

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

TITLE:

F/TH/22/0769

Project

The Royal 51 Harbour Parade RAMSGATE Kent CT11 8LJ

