

A01

F/TH/22/0233

PROPOSAL: Change of use of land from builders storage yard (Use Class B8) for the siting of a glamping cabin for use as a holiday let (Use Class C3)

LOCATION: 3A Rosebery Avenue RAMSGATE Kent CT11 7ES

WARD: Sir Moses Montefiore

AGENT: Mr Robert Britnell

APPLICANT: Ms T MacFarlane

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the Block Plan numbered bbp/21/0233/02 received 17 February 2022 and drawings showing Front, Rear, Left and Right Elevations and Floor Plan received 4 March 2022.

GROUND:

To secure the proper development of the area.

3 The building shall be constructed in timber in accordance with the approved drawings and the roof shall be finished with green mineralised felt roofing shingles as detailed in paragraph 4.1 of the supporting planning statement.

GROUND:

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

4 The rear window in the development elevation of the 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no further alterations or extensions to the dwelling whether approved by Classes A, B, C, D, E or G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND:

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy QD02 of the Thanet Local Plan and 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 The holiday let accommodation hereby permitted shall not be used or occupied for any purposes other than as holiday accommodation by persons whose only, or principal, home is situated elsewhere.

GROUND:

To ensure that a permanent residential use is not created, that would fall below the Nationally Described Space Standards identified within Policies QD03 and QD04 of the Thanet Local Plan.

7 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the glamping pod on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

GROUND:

To ensure that a permanent residential use is not created, contrary to Policy QD04 of the Thanet Local Plan.

8 Prior to the first occupation of the development hereby approved secure cycle parking facilities shall be provided within the site 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.

9 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND:

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

10 No development shall take place until details of the means of foul drainage 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, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

INFORMATIVES

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

For the avoidance of doubt, the provision of contributions as set out in the unilateral undertaking made on 30th September 2022 submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

SITE, LOCATION AND DESCRIPTION

The application site is a vacant builders' storage yard located to the rear of Nos 3 and 5 Rosebery Avenue, within the urban confines of Ramsgate in a predominantly residential area. Dwellings in this location are two storey properties fronting the highway with small front gardens. Access to the site is from a vehicular access onto Rosebery Avenue between Nos 3 and 5.

PLANNING HISTORY

OL/TH/06/1221 - Outline application for the erection of a detached bungalow with layout, scale, landscaping and access REFUSED 14 December 2006

Reason: The proposed bungalow, if permitted, would result in an undesirable form of backland development out of keeping with, and unrelated to, the established character and pattern of development, and detrimental to the visual amenities of the locality and the amenities enjoyed by the occupiers of adjoining properties, contrary to Thanet Local Plan Policy D1.

This decision was appealed and the appeal was dismissed on the grounds of 'the unsatisfactory environment that would ensue for future residents'. The windows serving habitable rooms, close to boundary walls and fences, 'would result in a very poor outlook

from any such rooms to the extent that internal living conditions for future occupiers would be dreary and unpleasant. Government policy, as expressed in PPS3: Housing, is to create places and spaces with the needs of people in mind but I consider that the proposal would not meet this aim.'

PROPOSED DEVELOPMENT

The application seeks planning permission for the change of use of land from builders storage yard (Use Class B8) for the siting of a glamping cabin for use as a holiday let (Use Class C3). The single storey building would be constructed in timber and have the appearance of a log cabin.

PLANNING POLICIES

Thanet Local Plan 2020

SP35 - Quality Development

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP43 - Safe and Sustainable Travel

E08 - Self Catering Tourist Accommodation

HO1 - Housing Development

GI04 - Amenity Space/Equipped Play

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions

QD04 - Technical Standards

SE03 - Land Affected by Contamination

TP03 - Cycling

TP06 - Car Parking

NOTIFICATIONS

Neighbours have been notified and a site notice posted and 6 representations have been received raising similar concerns relating to the use, appearance, overlooking and loss of privacy, noise disturbance, vehicular and pedestrian access, parking, emergency service access, drainage and refuse collection:

- Use

This development would be out of keeping with the area as we believe the nearest type of retreat site is 10 miles away at least.

This is not an area for a glamping site.

Over development and not in keeping with the area.

As this property is intended to be a retreat, would it be let to holidaymakers if there were not enough take up?

- Appearance

The height of the structure is above the height of our summer house and will be visible from our back garden and the and back of house and upstairs windows at the back of our property

The structure of the cabin is up against my back wall and is more than a metre taller than it, which means that it will be visible from my house and garden.

- Overlooking and Loss of Privacy

3 and 5 Rosebery Avenue have opening windows on the ground floor which over look the driveway which could be looked into by people walking up and down the drive.

If the site is going to be an Airbnb etc there could be cars driving and guest walking up and down the drive on a regular basis.

There is a window at the rear of the cabin which will overlook my property.

Because of the height and proximity of the structure our garden and back window privacy would be affected.

- Noise and Disturbance

Increase in vehicles coming and going to the land from the side entrance would have an impact on the noise which would hear from our house.

If this is to be used as a guest house / retreat how is noise being regulated, particularly at night?

Who will regulate the use of the retreat?

This is a quiet residential street with a lot of young families.

There is no guarantee that the noise from renters or holiday makers would not increase

The structure is at the back of our garden and house - obviously the noise level would increase particularly during the evening hours

This is a residential area with young families.

As this is a family residential area, any extra noise in the evenings would not be welcomed.

If this is to be used as a guest house / retreat how is noise being regulated, particularly at night? This is a quiet residential street with a lot of families.

No one will be on site to regulate the glampers.

- Pedestrian and Vehicular Access

3 and 5 Rosebery Avenue have access over the driveway to the back gates and onwards to the rear of the gardens.

There is a parking problem on Rosebery Avenue as there is all around so when parking is bad it is difficult to turn on and off the drive.

Rosebery Avenue is very bad for parking at all times

Access to this piece of land is limited as there is parking on both side of Rosebery Avenue and to be able to get vehicles in and out of the alley way to this piece of land would require some vehicles to undertake 3 point turns (or more) in order to gain entrance and exit.

Turning is impossible at the end of the cul-de-sac at certain times of the day and therefore further traffic would add to the congestion.

Insufficient parking for the cars used by the current residents, who park on both sides of the road currently and often have to use the main road due to lack of space.

Turning in the road is almost impossible.

Guests coming in and out of a retreat will make the congestion even worse.

How will emergency services access the site - they would never fit up the access alleyway

It could be let for 12 months of the year to numerous glampers.

What happens if the glampers have visitors - where will they park their car?

Rosebery Avenue is already saturated with cars and large vans from the residents of Rosebery Avenue and Hereson Road. I have counted at least 10 to 12 large vans parked in Rosebery Avenue at the weekend.

When anyone tries to exit or enter the access to the glamping site they will have difficulty in navigating round the cars and vans and sometimes it is not possible to gain access at all due to the lack of manoeuvrability.

If parking is restricted outside 3 and 5 Rosebery Avenue that would mean more parking spaces lost in a road.

Has someone from Highways been to Rosebery Avenue to observe the coming and going of traffic and parking problems during afternoon and evening hours and also weekends.

Allowing a glamping site on this small, hard to access and exit site, would be detrimental to the residence and a safety issue specifically when exiting from the small access path to the glamping site onto Rosebery Avenue.

Works are being carried out within the highway creating uneven surfaces

- Drainage

The drains from 1 ,3 ,5 Rosebery Avenue run across the site and southern water main drain runs west to east through the site connecting into Hereson Road so if there is any fault with the drains or repairs needed access will be required by house owners and Southern Water.

The proposed position of the structure would not allow this and would have to be removed in order to deal with this situation urgently.

- Refuse Bins

How would the council collect the waste bins?

Refuse trucks have great difficulty getting down the road as do emergency service vehicles and therefore any additional parking for retreat guests will only add to the problem.

In addition to the objection letters received a petition has also been received that includes 63no. signatures. The concerns listed within the petition include impact on highway and pedestrian safety, strain on emergency services, and lack of parking in an area with heavy congestion. Concern has also been raised in relation to excavation work on pavements for utilities that has taken place, but this is not a planning issue as the works are taking place on highway land, and it is not clear if these works are related to this application.

Ramsgate Town Council - Recommend refusal due to access problems for emergency service vehicles.

CONSULTATIONS

KCC Highways - Follow up comment - Further to the formal comments that were submitted by KCC Highways, I can confirm that the applicant has provided additional information regarding the existing usage and the proposed usage which has helped outline the expected trips that will be generated should the LPA be minded to approve this application. I am satisfied that this access usage will not be intensified with the proposed 'occasional' let for a single vehicle and therefore have no objections.

Initial Comment - Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

I refer to the above planning application and would request further information as follows in order to assess the proposals:

The applicant will need to provide details for the provision and maintenance of 2 metre x 2 metre pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level.

I shall be pleased to comment further on the proposals once the above information has been received.

Environmental Health - I have reviewed the application and my only concerns would be over any unsuspected contaminated land during the development. Therefore it would be prudent to add the following:

If, during development, significant contamination is suspected or found to be present at the site, then this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

Southern Water - Southern Water would not support the proposals for cess pit in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.

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

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The Environment Agency should be consulted directly by the applicant regarding the use of a cess pit.

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

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

COMMENTS

This application is reported to the Planning Committee at the request of Cllr Mark Hopkinson to allow members to consider the impact upon living conditions and amenity.

The main considerations in assessing the proposal are the principle of development, 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 to the rear of properties fronting Rosebery Avenue and Hereson Road. The site is located within the urban confines, and considered to be previously developed land, with a building having previously been present on the site since 2012, and with google imagery showing other structures present on the site as early as 2003. The site has a lawful planning use as a builders yard for storage.

The proposal is for the change of use of the site from a storage yard to a site in C3 use accommodating a holiday let unit. Policies SP01 and HO1 of the Thanet Local support/permit new residential uses within the confines of the urban area. In terms of its use as holiday accommodation, the provision of quality tourist accommodation for all types and to meet all budgets that seeks to increase tourist spend and help to extend the tourist season is a strategic priority of the Council. Thanet Local Plan E08 supports development that provides self-catering tourist accommodation within the urban confines provided that:

- 1) it is sustainably located;
- 2) it is of a form, scale and design appropriate to its surroundings;
- 3) in relation to a caravan and camping park, that it does not cause unacceptable impact on the local road network or highway safety, and wherever possible is well related to the primary and secondary road network; and
- 4) if it is located in a rural area, that it respects the character of the local countryside and is sensitive to its defining characteristics;
- 5) Sufficient mitigation should be provided to prevent any material increase in recreational pressure on designated nature conservation sites.

The site is sustainably located as it is within a reasonable walking distance of public transport and local shops and facilities.

The building has the appearance of an outbuilding, typical of such buildings often found within residential gardens. Therefore, with regards to the policy the building is considered to be of a scale and form appropriate to its surroundings.

Conditions 3 and 4 are not applicable as the site is not a caravan or camping park and is not located within a rural area.

Condition 5 requires mitigation regarding increased recreational pressure on designated nature conservation sites. This mitigation applies to new units of accommodation created.

The proposal for self catered tourist accommodation on the site in C3 use is therefore considered to be acceptable in principle, subject to consideration of all other materials considerations including impact on the character and appearance of the area, living conditions of surrounding residential occupiers and highway safety.

Character and Appearance

The application site is a rectangular parcel of land with vehicular access onto Rosebery Avenue between Nos 3 and 5 Rosebery Avenue. Previously the site was used for the storage of building materials however it does not appear to be currently used for this purpose and any buildings previously on the site have been demolished. The area is residential in character with two storey dwellings fronting the highway.

The application proposes the change of use of the land from a builders storage yard (Use Class B8) for the siting of a glamping cabin for use as a holiday let land containing a holiday let (Use Class C3). The single storey building would be constructed in timber and have the appearance of a log cabin. The Block Plan indicates the building would be located at the far end of the site and be set in approximately 1 metre from the garden boundaries of Nos 1 and 3 Rosebery Avenue and Nos 212 and 214 Hereson Road.

Policy QD01 relates to sustainable design and sets out that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gasses and have resilience to function in a changing climate. Policy QD02 relates to general design principles and similarly requires new development to 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 and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces. This policy is further 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.

The building, with its pitched roof overhang, would measure approximately 7.7 metres by 5.8 metres and have a height to eaves of approximately 2.2 metres and ridge height of approximately 3.9 metres. The front elevation would comprise a pair of doors and a window either side. A window is proposed on each side elevation and a high level window is proposed within the gable end. A rooflight is proposed in each roof slope and the roof overhang projects approximately 1 metre to the front.

A dwellinghouse in this 'backland' location of a size required to meet the nationally described space standards would be out of keeping with the surrounding pattern of development where dwellings are arranged in linear fashion and are either terraced or closely spaced semi-detached properties fronting the highway. It is not proposed to erect a dwellinghouse for permanent residential use. Instead a more modest form of development is proposed.

The timber building would provide holiday accommodation for occasional use. The Applicant operates 'Tales on Moon Lane' a childrens' bookshop in Addington Street, Ramsgate. The supporting planning statement sets out 'The Applicant's Vision' in which it describes how the

cabin would be made available as a writer's retreat for authors and illustrators seeking a short break to concentrate on their work.

Views of the timber building are likely to be limited to views from neighbouring dwellings and gardens. There are a number of outbuildings to the rear of dwellings in the immediate vicinity and some can be glimpsed from the public highway through gaps in development. If the building were to be viewed from the public realm it would have the scale and appearance of an outbuilding often found within residential rear gardens.

In 2006 Outline Planning Permission (OL/TH/06/1221) was refused by the Council for the erection of a bungalow as it was considered to be 'an undesirable form of backland development out of keeping with, and unrelated to, the established character and pattern of development, and detrimental to the visual amenities of the locality and the amenities enjoyed by the occupiers of adjoining properties, contrary to Thanet Local Plan Policy D1.'

The Planning Inspector noted 'The proposed dwelling would be larger than the outbuildings and development in a 'backland' location such as this would not be typical of the area. However, the proposal would be modest and so would not detract from the generally open character of the adjoining gardens. It would also be well contained by the surrounding buildings. Due to its size it would be an inoffensive feature in the overall street scene when glimpsed between buildings'. The Inspector therefore concluded that 'the effect of the proposed bungalow on the appearance of the locality would be insignificant.' In paragraph 4 the Inspector considered 'that the character and appearance of the surrounding area would be respected in line with Policy D1(2)(A)'.

Since this decision was made the National Planning Policy Framework (NPPF) has come into force providing national policy guidance, and the Council's Local Plan has been updated with the design Policy D1 replaced by Policy QD02, having similar requirements. Furthermore, Thanet Local Plan Policy SP35 states that new development regardless of size in prominent locations, or which are likely to have a significant visual impact, will be required to be of high quality and inclusive design. In this instance the building would be mostly screened on all sides by dwellings fronting Rosebery Avenue and Hereson Road. The dwelling previously refused had a larger footprint than the building now proposed and, at a height of 4.4 metres, was taller than the 3.9 metre high ridge of the building proposed.

Given the scale of the building and the limited opportunities to see it from the public realm, along with the previous view on the Inspector, which is a material planning consideration, it is considered that the proposed building would not appear prominent or have a significant visual impact on the character and appearance of the area that would otherwise be contrary to these policies. The proposed development is therefore considered to accord with Policies QD02 and E08 of the Thanet Local Plan.

Living Conditions

Policy QD03 requires new development to be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in policy QD04. The internal space standards referred to in policy QD04 are the National Described Space Standards (NDSS) which recognises the Council's belief that everyone has

the right to a high standard of residential accommodation with sufficient space to meet their own needs. These policies are supported by paragraph 130 of the NPPF which requires a high standard of amenity for existing and future users.

The application proposes the building to be used as a holiday let and does not propose it to be used as a long term unit of living accommodation. It should be noted that whilst the proposal seeks a holiday let to be used in connection with the Applicant's bookshop business in Ramsgate it would be unreasonable to limit the use to the current owner and therefore consideration needs to be given to the impact of a holiday let, in this location, over the lifetime of its use.

The supporting statement explains 'the cabin would be three rooms, the main one of which would function as living/dining/cooking space opening out to a verandah underneath the front roof overhang. To the rear of this room would be two others, one to serve as a bedroom, the other as a toilet & bathroom/shower-room. Above these latter two rooms would be a loft area in the roofspace, accessed by an unfixed ladder.' The building would have an internal ground floor area of approximately 31.2 square metres (6.5 metres x 4.8 metres) and a loft area of approximately 11.04 square metres (2.3 metres x 4.8 metres) making the total internal floor area 42.24 square metres. The Nationally Described Space Standards for a one bedroomed, 2 person dwelling, requires a minimum gross internal floor area to be at least 50 square metres. The building would fall significantly below the minimum floor space required for a good standard of independent living accommodation as required by policy QD04. Whilst the internal space is somewhat restricted in floorspace, as a short term holiday let, the accommodation would be reasonably comfortable and not dissimilar to the accommodation provided by a caravan where the occupiers would reasonably be expected to visit the surrounding area during the day time.

Due to the limited size of the living accommodation the Council would require safeguarding conditions to ensure the building is not used as a permanent residential dwelling. In this regard the holiday let accommodation shall not be used or occupied for any purposes other than as holiday accommodation by persons whose only, or principal, home is situated elsewhere. To monitor this the owners/operators will be required to maintain an up-to-date register of the names of all owners/occupiers of the holiday let, including the address of their main home, and will be required to make this information available at all reasonable times to the Local Planning Authority.

In dismissing the 2006 Appeal the Planning Inspector noted that due to the close proximity of the bungalow to the boundary the windows would look out onto the boundary walls and fences and the Inspector concluded the 'internal living conditions for future occupiers would be dreary and unpleasant' and therefore not meet the requirements of Government policy (PPS2: Housing). The proposed building would be erected on a similar footprint to that previously refused with a similar distance to neighbouring boundaries, however the main windows providing light and outlook to the internal space is from the glazed double doors and windows across the front elevation facing into the garden. Additional windows and rooflights are proposed to the side elevations and a high level window proposed within the rear gable end. Whilst the level of light and outlook for occupiers of the building would be severely limited, it is considered that for the purposes of a short term holiday let there would be a reasonable level of natural light and outlook provided for occupiers, particularly as the

duration of stay is likely to be short term and unlikely to stretch beyond 4 weeks at any one time, as set out in the Applicant's supporting planning statement.

Local Plan Policy QD03 states that all new development should "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". The building would be set in approximately 1 metre from the common boundary with Nos 1 and 3 Rosebery Avenue and Nos 212 and 214 Hereson Road. The main windows and entrance door would face into the site and towards the 1.8 metre high timber fence side boundary of No 5 Rosebery Avenue. Sideways views from the external space would look onto the 2 metre high brick boundary walls. Given the high level boundary treatment these window and door openings would be unlikely to provide direct views into neighbouring rear gardens and there is unlikely to be unacceptable overlooking or loss of privacy above that which may already exist between adjoining gardens.

The southern facing side window is located towards the rear of the building and would face the 1.8 metre high brick boundary wall forming the rear boundary of No 1/1A Rosebery Avenue where there is an outbuilding across the width of the garden. The northern facing window would face the 2 metre high brick boundary wall forming the side garden boundary of No 214 Hereson Road and would not provide views directly into main habitable rooms. It is unlikely that these side facing windows would give rise to unacceptable overlooking or loss of privacy to occupiers of neighbouring properties.

The high level window within the gable end, providing light to the sleeping platform within the loft area, faces the rear common boundary with No 212 Hereson Road. The window is shown at a height of approximately 3 metres above ground level. The neighbouring boundary wall is annotated on the Block Plan as comprising a 1.8 metre high brick wall topped with 200mm trellis. The window would therefore be visible approximately 1 metre above the height of the boundary wall. The Applicant's Agent has confirmed agreement to the window being obscure glazed or fixed shut. Given the size of the window and 14 metre separation distance from neighbouring rear facing windows it is unlikely that the window would give rise to unacceptable overlooking or loss of privacy towards neighbouring occupiers above that which may already exist from mutual overlooking between gardens and from neighbouring first floor windows.

The building would be single storey and located some distance from windows serving main habitable rooms and it is therefore unlikely that the development would give rise to unacceptable loss of light or cause overshadowing to occupiers of neighbouring properties.

Concern has been raised that the use of the building would cause noise and disturbance particularly in the evenings, and from people using the access. Further concern is raised that Nos 3 and 5 Rosebery Avenue have windows openings on the ground floor which overlook the driveway which could be looked into by people walking up and down the drive. The HM Land Registry Title Plan for the site (K690580) shows ownership of the land includes the access to the site from Rosebery Avenue. The windows would therefore face and potentially open onto this land and would be a private civil matter to resolve. The windows within the flank elevations of Nos 3 and 5 are likely to be historic as they are consistent with the window arrangement within the flank elevations of Nos 7 and 9. It is currently possible to

view these windows from the public footpath and there are no barrier restrictions to prevent passers by looking into these windows in a similar fashion to people looking across the front gardens towards ground floor windows fronting the public highway.

The windows facing onto the access were present at the time of the 2006 Appeal and similar concerns were raised. The Planning Inspector concluded that 'the amount of comings and going would be likely to be limited. A similar kind of arrangement exists to serve the garages behind Nos 7 and 9. I therefore consider that the activity associated with the proposal would not be disruptive.' As tourist accommodation there could be some associated noise and disturbance resulting from comings and goings including cooking smells. In this instance it is reasonable to expect there to be a certain amount of activity around its use, and it is considered that a dwelling comprising one bedroom in this location would be likely to have a similar impact as an annexe or outbuilding used for visiting family members or friends in neighbouring gardens. The Environmental Health Department has been consulted and they raise no objections to the proposal however they request a condition to mitigate potential contamination if suspected or found during development.

The proposed holiday let accommodation is considered to be more compatible with the predominantly residential use of the surrounding area than the last use of the site as a builders' storage yard. Furthermore a permanently occupied dwellinghouse, as considered by the Planning Inspector, would give rise to a more intensive use than that of an occasional holiday let, including the activity along the access, and is likely to be less intense than the use of the land as a builders storage yard. Given the view of the Planning Inspector in considering a dwellinghouse, and given the low level of occupancy of the proposed holiday let, it would be unreasonable to withhold consent on the grounds of noise and disturbance. If the use of the building was to give rise to statutory noise and disturbance Environmental Health would be able to address this through their legislation.

Local Plan policy GI04 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. This building would only have one bedroom therefore no playspace is required. There is ample space within the site for clothes drying and refuse storage for future occupants of the building. It is not unreasonable to expect the developer to make arrangements for the bins to be stored and collected in consultation with the Council's Waste & Recycling Department.

Given the above the living conditions for future occupiers of the building and the residential amenity of surrounding residential occupiers would not be adversely affected and the proposal therefore accords with Thanet Local Plan policies QD03 and QD04, and the NPPF.

Drainage

The applicant advises that the site has no mains drainage and is not capable of easily gaining access to the sewer network. The application proposes grey water to be used for irrigating the garden planting and toilet waste be incinerated using an incinerator toilet marketed by Lee San. The supporting statement suggests this would be an ecological solution ideally suited for the intermittent use proposed. Alternatively the applicant suggests a cesspool could be introduced and rainwater from the roof could be directed to an on-site soakaway.

Southern Water have been consulted and do not support the use of a cesspit when there is a public foul sewerage network close to the development site. A map has been provided by Southern Water showing the pipework infrastructure present within the public highway and it is not unreasonable that a connection could be made to it, and this would need to be investigated by the development and in conjunction with Southern Water.

Concerns regarding drainage and future maintenance for neighbouring properties would be a private civil matter and is not a material consideration to be considered through this planning application.

Contamination

The site has previously been used as a builders' storage yard and therefore the site has potential for contamination. Environmental Health have been consulted and raise no objections however have requested a Watching Brief Condition be included in any forthcoming approval in order that if contamination is found it can be assessed and monitored appropriately.

Given the proposed residential use of the building the addition of a safeguarding condition would be reasonable to ensure that the development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the NPPF.

Fire Safety

Concerns have been raised that emergency service vehicles would not be able to reach the building. Kent Fire & Rescue have not been consulted on this application however they have provided recent advice on other schemes regarding access to sites by a fire appliance in the event of a fire. They require a pumping appliance to be within 45 metres of structures. The distance from the road edge of the pavement to the building is approximately 35.5 metres and the building is therefore within the carrying distance. Building Control Regulations would oversee the construction side of the development and consider safety requirements through their legislation.

Unilateral Undertaking for new Residential Units

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 and an appropriate assessment has been carried out.

This application includes a signed Unilateral Undertaking which secures the required financial contribution of £202 for the one bedroomed dwelling to mitigate the additional recreational pressure on the SPA area and meet the requirements of Local Plan Policy SP29.

Highway Safety

The main concern raised by neighbours is highway safety and concerns that the surrounding highway is already heavily parked, turning within the highway is restricted through parked cars and the proposed development would exacerbate the problem.

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.' Local Plan policy TP06 states that proposals for development will be expected to make satisfactory provision for the parking of vehicles, including disabled parking. Suitable levels of provision will be considered in relation to individual proposals taking account of the type of development, location, accessibility, availability of opportunities for public transport, likely accumulation of car parking, design considerations.

Kent Highways have been consulted and initially required further details providing 2 metre x 2 metre pedestrian visibility splays be provided behind the footway on both sides of the access with no obstructions over 0.6m above footway level. In response to this comment the Applicant's Agent highlighted that this would be unachievable due to the height and proximity of walls and gate posts of neighbouring front gardens (Nos 3 and 5 Rosebery Avenue). The Agent further drew attention to the established use of the site as a builders storage site which has no restriction on usage or vehicular traffic usage. The Agent's response further advised that 'the proposed one-bedroomed glamping cabin will attract no more than one private car at a time and it is anticipated that lettings will not be continuous, vehicular traffic to the site will thus be less than could be generated by the established and unrestricted builders storage use.'

Kent Highways were reconsulted in light of concerns raised by neighbours and comments made by the Applicant's Agent. KCC Highways confirmed that 'the applicant has provided additional information regarding the existing usage and the proposed usage which has helped outline the expected trips that will be generated' and they 'are satisfied that this access usage will not be intensified with the proposed 'occasional' let for a single vehicle and therefore have no objections'.

The application form states that there is one existing parking space and one parking space is proposed for the development. The supporting planning statement suggests that two cars could be parked in tandem although it is not anticipated that more than one space would be required.

The site has an existing vehicular access with a dropped kerb in Rosebery Avenue. The access is approximately 3.8 metres wide, reducing to 3.1 metres at its northern end. The area to the front of the proposed building would be approximately 8 metres by 7.3 metres (58.4 sq metres) and appears capable of providing off-street parking for at least one vehicle. Whilst turning within the site would be limited the area shown together with the access, is greater than the access and area comprising garages to the rear of Nos 7 and 9 Rosebery Avenue (2.3 metre wide access and 53 sq metre parking area). The development is therefore capable of providing off-street parking to meet the requirements of Policy TP06.

It is also noted that the site is within walking distance of local facilities and there are bus stops within Hereson Road providing public transport links across the whole of Thanet. The site is also within walking distance of Dumpton Park Railway Station although services to this station are no longer regular. There is space within the site for the safe storage of bicycles in line with the requirements of Policy TP03 which promotes sustainable travel.

The change of use of the land for the siting of a one bedroomed holiday let building would be unlikely to generate a significant demand for additional on street parking to cause congestion on the highway. Given the current use of the site and the presence of an existing access, together with the low level of use proposed, it would be unreasonable to withhold consent on highway grounds in this instance.

Given the above the impact of the development on highway safety is considered to be acceptable and accords with Thanet Local Plan Policies TP03 and TP06.

Conclusion

It is considered the proposed self-catering tourist accommodation would be a sustainable form of development in accordance with Thanet Local Plan Policy E08 that would not result in harm to the character and appearance of the area, and the level of amenity for future occupiers of the building, impact upon neighbouring residential occupiers and highway safety, is considered acceptable, in line with the requirements of local and national policies. It is therefore recommended that Members approve the application subject to the signed unilateral undertaking, and safeguarding conditions including the requirements that the holiday accommodation is only occupied by persons whose only, or principal, home is situated elsewhere.

Case Officer

Rosemary Bullivant

TITLE: F/TH/22/0233

Project 3A Rosebery Avenue RAMSGATE Kent CT11 7ES

Scale:

