within the previous application ref: F/TH/22/0348 regarding the harm to neighbouring amenity caused by the significant size of the ducting and new flue. Therefore condition 4 was added, requiring the replacement of this extraction system, in order to address this.

Objections have been raised relating to terms of noise from the extraction system, and whilst Environmental Health had initial concerns, these were reduced following information submitted by the application. As a result Environmental Health withdrew their objection and instead have requested two conditions be added.

An objection has been raised regarding the visibility of the extraction system from a neighbouring window, and its overshadowing of their courtyard. The current ducting is set directly opposite the only window serving the first floor bedroom of No. 3 Oscar Road, is extremely visible. However, whilst this is agreed to be an unattractive addition at this height, the ducting is set approximately 3.18m away from the neighbouring window, and does not appear to block any light, outlook or cause overshadowing into either the bedroom window or private amenity space. As such it is not harmful enough to warrant refusal in this instance. Objections were also raised regarding its visibility from other neighbouring windows and blocking of views towards Oscar Road. However, loss of private views are not protected under planning legislation.

The application therefore complies with Policy QD03 of the Thanet Local Plan and the NPPF, subject to safeguarding conditions.

Other

The overlooking from the extension into private amenity space was an issue identified within approved application F/TH/22/0348, and a fence panel to screen off the site from the neighbouring property, No. 3 Oscar Road was conditioned. An objection was raised within this application regarding the fact that this has not been erected. This is however a matter for enforcement and not part of this planning application.

The lack of the proposed fire escape has also been raised, but this is covered under building regulations.

Transportation

The proposed works are not considered to create any additional impact on the use of cars or pedestrian safety.

For these reasons, it is not considered that the proposed development would result in harm to highway safety or amenity.

Conclusion

The extraction system by virtue of its size and prominent sitting is an unduly disruptive, obtrusive and incongruous feature unrelated to and out of keeping with the established street scene, to the detriment of the character and visual amenities of the Conservation Areas and detrimental to the visual amenities enjoyed by the occupiers of adjoining properties, contrary to Policies SP35, HE02 and QD02 of the Thanet Local Plan and the NPPF.

It is therefore recommended that members refuse the application.

Case Officer

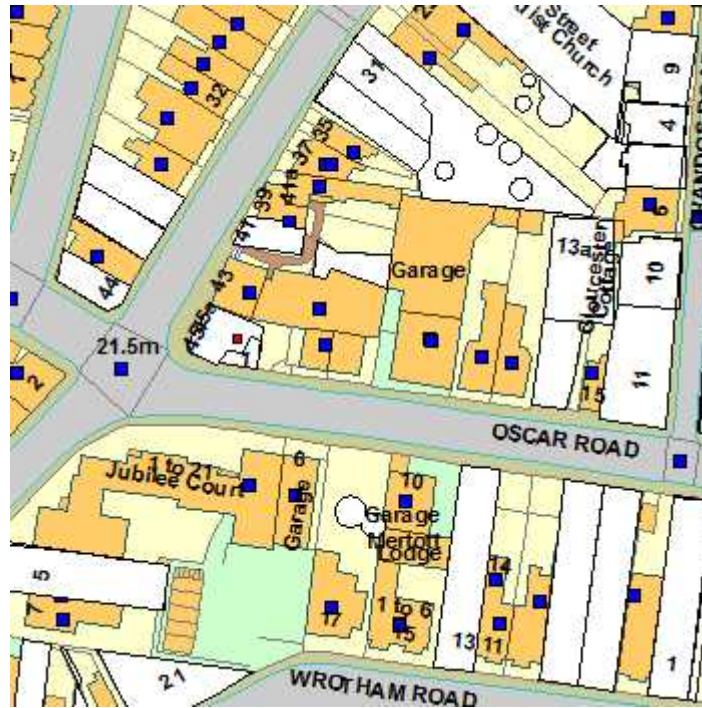
Tanya Carr

TITLE:

F/TH/23/0239

Project

45 - 45A York Street BROADSTAIRS Kent CT10 1PB



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R06

F/TH/23/0492

PROPOSAL: Erection of pitched roof front extensions with alterations to fenestration to provide first floor storage

LOCATION: 22 Grosvenor Road BROADSTAIRS Kent CT10 2BT

WARD: Viking

AGENT: Mr Tony Michael

APPLICANT: Mr Mike Beaumont

RECOMMENDATION: Refuse Permission

Refuse for the following reasons:

1 The proposed development, by virtue of its design, height and overall scale, would appear unduly dominant and discordant, and an isolated feature within the streetscene that appears out of keeping with the adjacent low-rise garage buildings to the south, whilst detracting from and obscuring views of the adjacent historic flint church. The contribution the enlarged storage building would make to the economic needs of the area does not outweigh the severe visual harm to the street scene and surrounding character and appearance of the area (as a result of the materially diminished proposal), contrary to the requirements of Thanet Local Plan Policies SP04 and QD02, Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and paragraphs 130 and 135 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The building is a modest single storey stand alone brick built structure set back from the highway to the rear of No 5 Osborne Road. To the north boundary of the site is Christ Church and to the south are a number of flat roofed structures and areas of hardstanding. The eastern side of Grosvenor Road is predominantly residential in character, comprising two storey pitched roof dwellings, with further residential properties to the north of the church. The front elevation of the building includes a window with black stained timber cladding detail and a pair of full height, side hung doors and the building has a shallow mono pitched roof. The hardstanding area to the front of the site provides off-street parking for two vehicles.

PLANNING HISTORY

F/TH/16/1749 - Change of use from office to a two storey dwelling, including a two storey front and rear extension and alterations to roof, and replacement of fence panel to rear with a 2.4 metre high brick wall. Refused 15.02.2017 Appeal - Dismissed 06.07.2017

F/TH/17/1369 - Change of use from office to studio flat with alteration of roof to allow a mezzanine bedroom. Refused 13 November 2017

F/TH/20/0595 - Erection of first floor extension together with two storey rear extension Refused 11.09.2020

Reason for refusal: *The proposed development, by virtue of its design and overall scale, would be out of keeping with the nearby low-rise and low-key built form and the adjacent church, and being located outside of the designated Primary and Secondary Frontages of Broadstairs, the contribution the enlarged building would make to the economic needs of the area, are not outweighed by its incongruous appearance within the street scene, resulting in severe visual harm which fails to respect the surrounding pattern of development, contrary to aims of Local Plan Policies E04, E05, QD02 and SP04 and paragraphs 127, 130 and 131 of the NPPF*

F/TH/22/0825 - Erection of single storey front extension together with alterations to roof and fenestration Granted 20 September 2022

F/TH/22/1300 - Erection of single storey front extension together with alterations to roof and fenestration Refused 22 November 2022

Reason for Refusal: *The proposed development, by virtue of its design, height and overall scale, would appear unduly dominant and discordant, and an isolated feature within the streetscene that appears out of keeping with the adjacent low-rise garage buildings to the south, whilst detracting from and obscuring views of the adjacent historic flint church. The contribution the enlarged storage building would make to the economic needs of the area does not outweigh the severe visual harm to the street scene and surrounding character and appearance of the area (as a result of the materially diminished proposal), contrary to the requirements of Thanet Local Plan Policies SP04 and QD02, Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and paragraphs 130 and 135 of the National Planning Policy Framework.*

PROPOSED DEVELOPMENT

The application seeks planning permission to extend the building with the erection of a single storey pitched roof extension to the front elevation, and the addition of a first floor to the main building within a new pitched roof to provide additional storage space. Within the gable end to the front elevation it is proposed to install a window at first floor level and at ground floor level it is proposed to install a pedestrian entrance door. Internally a staircase would be installed to access the first floor storage space.

The gable is proposed to be clad with black stained timber cladding, with a slate pitched roof.

PLANNING POLICIES

Thanet Local Plan 2020

SP35 - Quality Developments

E05 - Sequential and Impact Test

QD02 - General Design Principles

QD03 - Living Conditions

SP04 - Economic Growth

TP03 - Cycling

TP06 - Car Parking

Broadstairs & St Peter's Neighbourhood Development Plan 2018-2031

BSP9: Design in Broadstairs & St Peter's

NOTIFICATIONS

Neighbours have been notified and a site notice posted and the following comments have been received:

The Broadstairs Society - This property has had a long history but it has reached the stage where the Society has no adverse comment to make on this application.

Broadstairs & St Peter's Town Council - The Committee recommends ACCEPTING this application. The Committee does not think a pitched roof is out of keeping within this area. (Unanimous)

COMMENTS

This application is reported to the Planning Committee at the request of Cllr Mike Garner to enable Members to consider the impact of the proposed first floor pitched roof element on the surrounding area.

The main considerations in assessing the proposal are the impact on the character and appearance of the area, impact on the living conditions of neighbouring residential occupiers and highway safety.

Principle of Development

The site is located within the urban confines and the proposal relates to the extension of an existing building used as a store for an existing business.

Thanet Local Plan Policy SP04 relates to economic growth and aims to accommodate inward investment in job creating development, the establishment of new businesses and expansion and diversification of existing firms. The building is used for the applicant's microbrewery business for the storage of kegs of beer and this application seeks to increase the storage capacity of the building.

The Local Plan identifies land and premises considered suitable for continued and future employment uses. Within the urban area (as defined on the Policies Map) proposals for employment generating development on non-allocated sites will be supported in principle, subject to meeting the requirements of other policies in the Plan.

The policy states that Thanet's town centres are priority areas for regeneration and employment. This policy is supported by paragraph 81 of the NPPF which states that 'decisions should help create the conditions in which businesses can invest, expand and adapt'. The building is not located within the town centre of Broadstairs, however it is an established storage building connected to commercial business located close to commercial outlets at The Broadway and within the High Street and therefore, subject to there being no conflict with other policies in the Plan, proposals that support the expansion of the business is supported by this policy.

Planning permission has recently been granted to extend the internal floor space of the building to accommodate increased storage needs (F/TH/22/0825). Whilst the building is outside the town centre its close proximity to commercial outlets together with the modest depth of extensions to the front of the building was considered acceptable. The approved development maintained the single storey character in keeping with the low-rise and low-key built form on this side of Grosvenor Road. Furthermore the extended building allowed views through to the Church which the Planning Inspector considered made a positive contribution to the street scene.

As with the previously refused application the applicant again requires further storage capacity and proposes this through the addition of a mezzanine floor, in addition to the front extensions previously approved with a flat roof. The additional floor space requires a staircase for access which reduces the amount of usable space both on the ground floor and at first floor, and the loft floor plan indicates the edges by the eaves would not provide usable storage space. Beer kegs are available in many sizes and the photographs provided within the Statement show a variety of keg sizes being stored on the ground and stacked in various groups. There is no further information provided as to the existing storage capacity within the building and future storage needs, or whether alternative storage solutions have been investigated such as racking or extending to the rear. It would appear that beer kegs, whether empty or full, have significant weight and carrying and stacking kegs to any height may potentially result in safety issues, whilst carrying heavy kegs to the upper floor does not appear to be a very practical solution for the storage. Nevertheless the supporting Planning Statement indicates this is intended, stating that the staircase and additional floor is required to allow some stacking of kegs.

The additional storage space proposed significantly increases the height and scale of the building within the street. Policy SP04 supports the expansion of existing businesses providing that the development meets the requirements of other policies in the Plan.

The principle of an extended storage use on the site is therefore considered acceptable, but this is subject to the assessment of material considerations in accordance with the National Planning Policy Framework (NPPF) and Local Plan Policies. The previous Planning Inspector's decision is also a material consideration in the determination of this application given the similarities between the schemes.

Character and Appearance

The building is a modest single storey stand alone brick built structure, situated in a predominantly residential area. The building is set back from the road with a parking area to

the front and has a shallow mono-pitched roof. The front elevation includes a window with black stained timber cladding detail and a pair of full height, side hung doors. The building is currently internally divided into two rooms, providing a store and a small office space. The building has extant planning permission to extend the building 4 metres and 1.2 metres to the front to provide additional storage space (F/TH/22/0825).

It is now proposed to extend the building further to provide additional storage capacity for the business. The footprint of the building would be extended to the front as previously approved. However the 2.65 metre high previously approved flat roof would be replaced by a pitched roof resulting in the 4 metre front projecting being finished with a pitched roof with a ridge height of approximately 3.85 metres. The roof above the main part of the building, with the 1.2 metre extension, would be finished with a pitched roof with a finished ridge height of approximately 5.7 metres.

From the front elevation the front projection would have a gable end with double doors below and the gable end within the main part of the building would be finished with a 1.2 metre square window at first floor level. A pedestrian entrance door would be installed within the ground floor extension. Internally it is proposed to install a staircase to access the first floor storage space. The Planning Statement submitted with the application explains that the applicant requires more storage space for kegs of beer due to increased demand in the applicant's microbrewery business. The pitched roof, together with the staircase, would allow for roof space storage. The Statement explains that an 'A frame' roof would allow reasonable head room within the roof space to facilitate the storage requirements. Photographs have been included within the statement showing a number of kegs stacked and laying on the floor. The highest stack shown is 5 kegs high with others being 2 or 3 kegs high.

This application is a resubmission of the previously refused application, submitted under planning reference F/TH/22/1300, with the same drawings submitted. The pitched roof design with addition of window and door gives the building a residential appearance that would be out of keeping with the pattern of development in this location which is one of single storey buildings. In February 2017 planning permission was refused (F/TH/16/1749) for the change of use of the building to a two storey dwelling, the building works included a two storey front and rear extension and alterations to roof. The refusal notice was taken to Appeal and with regards to the character and appearance of the area the Planning Inspector commented that *'Despite being something of an anomaly in the street scene, the existing office building is visually unassuming in the street scene.'* *'The lack of dwellings fronting the road in this area, and the small-scale, unobtrusive and low-rise form of built development here, gives a relatively open character to this part of Grosvenor Road with notable separation between the front of the Grosvenor Road properties and the rear elevations of Osborne Road. While the quality of the existing office building or the garage and outbuildings is not particularly high, this arrangement gives a spacious feel to the road, which forms a key part of its existing character.'*

The Inspector described the building as being *'substantially larger than the existing office and nearby garages, which would result in a prominent presence in the relatively open street scene.'* *'Furthermore, as a result of its height, scale and siting, the house would partially obscure the church in views along the road, and would appear unduly dominant and*

discordant in relation to it. While the church is not listed, its features including flint elevations and stone mullion windows add significant interest to the local street scene.'

Whilst the current application does not propose a two storey residential dwelling the existing building would be significantly increased in height and extend further towards the public highway and therefore the Inspector's comments regarding the additional height and scale of the building, and its relationship with neighbouring buildings, is a relevant material consideration in the determination of this application.

Within the Planning Statement the applicant has provided an Area Plan annotating the roof forms of surrounding development. The plan shows pitched roof dwellings opposite the site, and to the north of the Church, and on dwellings to the rear fronting Gladstone Road. To the south of the site there are two buildings annotated with flat roofs. The Statement argues that the pitched roof design relates to the surrounding development as 'virtually all buildings have pitched roofs' and the only flat roof structures are on 'the 2 small garages to the rear of properties in The Broadway.' Whilst the Area Plan identifies pitched roof forms in the vicinity, these are residential dwellings whereas the storage building and garages are non residential buildings and have flat roofs. Furthermore, it is the accumulation of the pitched roof with the first floor bulk that is objected to, as it's being added to a building that is currently of a modest scale and design, that reflects the character of development on this side of the road.

In concluding the Appeal decision for the two storey dwelling the Inspector states '*... the location, design and overall scale of the house would be out of keeping with the nearby low-rise and low-key built form and the adjacent church, which would fail to respect the surrounding pattern of development and result in an incongruous appearance in the street scene. This would be inconsistent with saved Policy D1 of the Thanet Local Plan 2006 (LP), which sets out general design principles including that development should respect or enhance the character or appearance of the surrounding area particularly in scale, massing and rhythm, and use materials appropriate to the locality.'* The Inspector also noted that the use of '*cladding to the upper elevations would be likely to exacerbate the incongruous nature of the development in a locality where I saw that traditional materials predominate and such cladding does not form part of the general established character.'* Thanet Local Plan Policy has been replaced with Policy QD02, however the design requirements of the policy remain the same and the policy is supported by paragraph 130 of the NPPF which states that decisions should ensure that development will function well and add to the overall quality of the area, and are sympathetic to local character and history, including the surrounding built environment. Furthermore, paragraph 135 of the National Planning Policy Framework (NPPF) advises that '*Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.'* The revised proposal would increase the height and scale of the building and significantly diminish the quality of the previously approved modest form of development.

An application for a first floor addition has previously been refused three times. The initial refusal (F/TH/16/1749) was appealed and dismissed by the Inspector as set out above. The subsequent two refusals F/TH/20/0595 and F/TH/22/1300 were both refused for similar reasons, in that they included a first floor addition that was considered to be out of keeping

with the area. This application includes the same plans that were previously refused under F/TH/22/1300. The previous refusal reasons have therefore not been addressed in that the applicant is continuing with the same first floor addition that the Council and Inspector has previously advised is unacceptable. These previous refusals, and the Inspectors decision, are material considerations in the determination of this application.

The proposed development, with its pitched roof first floor addition, first floor front elevation window, and cladding detail would continue to give the storage building a residential appearance that appears overly dominant in the streetscene, and at odds with the prevailing single storey development, in the immediate vicinity. In addition the additional height and built form would impact upon and restrict views of the church and its features including flint elevations and stone mullion windows which, as noted by the Inspector, adds significant interest to the streetscene. There is also concern that should any permission be granted for a first floor addition to the building, that this could set a precedent for the other structures on this side of the road, which cumulatively could change the character of the area.

It is therefore considered that the proposed development would have a severely harmful impact upon the visual amenities of the locality, contrary to Policy QD02 of the Thanet Local Plan, and the NPPF.

Living Conditions

With regards to residential amenity the building would increase in height and be extended forwards towards the public highway.

The rear elevation would increase in height by approximately 2.5 metres, with the roof having a finished ridge height of nearly 6 metres. There are no additional door or window openings proposed within the rear elevation and therefore no resulting overlooking or loss of privacy. There is a separation distance of more than 7 metres to No 5 Gladstone Road to the rear and the development is therefore unlikely to result in significant loss of outlook and light to neighbouring windows. To the side boundaries there is a church building and hardstanding for vehicles and the front elevation faces the public highway where there is mutual overlooking from the street.

The increased storage capacity of the building may result in increased levels of activity within the site however the building has planning permission to operate as a commercial business and the increased storage space is unlikely to significantly impact on residential amenity through potential noise and disturbance.

Given the above the enlargement of the building would have minimal impact on nearby residential occupiers, and therefore the development would meet the requirements of Thanet Local Plan Policy QD03 and the NPPF.

Highways

This is an existing business located within easy walking distance of the High Street and bus and rail connections and is sustainably located. The extension results in the loss of one off-street parking space to the front and maintains a single 3 metre wide by 5 metre deep

parking space. This space would be capable of providing off-street parking for a small vehicle or van to collect or make deliveries. The Planning Statement highlights the need for the increased storage due to a sharp increase in demand for the applicant's micro brewery business and whilst the proposal would enlarge the storage space it is unlikely to significantly increase the amount of pedestrian and vehicular movements to and from the premises and therefore would be unlikely to lead to a material increase in demand for on street parking to the detriment of highway safety. The space to the front would provide storage space for bicycles in addition to the rear yard, which could be used by staff for the safe storage of bicycles.

Given the above it is considered the proposed development would meet the requirements of Thanet Local Plan policies TP03 and TP06 and the NPPF.

Other Matters

The applicant has submitted a petition in support of the development, however this has limited weight, and no comments have been submitted through the neighbour consultation period for this application.

Conclusion

The proposed development, with its pitched roof first floor addition, first floor front elevation window, and cladding detail would continue to give the storage building a residential appearance that appears overly dominant in the streetscene, and at odds with the prevailing single storey development, in the immediate vicinity. In addition the additional height and built form would impact upon and restrict views of the church and its features including flint elevations and stone mullion windows which, as noted by the Inspector, adds significant interest to the streetscene. There is also concern that should any permission be granted for a first floor addition to the building, that this could set a precedent for the other structures on this side of the road, which cumulatively could change the character of the area.

The application does not address the reasons for refusal set out within each of the three previously refused applications, nor the concerns raised by the Inspector within the appeal decision.

The contribution the enlarged building would make to the economic needs of the area are therefore not considered to outweigh the severe visual harm resulting from the scale and design of the proposed development in this location, contrary to Thanet Local Plan Policies SP04 and QD02, Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and paragraphs 130 and 135 of the National Planning Policy Framework.

It is therefore recommended that Members refuse the application.

Case Officer

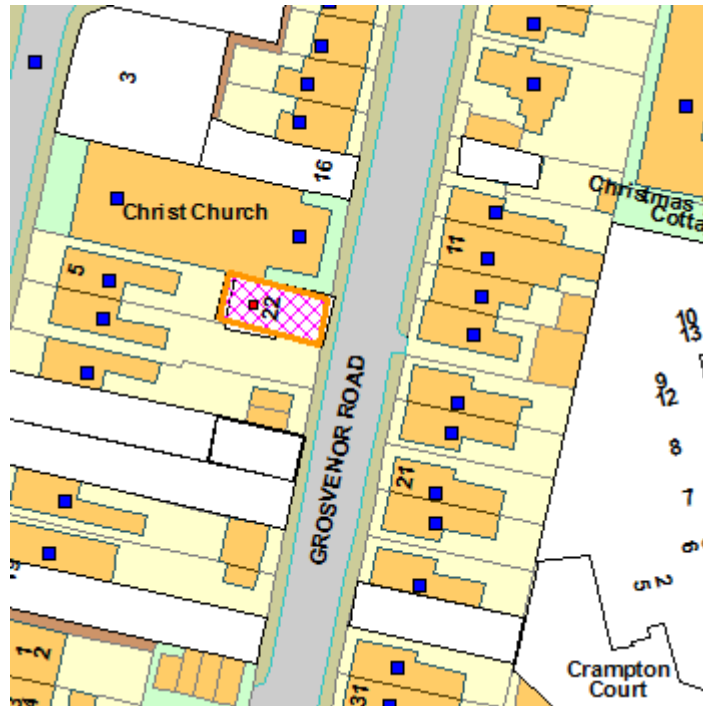
Rosemary Bullivant

TITLE:

F/TH/23/0492

Project

22 Grosvenor Road BROADSTAIRS Kent CT10 2BT



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R07 **F/TH/23/0782**

PROPOSAL: Erection of a single storey kiosk for the sale of food and drink, with associated seating following removal of existing.

LOCATION: Kiosk At Royal Victoria Pavillion Harbour Parade Ramsgate Kent

WARD: Eastcliff

AGENT: Mr George Kateifides

APPLICANT: Mr T Palmer

RECOMMENDATION: Refuse Permission

Refuse for the following reasons:

1 The proposed kiosk by virtue of its prominent location, design, proximity to and relationship with the grade II listed Obelisk, is considered to result in an awkward and incongruous form of development, unrelated and incompatible with surrounding built form and representing poor design, that would compete with and detract from the significance of the listed buildings and the Ramsgate Conservation Area, resulting in significant harm to the special character, appearance and historic interest of these designated buildings and area. This harm is not outweighed by the public benefits of the proposal, and the proposal is therefore contrary to policies HE02, HE03, QD02, SP35 and SP36 of the Thanet Local Plan and paragraphs 130, 134, 199, 200 and 202 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The site is located on a pedestrianised area to the west of the grade II listed Royal Victoria Pavilion and to the North of the public toilets. It currently comprises a small pitched roof kiosk with an angled footprint located immediately adjacent to the northern side elevation of the public toilets. The existing kiosk has a tiled roof, panelled lower sections and multi pane windows. The area to the north of the existing kiosk, behind the grade II listed Obelisk and to the south of the grade II listed telephone boxes is used for the siting of tables and chairs associated with the kiosk.

RELEVANT PLANNING HISTORY

F/TH/08/0584 - Change of use of land for the siting of a kiosk for the sale of food and drink, with associated seating. Granted 17 July 2008

F/TH/07/1035 - Change of use of land for the siting of 2No. mobile units for the sale of food and drink with associated seating. Refused 18 October 2007 due to the impact upon the character and appearance of the conservation area.

PROPOSED DEVELOPMENT

The proposed development is the erection of a single storey kiosk for the sale of food and drink, with associated seating following removal of existing. The proposed kiosk would be constructed from off white weatherboarding and have a mono-pitched roof. It would extend from the northern side elevation of the public toilets past the Obelisk with a rectangular footprint. The north western corner would be angled and contain a window. A further window would be located in the main western elevation and a door would be located in the northern side elevation.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP08 - Thanet Town Centres
SP11 - Ramsgate
SP26 - Landscape Character Areas
SP27 - Green Infrastructure
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP36 - Conservation and Enhancement of Thanet's Historic Environment
SP37 - Climate Change
SP43 - Safe and Sustainable Transport
SP44 - Accessible Locations
HE02 - Development in Conservation Areas
HE03 - Heritage Assets
GI06 - Landscaping and Green Infrastructure
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was posted in the local paper.

No responses have been received.

Ramsgate Heritage and Design Forum - Object strongly: The proposal involves the loss of a well designed kiosk and erection of a crude 'shed' wholly inappropriate to the historic setting of several grade II listed buildings as well as a grade II* harbour. The location merits

an imaginative quality design and finish especially in the light of pending environmental improvements of the Levelling Up Fund.

CONSULTATIONS

TDC Conservation Officer - The following application is for the proposal of a kiosk building adjacent to the Royal Victoria Pavilion in Ramsgate. The pavilion itself is Grade II listed and is cited within the Royal Harbour as well as the Ramsgate Conservation Area.

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.' As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

As it stands there is a small hexagonal building on site which currently functions as a coffee stand. It is proposed to remove this structure and replace it with something more substantial. Although in the context of the surrounding development the proposed kiosk is still relatively small in stature, I would very much consider the existing to blend into its environment and be of small enough scale to be discrete and concealed. The proposed replacement is much larger in its footprint and rectangular in its shape and as such would appear more cumbersome and obvious within the conservation environment. It would also protrude further into the setting of the adjacent listed assets and as such cause disruption to its setting and appearance and prevailing outlook. There are three listed assets in close proximity to the site, the pavilion itself, the K6 Telephone boxes and the Obelisk structure of which would likely be compromised.

I can appreciate there may be other community or commercial benefits through the proposal of this scheme which would be taken into consideration by the planning officer, whereas this consultation largely focuses on heritage implications.

The compromise of these structures would ultimately appear poorly in the context of the conservation environment and therefore would also be to the detriment of the surrounding historic harbour environment. Overall I do not consider this application to have fully considered its implication to the setting and appearance of the surrounding conservation area nor the adjacent listed properties. As such I object to the application proposed and suggest its reconsideration.

TDC Environmental Health - We've not received any complaints, so given the locality EH have no objection.

COMMENTS

This application is reported to members as the development is located on Thanet District Council owned land.

Principle

The 2008 application (Reference F/TH/08/0584) granted permission for the change of use of land for the siting of a kiosk for the sale of food and drink, with associated seating. No change of use is proposed as part of this application.

The site is located within the urban confines of Ramsgate and in the Ramsgate Waterfront and Royal Harbour Area as defined by policy SP11 of the Thanet Local Plan. This policy supports a mixture of leisure, tourism, retail and residential uses subject to all proposals; Taking particular care in the design, location, use of materials and relationship of land-based facilities with open water, such as to protect important views and preserve or enhance the historical character of the Royal Harbour and seafront and ensuring that the integrity of nature conservation interests within the adjacent SSSI, SPA, SAC, Ramsar, Thanet MCZ site are maintained.

Given the location of the site and the existing development, the principle of erecting a replacement kiosk is considered acceptable subject to all other material considerations.

Character and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The site is located within the Ramsgate Conservation Area. The Council must therefore take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' Paragraph 197 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage

assets, and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF requires that where a development causes substantial harm, or less than substantial harm but where the harm is not outweighed by public benefit, permission should be refused.

Policy SP36 of the Thanet Local Plan states that "The Council will support, value and have regard to the historic or archaeological significance of Heritage Assets.."

Policy HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

Policy HE03 of the Thanet Local Plan states that; "Proposals that affect both designated and non-designated heritage assets, will be assessed by reference to the scale of harm, both direct and indirect, or loss to, the significance of the heritage asset in accordance with the criteria in the National Planning Policy Framework."

The Ramsgate Conservation Area Appraisal states that "The openness of the space, rather than its modern material palette or design, contributes to the character and appearance of the conservation area in providing a traffic-free space for people to view and appreciate some of Ramsgate's key heritage assets." These heritage assets include the Obelisk that commemorates the harbour's designation as a Royal Harbour and the Royal Victoria Pavilion.

The site is also located within the Ramsgate and Broadstairs Cliffs Landscape Character Area as defined by policy SP26 of the Thanet Local Plan. This policy states that "Proposals on the coast should respect the traditional seafront architecture of the area, maintain existing open spaces and should ensure that recreational and wildlife opportunities are not compromised by development. Proposals should maintain and enhance the setting of sandy bays, low chalk cliffs and associated grassland and long sweeping views of the coastline."

The existing kiosk is of a modest scale and has a traditional appearance. When open, the existing kiosk also has large openings and sections of glazing on the northern and western elevations. Conversely the proposed kiosk would have small openings giving a high solid to opening ratio. The proposed kiosk, with its shallow mono pitched roof, horizontal timber cladding and casement windows is considered to have limited architectural merit. Whilst it would be painted a similar colour to the existing kiosk, public toilets and Royal Victoria Pavilion, this is not considered sufficient to disguise the functional and temporary appearance of the proposed kiosk.

The existing kiosk sits between the public toilets and the Obelisk, however the proposed kiosk would extend past the Obelisk infilling the space behind this grade II listed structure. It is acknowledged that the Royal Victoria Pavilion also extends behind the Obelisk, however given the proximity and design of the proposed kiosk, the proposed arrangement is considered to result in an awkward and incongruous relationship that would harm the setting of the grade II listed Obelisk.

There are a variety of buildings and structures visible in the immediate street scene, with industrial uses visible to the west in the harbour, and the adjacent public toilets having a functional appearance. This site is considered to be highly prominent from Harbour Parade and these other buildings and structures do not have the same relationship with the grade II listed Obelisk. It is therefore considered that the proposed kiosk, by virtue of its design and location would result in significant harm to the character and appearance of the Ramsgate conservation area and the setting of the grade II listed Obelisk.

Living Conditions

The proposed kiosk would be single storey in scale and located approximately 25m from the closest residential property. Given the existing use of the site, the scale of the proposed kiosk and the location of the site this development is not considered to result in any significant loss of light, sense of enclosure, overlooking or noise and disturbance to the closest residential properties in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

The site is positioned in a highly sustainable location and is situated on a pedestrianised area away from the boundary with the highway. Whilst this development would represent an increase in the size of the kiosk, given the location, the existing use and nature of the use this proposal is not considered to result in any significant harm to highway safety.

Biodiversity

The proposed kiosk is located on an area of hard surfacing and is of a limited scale. This development is therefore not considered to result in any significant harm to biodiversity in the area.

Conclusion

The proposed kiosk through its functional design and location, proximity and relationship with the grade II listed Obelisk is considered to result in significant harm to the significance of both the conservation area and the Obelisk.

The proposed kiosk would provide some economic benefits through the increased size and the applicant has indicated that there would be some other benefits including diverting queues away from busier areas and improved drainage. No evidence has been provided to demonstrate the increased demand that is referenced in the design and access statement or the potential economic benefits from the increased size. Furthermore no evidence has been provided to demonstrate why the relocation of the que or the drainage benefits cannot be achieved either through alterations to the existing structure or an alternative design. It is therefore considered that limited weight can be given to these benefits.

The harm that would result from this development to the conservation area and the grade II listed structure is considered to be less than substantial, however paragraph 199 requires

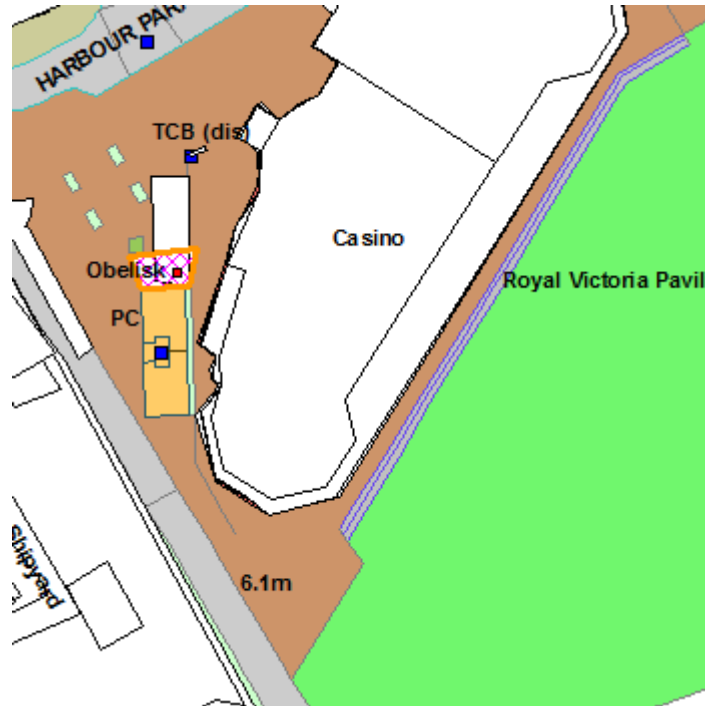
great weight to be given to the conservation of heritage assets and when this harm is weighed against the public benefits of the development as required by paragraph 202 of the NPPF this harm is not considered to be outweighed. This development is therefore considered to be contrary to policies HE02, HE03, QD02, SP35 and SP36 of the Thanet Local Plan and paragraphs 130 the National 130, 134, 199, 200 and 202 of the National Planning Policy Framework.

Case Officer

Duncan Fitt

TITLE: F/TH/23/0782

Project Kiosk At Royal Victoria Pavillion Harbour Parade Ramsgate Kent



D08

F/TH/22/0769

PROPOSAL: Change of use of existing public house (sui generis) to commercial unit (Class E), partial demolition of existing building and erection of five-storey side extension with recessed balconies, single storey roof extension and roof terrace and new three-storey building to rear to provide 8no. new apartments (2no 1 bed and 8no 2 bed), and rearrangement of 2no. existing apartments

LOCATION: The Royal 51 Harbour Parade RAMSGATE Kent CT11 8LJ

WARD: Central Harbour

AGENT: Miss Rachel Maguire

APPLICANT: Mr Jamie Copland

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the receipt of a satisfactory signed legal agreement to secure the contributions towards the SAMM project within 6 months 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 proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 08740-LEP-ZZ-ZZ-DR-A-00220 Revision P03 (received 19/05/23), 08740-LEP-ZZ-ZZ-DR-A-00221 Revision P02 (received 10/03/23), 08740-LEP-ZZ-ZZ-DR-A-00222 Revision P02 (received 10/03/23), 08740-LEP-ZZ-ZZ-DR-A-00230 Revision P01 (received 02/08/23) and 08740-LEP-ZZ-ZZ-DR-A-00215 Revision P02 (received 10/03/23).

GROUND

To secure the proper development of the area.

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

GROUND

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

4 All new window and door openings shall be set within a reveal of not less than 100mm.

GROUND

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

5 Prior to the first occupation of the residential development, the secure cycle parking facilities, as shown on approved drawing no. 08740-LEP-ZZ-ZZ-DR-A-00220 Revision P03 (received 19/05/23) shall be provided and thereafter maintained.

GROUND

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

6 The kitchen/living room window (apartment 6) in the rear elevation of the main building hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

7 Prior to the first use of the roof terrace hereby permitted, privacy screens of a minimum height of 1.8m shall be installed along the northeast side of the roof terrace to apartment 3, as shown on the approved plan numbered 08740-LEP-ZZ-ZZ-DR-A-00230 Revision P03 (received 02/08/23) and thereafter maintained.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

8 Prior to the first occupation of the residential apartment a verification report demonstrating compliance with the recommendations in the Noise Impact Assessment (ENS 16th June 2022) shall be submitted to and approved by the Local Planning Authority. The assessment shall be submitted for written approval of the Local Planning Authority and all works which form part of the approved scheme shall thereafter be implemented and thereafter maintained.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

9 Prior to the first occupation of the residential apartment details of a mechanical ventilation system, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

10 Prior to the first occupation of units 1 or 2 details of the low level planters and gates within the courtyard as shown on drawing 08740-LEP-ZZ-ZZ-DR-A-00220 Revision P03 (received 19/05/23) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

GROUND

To safeguard the residential amenities of future occupiers of the development in accordance with Policy QD04 of the Thanet Local Plan.

11 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

12 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

13 Prior to the installation of balustrades within the south east (front) elevation, at first and second floors their detailed design at a scale of 1:20 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 approved development.

GROUND

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with policy HE02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

14 No demolition or development shall commence until a method statement setting out the details and specifications of works to safeguard the Royal Sailors Rest building (in particular its side elevation), throughout construction, have been submitted to and, agreed in writing, by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

GROUND

To preserve the character of the Grade II Listed structure attached to the application site in accordance with Policy HE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

15 Prior to the installation of the rainwater goods, details including the material and a sectional profile and connection with the existing built form shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall be installed in accordance with the approved details.

GROUND

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policy HE02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

16 Prior to the commencement of the development, including any demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on the Assessment of dust from demolition and construction 2014; the Plan shall include mitigation measures. The management plan shall also include the following:

- (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
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

The development should be carried out in accordance with the approved details.

GROUND

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

17 The doors to the bin store shall not open outwards over the highway.

GROUND

In the interests of highway safety.

SITE, LOCATION AND DESCRIPTION

The site currently comprises a commercial building (Public House, known as The Royal) with residential accommodation at second and third levels. The building fronts Harbour Parade and wraps around Harbour Street and extends in part to the rear of 29-39 Harbour Street.

The existing building has a steep pitched roof (clay tiles) with three flat roof dormers to the Harbour Parade frontage and two flat roof dormers either side of a chimney to Harbour Parade. There is an infill element that fronts Harbour Parade and has a flat roof. The building is constructed in mostly red/brown brick with grey block work at ground floor to create a commercial frontage. At fascia level there are a number of advertisements demoting The Royal and there is also an advert between first and second floor levels.

The property is located in a prominent location opposite Ramsgate's Royal Harbour but within along the seafront. The site lies within the primary shopping area of Ramsgate and is located within Ramsgate Conservation Area, adjacent to a listed building and in close proximity to a number of other listed buildings.

The area is close to Ramsgate Town Centre and characterised by its cafe's, restaurants, bars and pubs. Neighbouring properties are large in scale, typically between three and five storeys in height.

RELEVANT PLANNING HISTORY

F/TH/13/0070 Construction of smoking shelter at first floor level including creation of new door opening to side elevation. Refused 09/05/2013

F/TH/08/1308 Retrospective application for retention of a sun canopy. Granted 19/12/2008

F/TH/08/0698 Replacement of existing glazed tiles at ground floor level elevations to Harbour Parade and Harbour Street (retrospective) Granted 31/07/2008

F/TH/08/0262 Replacement of ground floor windows with purpose made wood casements. Granted 28/04/2008

F/TH/07/0620 Use of highway for the siting of tables and chairs in connection with use of the public house. Granted 16/08/2007

C/TH/94/0839 Demolition of chimney stack. Granted 22/12/2004

F/TH/94/0829 Construction of a projecting canopy to first floor window, external alterations and the erection of first floor kitchen addition and construction of dustbin enclosure. Granted 06/01/1995

C/TH/90/0303 Demolition of an unlisted building in a conservation area. Granted 05/06/1990

F/TH/90/0302 Erection of a 6 & 7 storey building incorporating bar and restaurant, 9x2 bedroom flats and 4 x 1 bedroom flats. Granted 05/06/199

PROPOSED DEVELOPMENT

Full planning consent is sought for the creation of a mixed use (residential and commercial) development consisting of a smaller commercial area (Class E) at basement and part of the ground floor with residential at ground, first, second, third and fourth floors creating in total 8no new apartments and the rearrangement of 2 existing apartments. The development would also include a five storey side extension and single storey roof extension.

The five storey extension is proposed to the Harbour Parade frontage between the main building of The Royal and the adjoining building; no. 50 Harbour Parade (Royal Sailors Rest; Grade II listed). At ground floor there are two openings; one for access to two apartments and the other opening into the bin store. The upper floors contain residential with partially enclosed balconies. The third floor is set back slightly below the floors below and the top floor is further setback.

In addition a roof extension is proposed over the main building which would have an external roof terrace to the front and the built form at an angle to this, having glazing to the roof terrace.

To the rear part an external courtyard would be created with a three storey building to the rear with residential units located within.

These extensions would be constructed from red stock brickwork, red oxide metal cladding, grey blockwork, white stock brickwork and dark grey metal cladding. Windows would be dark grey aluminium.

Internally at the basement level there is space associated with the commercial use. At ground floor there is the commercial element and associated bin store, a separate bin and bicycle storage area for the residential uses and 1no one bedroom apartment, with a second apartment having its kitchen/living area at ground floor but its sleeping accommodation at first. The rest of the first floor comprises a further 3 apartments, the second and third floors having 2 apartments on each level and the top floor having 1 apartment.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing

SP04 - Economic Growth

SP08 - Thanet's Town Centres

SP11 - Ramsgate

SP13 - Housing Provision

SP14 - General Housing Policy
SP22 - Size and Type of Dwellings
SP26 - Landscape Character Areas - Ramsgate and Broadstairs Cliffs
SP27 - Green Infrastructure
SP28 - Protection of the International and European Designated Sites
SP29 - Strategic Access Management and Monitoring Plan
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP36 - Conservation and Enhancement of Thanet's Historic Environment
SP37 - Climate Change
SP38 - Healthy and Inclusive Communities
SP41 - Community Infrastructure
SP43 - Safe and Sustainable Transport
SP44 - Accessible Locations
CM02 - Protection of Community facilities
CC01 - Fluvial and Tidal Flooding
CC02 - Surface Water Management
CC03 - Coastal Development
HO1 - Housing Development
GI04 - Amenity Space and Equipped Play Areas
GI06 - Landscaping and Green Infrastructure
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE02 - Development in Conservation Areas
HE03 - Heritage Assets
SE05 - Air Quality
SE06 - Noise Pollution
SE08 - Light Pollution
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site and the application publicised in a local newspaper.

Three representations were received from the initial consultation, including one letter of support.

The concerns can be summarised as follows:

- Loss of light
- Plan disregard a covenant

- Overly dominant on the seafront opposite the Royal Harbour
- Infill extension is appealing and clashes with the historic building
- Over development
- Out of keeping

The letter of support details that the proposal is exciting, will increase property prices and breathe a new lease of life into the area.

Following the submission of the revised plans now before Members, a further consultation was carried out and one representation has been received objecting to the proposal detailing:

- Blocks out natural daylight
- Affects a covenant
- Encroaches on land not within the applicants ownership

Ramsgate Town Council: Comment on scheme as originally submitted - The proposal is bulky, obtrusive, out of character with the conservation area, and not in keeping with the street scene. It is recommended that the application be rejected.

Ramsgate Heritage and Design Forum: Comment on scheme as originally submitted - RHDF support contemporary approach but overbearing massing to penthouse located above existing roof. Particular concerns of the visual impact from Madeira Walk, additional montages / visualisations should be provided.

The Harbour Parade Entrance/exit doorways: in the current design these are meanly proportioned bin store entrances, inappropriate and profligate in this stunning location facing the Harbour, There is a case for internal reorganisation such that the bin store is accessed via the east facade. The location is worthy of far better treatment. The frontage onto Harbour Parade should be of higher quality, of more generous proportion and clad or rendered in a material distinct from the higher floors. A design more akin to a prestigious shopfront or hotel entrance may be more appropriate given necessary revisions to the internal spatial layout.

The roof lights / dormers to the existing building are quite mismatched.

Concerns with outlook to ground floor flat and duplexes with small courtyard and accessed via the bin store.

CONSULTATIONS

Southern Water: The attached plan shows that the existing development lies over a combined sewer. Approval should be sought from Southern Water where an extension to a building or underpinning work would be over a public sewer. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building-over/close-to the sewer.

The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission;

Prior to the commencement of development, the developer must advise the local authority, in consultation with Southern Water, of measures which will be undertaken to protect the public sewers.

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

The submitted surface water drainage information shows no flows greater than existing levels have been connected to the system proving the betterment of the surface water system which is acceptable by Southern Water.

Natural England: This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

KCC Highways: The proposal is nil parking, in a town centre location, where I raise no objection on behalf of the local highway authority.

TDC Conservation Officer: Final comments - The Royal Hotel is situated in an incredibly prominent location, central to Ramsgate Conservation Area and opposite the Harbour.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.' As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2 it states In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that when determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

Pre-application advice was sought for this site of which the overall view was taken that development of the space between the existing building and the adjacent Grade II listed property, the Royal Sailors Rest, would be acceptable as long as it was subservient to the setting and appearance of the listed building.

Concern was raised regarding the scale of the proposed roof extension for the same reason, that it dominated the setting and appearance of the adjacent listed property and unbalanced the views from within the conservation area. The view was taken by the developer from the start of this process that the existing Royal building warranted retention and incorporation into the development of the site.

Reference has been made to the previous building which stood upon the site which was much grander in its footing and scale. Although I can appreciate that it once stood here, the surroundings, policies and conservation has since adapted considerably since any reference of the building was last seen. As such this would not be considered as an appropriate reference.

Similar concerns were raised on submission of a formal application regarding the scale of the proposed and the dominant nature that this imposed on the setting of the surrounding buildings. The Royal Sailors Rest has a pleasant side elevation with visible chimney stack and details which was a view strongly encouraged to be retained. Immediate and long views of the site were established as a key factor of this application and further amendments were invited to be made.

The application which has been submitted has been reduced in height and setback from the existing building line established by the listed property, enveloping upwards over the existing form of The Royal to create the roof extension.

The reduction in scale assists in creating a balanced relationship between the proposed and the adjacent listed property. A contemporary approach has been taken, however, given the complex nature of design from the surrounding harbour and conservation area, this would be considered an appropriate design choice. Given the confines of the site, existing building form and features a pastiche would be considered to likely be more harmful and appear jarring and dishonest in its form.

Long and short views of the site are an important aspect of a proposal of this scale and its prominent position. Approaching from the west into the harbour the scheme is not visible with views blocked by the adjacent listed building. As such this viewpoint has a reduced level of implication to the setting and appearance of the surrounding environment. From the east and south the scheme is more visible and has a greater level of impact, this is both from immediate views of the site but also those further afield such as Madeira Walk, Albion Gardens and across the harbour. Although the scheme's presence is felt, given the reduced level in height and contrasting contemporary design, I would not consider this harm to be more than substantial.

The setting and appearance of the adjacent listed property is considered to be retained and protected despite the contemporary nature of the proposal. The scheme is set back from the principal elevation of the listed building and despite its scale does not dominate its setting and appearance as the proposed side elevations have been reduced in height and responsive to its key features.

Ramsgate Conservation Appraisal was a recently adopted document in 2021. Section 4.2 under Design of new Development it states 'Successful, responsive new development within

conservation areas can either sympathetically incorporate period style designs, or may have a more contemporary design with cues and references to its context. In either case, the key is achieving design of the highest quality that preserves and enhances the character and appearance of the conservation area.'

The document also makes reference to the importance of design guides citing them as 'helpful resources to aid decision making. To be effective they should be widely used and communicated.' National Design Guide Section B2, Paragraph 67 states 'Well-designed places use the right mix of building types, forms and scale of buildings and public spaces for the context and the proposed density, to create a coherent form of development that people enjoy. As well as paragraph 68, 'The built form of well-designed places relates well to: the site, its context and the opportunities they present; the proposed identity and character for the development in the wider place; the lifestyles of occupants and other users; and resource efficiency, climate change mitigation and adaptation'. This guidance is considered to have been followed as part of this application, taking into account constraints and opportunities of the site, resulting in a striking but cohesive proposal.

Overall I consider the amendments to this application have reduced it to a level which causes less than substantial implication to the setting and appearance of the surrounding conservation area whilst providing responsive design to the adjacent listed building and developing the site. As such it meets with the above legislation Thanet's Local Plan, policy HE02, states within Section 7, NPPF Section 16, Paragraph 197 as well as Listed Buildings and Conservation Areas Act 1990 and on balanced reasoning I do not object to the application proposed.

If this application is approved, I would suggest heavily conditioning the materials to provide samples to further protect the character and appearance of the surrounding conservation area.

Initial comments –

Following your pre app consultation, I would consider the overall response to have been that some kind of development is feasible in this location, with a contemporary approach supported, subject to the implication to the listed building, surrounding conservation area as well as the historic harbour. I can acknowledge that a written preapp response was not given as further meetings were desired instead, however this application has been received before this meeting has been undertaken.

That being said, concerns have been raised regarding the form against the listed property as well as the extension of the Royal Hotel Building itself.

There is a concern which has been raised regarding the implication to the adjacent Royal Sailors Rest, listed property, and the effect the proposed scheme will have on views of the building, its side and rear elevation and its approach from Madeira Walk and Albion Hill which will dramatically change. Adding additional height to the building will create a sense of overbearing at such a scale especially from this viewpoint which I would consider to appear poorly in the context of the conservation area too.

The proposed design wraps around the existing property which, I think is the preference in terms of not demolishing the pub itself, however this is considered to need to be at somewhat a reduced scale. I can acknowledge steps have been made to respond to the shape of the existing adjacent roof form and its constraints, however it then becomes much larger and strays from this form which I would not consider to work well as a relationship as that historic detail is then effectively lost.

Reference was made to the building which used to stand upon the site as being more prominent and therefore sets a precedent to this form. Although I can acknowledge the site's past given that none of this building survives, the precedent is not considered to have as much standing as maybe it would have if this element of scale still existed.

Accumulatively the above would be considered to have a negative and dominant implication to the setting and appearance of the surrounding environment, as such raising concerns regarding the acceptability of the proposed scheme.

The approach to the infill element has perhaps been more accepted at lower level, but this would not be expected to be constructed by the ridge line of the existing royal hotel.

Local groups would appear to reflect these concerns through their comments submitted online.

In conclusion, I can appreciate that a contemporary approach has been taken to develop this site however we do still have concerns and as such suggest that it is withdrawn and reconsidered at this stage.

TDC Environmental Health: A Noise Impact Assessment (NIA) has been submitted to accompany this application. It has been reviewed and EH offers the following comments.

The NIA has been undertaken by a competent acoustic consultant and uses ProPg guidance to determine noise mitigation necessary to achieve good internal BS8233 criteria sound insulation target noise standards.

The proposed development is understood to consist of 10 apartment dwellings with a Use Class E commercial unit on the ground floor. The commercial unit on the ground floor currently operates as a public house with regulated entertainment licensed daily until 4am and in a locality that has a 'vibrant' night time economy. It is relevant to consider that the existing lawful planning use and licence for regulated entertainment mean that music levels will typically be at 95-105dB. It is also noted that baseline measurements were undertaken overnight on a Friday and Saturday and therefore is the worst case / precautionary approach.

The measurements show that the development will be exposed to noise with significant adverse observable effects from night-time economy, ventilation plant and traffic.

The NIA conclusion is accepted provided the ground floor use is confined to E class and no longer operates as a drinking establishment. It is not acceptable to continue to operate as a

drinking establishment or revert back to this use on subsequent applications without further noise mitigation / assessment.

The NIA makes several recommendations:

5.1.4 Habitable rooms fronting towards surrounding roads should be provided with enhanced glazing rated at least 33 dB R_w+C_{tr} (such as 6 mm float glass / 16 mm cavity / 6.8 mm Pilkington Optiphon) in conjunction with acoustic trickle vents rated at least 39 dB $D_{n,e,w}$ per 5000 mm² EA (vent open), such as the Greenwood 5000EAW.AC1, or equivalent.

5.1.5 Habitable rooms fronting towards the rear courtyard may be provided with standard glazing rated at least 25 dB R_w+C_{tr} in conjunction with standard trickle vents rated at least 32 dB $D_{n,e,w}$ per 5000 mm² EA (vent open).

5.1.6 The following points should be noted: When selecting a glazing system to satisfy the requirements outlined above, it is important to ensure that the $R_w + C_{tr}$ value is achieved (rather than simply the R_w value). Published R_w values tend to be higher than corresponding $R_w + C_{tr}$ values; therefore, incorrect selection could result in an overestimation of sound reduction performance which in turn could result in higher internal noise levels.

5.1.7 The inner face of any lightweight external walls, or ceilings (and side cheeks to the dormer windows) in any room-in-roof habitable areas, should be comprised of 2 x 12.5 mm layers of dense plasterboard (e.g. SoundBloc or FireLine board) with 100 mm (minimum) mineral wool insulation above/behind the lining.

In order to comply with these standards the NIA recommends windows are closed with alternative means of ventilation.

The assessment has also considered internal noise transfer from the ground floor use.

5.3.2 It is understood that the proposed ground floor will be Use Class E offices. The likely noise sources associated with these uses are comparable to normal domestic use and, as a consequence, the minimum performance requirements set out in Approved Document E (ADE) 2003 is considered appropriate. Many local authorities adopt ADE 2003 in such cases.

5.3.3 For context, it is understood that the Environmental Health department at Thanet District Council requires an airborne sound insulation performance of 53 dB $D_{nT,w}+C_{tr}$ in situations where residential uses are directly above bars/bistros.

This is incorrect; the 53dB minimum standard is required for retail and office space but for bars will require additional assessment and insulation measures. However, the assessment has shown a sound reduction of 57dB $D_{nTw,C_{tr}}$ which is acceptable for a ground floor use as offices but would not be for use a bar / drinking establishment or nightclub.

The following conditions are recommended:

Sound insulation

Prior to occupation details a verification report demonstrating compliance with the recommendations in the Noise Impact Assessment [ENS 16th June 2022] shall be submitted to and approved by the Local Planning Authority. The assessment shall be submitted for written approval of the Local Planning Authority and all works which form part of the approved scheme shall thereafter be implemented and thereafter maintained.

Mechanical Ventilation

Prior to occupation details of a mechanical ventilation system, have been submitted to and approved in writing by the LPA. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

TDC Waste and Recycling: No concerns with this application.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Tricia Austin, due to concerns that the proposal would represent an overdevelopment of the site and would have a negative impact on the street scene.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, including Conservation Area and the setting of listed buildings, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The site comprises an existing building located within the urban confines of Ramsgate. The principle of extending and altering an existing building is considered acceptable and the National Planning Policy Framework (NPPF) promotes the effective use of land in meeting the need for homes and other uses.

Loss of Community facility

The building at present operates a public house within it, this application proposes its change of use to a Class E use (commercial, business and service). A public house is considered to be a community facility and policy CM02 of the Local Plan seeks to protect against the loss of existing community facilities. The preamble to the policy states that "to assess applications for the change of use or redevelopment of existing community facilities, the Council will require a thorough analysis of the existing operation and attempts made to secure the future viability of the community use. In all cases, the applicant must demonstrate that: the need for the existing or alternative community facilities has been researched and that there is insufficient viable demand; opportunities to support the facility by the

introduction of other services have been explored, where the dual use of premises for a number of community functions may help support the viability of facilities; efforts have been undertaken to secure the viability of the facility through applications for grant aid, business advice and discussions with community groups, parish Councils, Thanet District Council, Kent County Council and other national or local bodies with a direct interest in service provision; and the site has been actively marketed for its existing use and alternative community uses, at a realistic price and for a reasonable period of time of at least a year, proportionate to the type and scale of the facility."

The policy itself then goes on to state that proposals which would result in the loss of a community facility will not be permitted unless it can be demonstrated: 1) there is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs; or 2) every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities; or 3) alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community.

Information has been submitted with the application to demonstrate that the loss of the community facility can be supported. This provides a map showing the location and proximity of other public houses/bars within the locality; identifying 10 in total within a few minutes walk of the site. It is put forward by the applicant that these provide sufficient alternative local provision. In addition they also contend that public houses/bars have been severely affected since the opening of J.D Wetherspoons which attracts the bulk of local trade due to competitive prices. The agent has also provided details of the turnover (years 2018-2021) this has had on The Royal, which shows drops in turnover since 2018-2021.

Having regard specifically to the policy, it lists three criteria in relation to the protection of existing community facilities; as detailed above. This policy does not require all three criteria to be met but requires at least one of them to be.

1) there is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs - The applicants have investigated public houses within a few minutes walk of the application site and have found some 10 public houses/bars in that search mainly located along Harbour Parade. On this basis, it can be considered that there is alternative local provision of similar uses and the loss of The Royal as a public house is unlikely to undermine the ability of the community to meet its day to day needs.

2) every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities - The supporting document details that the use of the building as a public house is no longer viable. However, it is not apparent what other community use the property has been marketed for, it is considered that not all community facilities would be ruled out by the state of repair of the building, its layout, external space or relationship with adjoining residential properties.

3) alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community - The applicants are not proposing any alternative provision of a community facility.

Given the above, it is not considered that the loss of the public house as a community use would conflict with the aims of policy CM02 of the Local Plan as it satisfies at least one of the criteria listed and paragraph 93 of the National Planning Policy Framework, due to sufficient information being submitted when judged against the relevant policy criteria.

Town Centre location

The site is not allocated for the retention of employment uses and is currently occupied by a public house at ground and first floor. The site is, however, located within a town centre - primary shopping area as defined by policies SP08 and E04 of the Thanet Local Plan. Uses falling within the new E use class would normally be expected to be located and, therefore, the use of part of the ground floor as commercial where it fronts a highway is considered to be appropriate. Whilst the proposal states that residential will be permitted above ground floor, the area for residential does not directly front either of the elevations facing Harbour Parade or Harbour Street and would therefore not be discernible, as such it is considered acceptable and would not conflict with the aims of policies SP08 or E04. Given the existing commercial development on the site, the reduced commercial floorspace is not considered to significantly harm the vitality of the main shopping areas and, therefore, the principle of the use is considered acceptable.

Policy SPO1 (Spatial Strategy- Housing) of the Local Plan states that the primary focus for new housing development in Thanet, is the urban area. Policy H01 goes on to state that permission for new housing development will be granted on sites allocated for residential development and non allocated sites within the confines of the urban area and villages. This site is within the urban area. As such, there is no in principle objection to the residential use of the part of the ground and upper floors of the building or its extensions.

Character and Appearance

The site is located within the Ramsgate Conservation Area, therefore, the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.'

Policy SP36 of the Thanet Local Plan states that "The Council will support, value and have regard to the historic or archaeological significance of Heritage Assets."

Policy HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

Paragraph 130 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The Ramsgate Conservation Area encompasses the application property and numerous other listed buildings in close proximity to the site. Its significance is derived from the character and appearance of the design and layout of the buildings situated therein, with thirteen character areas being identified within the Conservation Area Appraisal (CAA). The site is within The Royal Harbour Character Area. Within the CAA it details that the character of the Royal Harbour is defined by the interrelationship between the sea, the harbour and the surrounding built form. The CAA recognises that there is diversity among the historic arrangement, use and form of buildings, however, although there is some variety to the appearance of buildings, there are also common characteristics to many of the buildings, three to four storeys in height plus basements, a variety of roof forms including a roof extension at 49 Harbour Parade (Delphi Greek Restaurant), dense development.

The site abuts a Grade II listed building, known as the Royal Sailors Rest which was constructed in 1904 (four storeys with attic). It is constructed in red brick with finance tiles and slate roof. The listed description describes the architectural detail as:

'Rusticated quoins to ground floor with cornice, with 4 three storey panelled pilasters with freely-treated capitals to frieze bearing the words Royal Sailors Rest. Dentil cornice to roof with pinnacles to left and to right, arcaded parapet with leaded semi-dormers to left and to right, and central scrolled and shaped gable with bullseye window over 2 keyed round headed openings with sashes. Corniced stacks to left and to right. Four French windows on 3rd and 2nd floors, square headed to left and to right and round headed to centre, all with moulded faience surrounds and balconies, with 6 round headed French windows in keyed round-headed surrounds on 1st floor with continuous balcony. C20 plate glass shop front on ground floor with panelled door to left, half-glazed door, and double half-glazed doors to right.'

This proposal includes three elements; the five storey infill extension, the roof extension and the three storey building to the rear. The infill extension and roof extension will be highly visible within Harbour Parade and from views across the Royal Harbour in all directions and Madeira Walk from the east.

The side and roof extensions are proposed to be contemporary additions to the building. It is recognised that a modern, high quality design can be successful in achieving a clear distinction between old and new.

The five storey extension would fully infill the gap between the main part of The Royal and the Royal Sailors Rest. As such, the character of The Royal would fundamentally change. In general terms, it is normally considered that extensions should be subservient additions to parent buildings. The proposed extension is set back from the principal elevation of the main Royal building which provides some distinction between the parent building and the extension. In this instance, the issue is not the infilling per se as there is already an infill element in part in the existing gap between The Royal and Royal Sailors Rest. Instead the development would fill in the gap further and increase the height of the built form with a contemporary design. In extending The Royal property in this manner, the setting of the Grade II listed building (Royal Sailors Rest) would be altered. The Royal Sailors Rest has an attractive side elevation with visible chimney stack and details which was a view strongly encouraged to be retained. When considering the proposal as originally submitted, it was assessed that obscuring this side elevation would create harm to the listed building as this would also be noticeable from key public vantage points within the Conservation Area. As such negotiations with the applicants were undertaken in which the height and setback of the proposed extension and hence its subservience were addressed. The height of these elements is reduced resulting in the mezzanine level being lost, thus reducing its scale. It is considered that this revision reducing the scale assists in creating a more balanced relationship between the proposed and the adjacent listed property. The views of the attractive chimney would still be retained with the reduction in the height of the proposal.

The roof extension has also been reduced in terms of its overall height. The extension itself is also set back, thus reducing its prominence from the front facade. This together with glazing would create a more lighter appearance to this element of the proposal. Whilst this element is a strong contrast to the design of the building below given the varied design around the harbour area it is not considered necessary to replicate the floor below, which would create a more bulky appearance to an additional floor.

The designs of these extensions are an unashamedly modern way to contrast with the existing and given the complex nature of design from the surrounding harbour and Conservation Area, this would be considered an appropriate design choice. Officers consider that taking into account the confines of the site, existing built form and features, a pastiche approach to the design would be more harmful and appear jarring and dishonest in its form. The approach taken sees a clear distinction from new and old. The scale of these additions would sit comfortably with the existing building.

The modern, simple, yet contrasting form of the proposed extensions would be clearly read as a contemporary addition to the building. The existing awkward flat roof side extension would be replaced by a pitched roof which would then tie into the roof extension, whilst maintaining visibility of the chimneys within the Royal Sailors Rest in the eastern side wall of the listed building.

The extensions have smooth modern lines and use more modern materials which contrast with the existing. Modern glazing is proposed in the roof extension to take advantage of the views to the south out onto the Royal Harbour.

The cladding (red oxide and dark grey) again gives a contemporary but differing style of the existing building and clearly defines the new additions proposed under this application. The proposed side and roof extensions would utilise high quality design features and materials and thus is considered acceptable. As such, the proposed extension is considered of high quality design that achieves a clear distinction between old and new.

The Conservation Officer initially raised concerns with the application regarding the scale of the proposal as it was contended that it dominated the setting and appearance of the adjacent listed building (in particular it was considered that the view of the visible chimney stack) and unbalanced views from within the Conservation Area, both immediate and long views are considered to be key. The changes to the scheme involve a reduction in height and setback from the existing building line established by the listed property, enveloping upwards over the existing form of The Royal to create the roof extension. The Conservation Officer considers that this reduction in scale assists in creating a balanced relationship between the proposed and the adjacent listed building. The contemporary approach taken, is not objected to given the complex nature of design in the surrounding harbour and conservation area, a pastiche would be considered to likely be more harmful and appear jarring and dishonest in its form.

The Conservation Officer acknowledged that approaching from the west into the harbour the scheme is not visible with views blocked by the adjacent listed building. However, from the east and south the scheme is more visible and has a greater level of impact, this is both from immediate views of the site but also those further afield such as Madeira Walk, Albion Gardens and across the harbour. Whilst it is noted that the proposal would be perceivable if the Conservation Officer considers the reduced level in height and contrasting contemporary design, the harm resulting would be less than substantial.

The Conservation Officer considers that the setting and appearance of the adjacent listed property is considered to be retained and protected despite the contemporary nature of the proposal, this is because the proposal is set back from the principal elevation of the listed building and despite its scale does not dominate its setting and appearance as the proposed side elevations have been reduced in height and responsive to its key features.

As such the Conservation Officer considers that the scheme before Members has been amended to a level which minimises harm to the setting and appearance of the surrounding conservation area, whilst providing responsive design to the adjacent listed building. It is confirmed that planning officers agree with the stance of the Conservation Officer.

The rear addition, due to its position, is not seen readily outside of the site. In general terms this looks to keep a simple design with a flat roof with the second floor stepped in slightly from the eastern boundary. Given its position and the way in which other buildings envelope the site, I do not consider that this element will create harm to the area or Conservation Area.

The proposal is therefore considered to result in harm to the setting of the Conservation Area and adjacent listed building through the increase in physical form of the building, however this harm is not substantial and it is considered that the amended proposal would respect the character, scale and plan form of the original building, whilst not resulting in the

loss of contributing features within the Conservation area in accordance with the principles of Policy HE02. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This will be considered within the conclusion of the report.

Given the site's location in a Landscape Character Areas - Ramsgate and Broadstairs Cliffs account is taken from policy SP26. Policy SP26 details that this character area is 'characterised by the presence of traditional seaside architecture, active harbour areas and beaches and some extensive public open clifftop areas. The pattern of bays and chalk headlands provides long sweeping and panoramic views of the coast, which are often complimented by a positive relationship with adjacent built development.' Given, however, that this site currently has a building in situ and the application proposes to extend the form and is flanked by other built development, the proposal is considered acceptable in relation to this policy.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) states that all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.
- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.
- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

Neighbouring properties

Given the location of the site, it has a close physical relationship with adjoining properties. The properties that abut the site are 29-39 Harbour Street and the Royal Sailors Rest.

Nos 29-39 Harbour Street is to the north of the application site. Currently the rear built section of the application site that provides space for the kitchen does not have any windows immediately facing this site, however, there is a roof terrace and windows within the rear elevation of the main 'Royal' building, which faces this area. It has a complex of part flat and pitched roof to the rear with extraction flue terminating above one of the ridges.

The structure at the rear will have another storey added through this proposal. This rear section would also provide residential accommodation. Openings would be provided facing

towards the rear elevation of the main 'Royal' building. However, the second floor apartment 3 would have an external terrace provided with access from its kitchen/living area and bedroom 2. This roof terrace would face the rear of the Royal and also have views to the rear of 29-39 Harbour Street. The submitted plans indicate that a pergola structure, to be solid on the north east side will be fitted to prevent overlooking into the adjacent windows.

There are windows partially behind the existing A/C units that are located on the roof at present, these would not be affected as they would view out onto the courtyard. Beyond this there are windows within the next building 29-39 Harbour Street. These windows currently have some overshadowing due to the existing building projecting further back. There would be a distance of separation which would mean the proposal would not directly abut these windows. It is appreciated, however, that there would be some loss of outlook given the additional floor proposed within this application. Having regard to planning records it would appear that the window most affected by this element of the proposal serves a first floor kitchen. Outlook is currently affected to some degree by chimney stacks and extraction systems running across flat roof areas, although to a lesser degree. On the basis of the limited existing outlook and expected use of room (kitchen - from council records) that the impact is acceptable. Furthermore it is considered that the provision of the solid pergola would safeguard privacy between these units.

In regard to the Royal Sailors Rest, its eastern elevation is next to the west elevation of the site. The five storey extension would be adjacent to this building and the building and the three storey building to the rear. This building has a flank brick wall to its side. In terms of the proposed extensions, these would not have any side openings which would face the site as such no harm will occur in terms of overlooking. In terms of the buildings themselves they are adjacent to other built elements as is the existing, as such it is not considered that harm will occur.

In terms of overlooking between the same site, I am satisfied that the room layout and window openings have been designed in such a way as not to result in harm, although it is recommended that a condition is attached to secure an obscure glazed window to a secondary rear facing kitchen/living room window within the rear elevation of apartment 6 and second floor to safeguard amenity.

The proposed development is, therefore, considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 130 National Planning Policy Framework.

Future occupiers

Doorstep playspace is required for all 2-bed units or more under Policy GI04 of the Thanet Local Plan, along with refuse storage, clothes drying and cycle storage space. No garden spaces are proposed as part of this development, although some units have access to a courtyard or enclosed balcony or roof terrace, depending on their location. The site, however, is located within close proximity to Ramsgate main sands and Albion Place Gardens. The harm resulting from the lack of allocated doorstep playspace must be weighed against the benefits of the scheme.

In terms of the living conditions of the future occupiers of the proposed dwellings, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Paragraph 134 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms.

In terms of the rear building this will contain three apartments, these units will face into the created courtyard area and the rear elevation of the main Royal building. There is a separation distance of between 3.5-4.5m between the rear building and the rear elevation of the main Royal building. The courtyard would be a shared space. The access to these three units would be via a covered way from the Harbour Parade frontage, between the commercial element and enclosed bin store. It is acknowledged that these units will have a limited outlook by virtue of their close proximity to the rear of the five storey rear facade. This, however, is helped to some degree by the relatively large openings to wall ratio within the units and the use of a roof light within the ground floor unit which links back in with the main building. The size of these units, apartment 1 (1 bed) is 53 sqm apartment 2 is 58 sqm (1 bed) and apartment 3 is 85 sqm (2 bed) and the units being of greater size than required by the National Space standards - 1 bed 1 person being 39 sqm and 2 bed 2 person over two floors is 70 sqm. As such it is considered that on balance the reduced outlook is acceptable given the well sized accommodation.

In terms of the shared courtyard, concern was expressed about the limited privacy this may allow the occupiers of the ground floor units as people using the shared space may be able to look directly into habitable rooms. To overcome this concern the agent has revised the scheme and incorporated low level planters and gates to define entrances to the units and create privacy. These planters would create an area in front of main habitable windows at ground floor of a depth of a minimum of 1.7m. Whilst not a significant distance it is considered that this creates a defensible private space and would allow privacy to these rooms whilst not creating an oppressive feel. A condition would be required to secure quality landscaping to be implemented prior to the occupation of the units.

In regard to the proposed residential units at first, second, third and fourth floor that would face out onto Ramsgate Harbour, these units would be of an acceptable size in terms of the National Described Space Standard and benefit from a good level of outlook and natural light from habitable rooms. In addition units 4, 6 8 and 10 would also benefit from an external terrace that would also have views out across Ramsgate Harbour. As such units 4, 5, 6, 7 , 8, 9 and 10 are considered acceptable in terms of policy QD04 of the Local Plan.

The Council's Environmental Health Department has reviewed the application in terms of the living conditions of the future occupiers and due to the proximity of the site to the existing neighbouring uses and commercial use proposed at ground and basement levels. A Noise Impact Assessment supports the application. Due to concerns about possible noise if the commercial aspect operates as a drinking establishment they would have strong concerns about noise implications. As such a condition is requested to prohibit the use of the ground

floor so it is confined to Class E and not a drinking establishment to ensure that the future occupants are protected from any significant adverse effects. Given the proximity and submitted Noise Impact Assessment of the neighbouring uses this condition is considered reasonable and appropriate.

The Environmental Health department has also requested a condition requiring the submission of a verification report demonstrating compliance with the recommendations in the Noise Impact Assessment and details of mechanical ventilation (the Noise Impact Assessment recommends windows are closed with alternative means of ventilation). Given the proximity of the site to the highway and existing commercial properties the requirement for these conditions is considered appropriate.

The proposed bin storage area for the residential development is located within the building at the ground floor level with access directly onto Harbour Parade. The bin storage area can be easily accessed by all residential occupiers from Harbour Parade or units 1, 2 and 3 (which are located within the rear building) from the rear courtyard via a rear door that leads directly onto Harbour Parade and the bin storage area. The bin storage area will not impact negatively on the Conservation Area given that it is located within the building and has been designed as an integral element to the overall scheme.

Transportation

Paragraph 110 of the NPPF states that "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users". Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 112 goes on to highlight that Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy SP37 of the Local Plan states that new development must take account of the need to respond to climate change: 1) by minimising vulnerability and providing resilience to the impacts of climate change through the use of up to date technologies, efficient design and appropriate siting and positioning of buildings; 2) mitigating against climate change by reducing emissions and energy demands through the use of up to date technologies; 3) realise and make best use of available opportunities to reduce the impact of climate change

on biodiversity and the natural environment by providing space for habitats and species to move through the landscape and for the operation of natural processes, particularly at the coast. Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Whilst policy SP44 states development generating a significant number of trips will be expected to be located where a range of services are or will be conveniently accessible on foot, by cycle or public transport.

Under Policy QD01, all developments are required to:

- 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05 where applicable),
- 2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping,
- 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car.

Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime.

The site is located in a highly sustainable location, on Ramsgate seafront and close to good bus links and facilities. The site is also located within Ramsgate Town Centre as defined by policy TP06 of the Thanet Local Plan. This policy states that "new development proposals will not be required or expected to provide on site car parking spaces. Where feasible such proposals should consider measures to encourage occupiers to make greater use of public transport."

KCC Highways have reviewed the application and have raised no objections as the site is close to the town centre.

The proposed commercial unit would be smaller in size than the existing business on the site. As the site is within the town centre uses of the commercial space and workers could access the site via public transport or park at a public car park nearby; for example the multi storey at Leopold Street. As such the proposal would not result in harm to the highway network or additional movements.

Whilst the lack of parking has been raised as an objection to the development, the scheme complies with Policy TP06, and there would be no demonstrable harm to the local highway network from the development. Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Therefore any reason for refusal on this ground would be unreasonable in the view of officers.

Policy TP02 of the Thanet Local Plan requires the provision of secure cycle storage and the proposed cycle store at ground floor measuring 13 sqm would accommodate cycles for the residential aspect of the scheme- 1 bicycle per unit. The provision of the proposed cycle storage would be conditioned so that it is provided prior to the first occupation of the flats and thereafter maintained.

Given the above, subject to the imposition of safeguarding conditions to provide cycle parking storage, it is considered that the proposed development would not have an adverse impact on the highway safety or the highway network in the surrounding area.

Contributions

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The agent has confirmed a Unilateral Undertaking which provides the required financial contribution for the residential units to mitigate the additional recreational pressure on the SPA area will be submitted, and as such this would need to be secured before a decision of approval is given; a draft has been submitted at the time of writing this report.

Other Matters

Conditions would also be applied to ensure that the new dwellings would meet the water and energy efficiency standards required by policies QD01 and QD04 of the Thanet Local Plan.

A question was raised by a neighbour in terms of some of the work may be on their land - this was queries with the agent and it was confirmed that not all of the site was within their ownership - Certificate B was submitted and confirmation that notice has been served on the other owner. The agent has confirmed that the applicant has an option on the land. The notice was served on the 27th March 2023.

Conclusion

The Council cannot currently demonstrate a five year housing land supply. In the absence of a five year housing land supply paragraph 11 of the Framework is triggered and there is a presumption in favour of sustainable development. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

This development would provide eight new dwellings in a sustainable location which is considered to be a modest contribution to the district's housing supply. There would also be some temporary economic benefits resulting from the construction of the extensions to the building. The NPPF states that substantial weight should be given to the "value of using suitable brownfield land within settlements for homes and other identified needs". Therefore the provision of new dwellings in this highly sustainable location is afforded substantial weight.

The existing building is currently in use as a public house with flat accommodation above and is considered to have a neutral impact upon the setting of the conservation area and the neighbouring listed buildings. Given that the building is currently in use by a commercial business, no economic benefit can be given to the provision of the retained use in a smaller portion of the building.

Whilst the application would see the loss of a community facility it is considered that there are a number of other public houses and community facilities in the local area not to undermine the ability of the community to meet its day to day needs, in accordance with Policy CM02.

The proposed extensions are contemporary in nature and are a contrast to the existing style of the building and it is clear from their appearance that they are additions. The scale of these additions would sit comfortably with the existing building. On balance it is considered that the extensions in their reduced form would not compete with the significance of the adjoining listed buildings the Royal Sailors Rest in the Ramsgate Conservation Area, although it is acknowledged that there will be some harm to the setting of the listed building although not substantial. This harm however is given substantial weight in the determination of the application.

The resulting building is not considered to result in a significantly harmful change to the light and outlook from neighbouring properties.

The proposed apartments would all meet the space standards set out within policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light and ventilation. No doorstep play space is provided for the development, however, most would benefit from external space through the provision of balconies. The site is also located within close proximity to the beach and nearby public garden. This application is therefore considered to provide an acceptable standard of accommodation for the future occupants.

The proposed dwellings would also result in increased recreational pressure upon the special protection area around the Thanet Coast. The applicant's agent has submitted a draft unilateral undertaking to seek to secure the mitigation for the impact of additional

residential accommodation, which would be required to be completed prior to the grant of permission should Members resolve to approve the application..

On balance, it is therefore considered that there are notable benefits to the development through the provision of additional housing on a brownfield site within the town centre. Whilst there is harm resulting from the development upon the designated heritage assets including the setting of the conservation area and the adjacent Grade II listed building, this has been minimised through amended design, and these would not outweigh the benefits from the scheme.

It is therefore recommended that Members defer and delegate the application for approval subject to receiving an appropriate Unilateral Undertaking to secure the SAMM contribution within 6 months of the resolution.

Case Officer

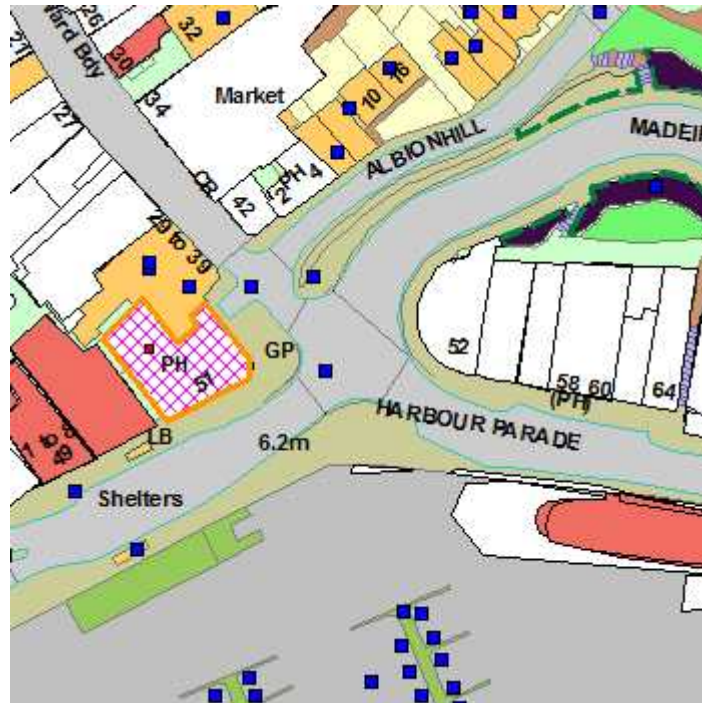
Gillian Daws

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Project

The Royal 51 Harbour Parade RAMSGATE Kent CT11 8LJ



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