

**A04**

**F/TH/23/0534**

**PROPOSAL:** Change of use from cold storage depot (Use Class B8) to 3no. commercial units (Use Class B2) together with erection of a roof extension, alterations to fenestration, external works and associated parking following partial demolition of existing building

**LOCATION:** J C Rook And Sons Limited Cecilia Road Ramsgate Kent CT11 7DZ

**WARD:** Sir Moses Montefiore

**AGENT:** Mr Andrew Evans

**APPLICANT:** Mr I Arif

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 23.1958.PL006, Rev A, 23.1958.PL007 Rev A and, 23.1958.PL008 Rev A received 18 April 2023 and, 23.1958.PL009 Rev B received 25 April 2023.

**GROUND;**

To secure the proper development of the area.

3 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

**GROUND**

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

4 Prior to the first occupation of the development hereby permitted details of the cycle parking, which shall be in the form of shall be submitted to and approved in writing by the Local Planning Authority.

**GROUND**

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

5 Prior to the first use of the development, the area shown on approved plan 23.1958.PL009 Rev B for the parking and maneuvering of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

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

**GROUND**

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

7 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 7:00 hrs to 19:00hrs Monday to Saturday and 10:00hrs to 16:00hrs on Sundays and Bank Holiday.

**GROUND**

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

SITE, LOCATION AND DESCRIPTION

The site forms an area of land to the north of numbers 37 to 89 Cecilia Road, south of St Lawrence Cemetery and St Georges Road and West of Union Road. It is accessed from the junction of Union Road and Cecilia Road. This access is also used by a builders merchant that extends to the south and west of the site. The site is set significantly below the levels of the surrounding land to the north east and west and is currently occupied by a part single storey part two storey building, vehicular access and parking area.

RELEVANT PLANNING HISTORY

F/TH/10/0889 - Erection of two-storey side extension. Granted 15 December 2010  
F/TH/08/0739 - Erection of a single storey side extension. Granted 04 September 2008  
F/TH/04/1605 - Erection of a single- and two-storey front extension to form new staff changing facilities, staff restroom, office and store. Granted 08 February 2005  
TH/88/0127 - Erection of extensions to both rear and front elevations of existing building to provide enlarged working area and improved staff facilities. Granted 05 April 1988

## PROPOSED DEVELOPMENT

The proposed development is the change of use from cold storage depot (Use Class B8) to 3no. commercial units (Use Class B2) together with erection of a roof extension, alterations to fenestration, external works and associated parking following partial demolition of existing building.

The two storey section of the existing building in the north eastern corner of the site would be demolished. The remaining building would be split into three units and access ramps erected to the southern elevation and the southeastern corner of the remaining building. The roof would be extended over the eastern section of the building and new doors and roller doors would be installed around the building. 16 parking spaces and a refuse store are proposed on the site.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

SP01 - Spatial Strategy - Housing  
SP04 - Economic Growth  
SP13 - Housing Provision  
SP27 - Green Infrastructure  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP37 - Climate Change  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
GI06 - Landscaping and Green Infrastructure  
HO1 - Housing Development  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
CC02 - Surface Water Management  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

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

One letter was received raising the following points:

Damage to neighbouring properties

Maintenance of the site

Safety of the site

Change in levels from the surrounding roads

Ramsgate Town Council - No comment

## CONSULTATIONS

**KCC Highways** - The site utilises an existing access which runs parallel to Union Road, and proposes an increase in 10 car parking spaces to provide 16 spaces.

There does not appear to be any cycle storage facilities illustrated, whereby I suggest 4 spaces are provided in line with SPG4 (1 space per 200sqm).

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

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.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with 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.

**TDC Environmental Health** - The applicant is seeking a change of use from B8 to 3 B2 'general industrial' use. An accompanying Noise Impact Assessment has been submitted based on current activities at the site. However, to safeguard the residential dwellings nearby from significant adverse levels of noise that can often be associated with general industrial use and without noise break out tests having been carried out to determine sound reduction properties of the units, it is not clear how effective they will be at preventing nuisance to neighbours. Therefore a number of safeguarding conditions are required. Should the applicant seek to vary the conditions, an accompanying noise break out assessment will be necessary.

Conditions: Noise limits

The rating level of noise emitted from the plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dBA,r, whichever is highest, at

the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Condition: Operating hours

No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 7:00 hrs to 19:00hrs Monday to Saturday and 10:00hrs to 16:00hrs on Sundays and Bank Holiday.

Condition: External Plant

No fans, louvres, ducts or other similar apparatus shall be installed externally without the prior written approval of the Local Planning Authority.

**TDC Strategic Planning** - This site is allocated in the 2020 Adopted Thanet Local Plan for housing for an indicative capacity of 23 units. The site appears to be in 2 separate ownerships with Jewson's occupying a large proportion of the site and the smaller area previously occupied by J C Rook & Son.

Although the site was first allocated in the draft Local Plan in 2015, no subsequent applications have been submitted for housing on the site, and the site has not been submitted in the "call for sites" as part of the Local Plan review. This indicates that it is not the intention of the landowners to bring this site forward for housing, at least for the foreseeable future.

In the meantime, the continued use of the site for economic development purposes, as would be facilitated by the current proposals, would represent the acceptable use of vacant industrial buildings subject to some control regarding the B2 element via a condition to restrict the hours of operation and noise mitigation measures to minimise the impact and disturbance on the neighbouring residential properties.

## COMMENTS

This application is presented to members as a departure from policy H01 of the Thanet Local Plan as the site is allocated for housing.

### **Principle**

The site comprises an existing industrial unit located within the urban confines of Ramsgate.

The principle of physical alterations to an existing building is considered acceptable subject to all other material considerations.

The site and the adjacent builders yard are allocated for 23 dwellings under policy H01 of the Thanet Local Plan. This policy states that; "Permission for new housing development will be granted on this site." This policy goes on to say that; "All development proposals should also: 3) comply with the relevant requirements of SP14; 4) demonstrate that adequate infrastructure will be in place to serve each unit. Alternative development on non-strategic sites allocated for residential development will not be permitted."

Policy SP14 outlines a number of requirements for housing development, however as this proposal is not for housing development, this policy is not considered to be relevant in this instance. On the basis of the allocation under Policy HO1, the principle of development is contrary to the policy and the proposal would represent a departure from the Local Plan.

The applicant has submitted a statement outlining the rationale for the proposed use. This statement indicates that parts of the allocated site are in different ownerships and that this proposal would provide benefits through the reuse of a vacant building, and the creation of six additional jobs.

TDC Strategic Planning have stated that whilst the site was first allocated for housing in 2015 as part of the draft local plan, no applications have been submitted for the development of the site and the current owners have not submitted the site in the "call for sites" as part of the Local Plan review. This would indicate that they do not intend to bring the site forward for housing development in the foreseeable future.

It is acknowledged that there is uncertainty in the site coming forward for housing in totality, however approving this application would remove the potential for this section of the site to come forward as housing, and the B2 use is likely to prevent the rest of the allocated site being developed for housing due to the proximity to this site, and the potential for noise and disturbance. The Council cannot currently demonstrate a five year housing supply and the loss of an allocated housing site would require additional sites to be found elsewhere. It is therefore considered that full weight should be given to policy HO1.

Whilst full weight should be given to policy HO1, it does appear unlikely that the site would come forward for housing in the form that is suggested in the local plan, and therefore applications for alternative proposals should be judged on their own merits.

### **Character and Appearance**

The NPPF states that planning 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 and appropriate landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; and provide a high standard of amenity for existing and future users (Paragraph 130).

Policy QD02 of the Thanet Local Plan provides general principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. In this regard development must relate to the surrounding development, form and layout and strengthen links to the adjacent areas.

The existing building measures 5.3m high and the tallest point and the proposed extensions would result in the proposed building measuring 5.1m in height. The site is on a similar level to Cecilia Road with the land rising in height from south to north on either side of the site. This results in the land to the north of the site being set substantially higher than the site. Numbers 37 to 89 Cecilia Road comprise a terrace of dwellings and limit views of the site from Cecilia Road. To the west the dwellings on Probus Court and numbers 91 to 97 Cecilia

Road limit views of the site from this direction. The northern and eastern boundaries of the site are enclosed by high level concrete fencing. This fencing combined with the change in levels limits views into the site and the existing building does not extend above the height of the land to the rear. Due to the significant change in levels around the site, the existing boundary treatment and the position of the building within the site, the building and the site has limited visibility from the public realm. It is therefore considered that as the proposed extensions result in a reduction in height this development would have no significant impact upon the character and appearance of the area.

Whilst the surrounding area is primarily residential in character, given the existing commercial use on the site and the neighbouring site, the proposed change of use is not considered to result in any significant impact upon the character and appearance of the area.

In light of the above the proposed development is not considered to result in any significant harm to the character and appearance of the area, in line with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The current storage and distribution use of the site and the neighbouring builders yard would generate a number of movements to, from and around the site and a level of noise and disturbance due to the nature of these uses, and the external storage arrangements.

There are residential properties located to the south, east and west of the building on the site. The closest dwelling to the existing building is located to the east on St Georges Road with a separation distance of 16m. The dwellings along Cecilia Road are located at the same level as the site, the levels rise from south to north along Union Road and Probus Court and the closest properties on St Georges Road are situated above the site and the existing buildings on the site.

Due to the location of the site and the proposed change in height of the building outlined above, this development is not considered to result in any significant loss of light, sense of enclosure or overlooking to the neighbouring properties.

This proposal would split the existing unit on the site into three separate units and change the use from storage (Use class B8) to a light industrial use (Use class B2). The applicant has indicated that one of the units would be a vehicle repair garage. The specific use for the other two units is currently unknown. The change of use from storage to light industrial has the potential to result in an increase in noise and disturbance to the neighbouring residential properties.

The applicant has submitted a noise impact assessment that has surveyed the applicants existing premises and the existing levels at the site. This report concludes that the predicted rating level falls 3 dB below the measured background sound level at the assessment location. This report has been reviewed by the Council's Environmental Health department who have raised no objection to the development subject to conditions restricting the level of noise from plant and equipment on the site and limiting the proposed opening hours to 7:00

hrs to 19:00hrs Monday to Saturday and 10:00hrs to 16:00hrs on Sundays and Bank Holidays.

A condition preventing fans, louvres, ducts or other similar apparatus being installed without permission has also been requested, however such external alterations and external equipment would require planning permission. It is therefore considered that this condition does not meet the tests for a condition.

Given the existing development on the site, proposed change in scale of the building and subject to the proposed conditions, this development is not considered to result in any significant harm to the living conditions of the neighbouring property occupiers, in line with policies QD03 and SE06 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

No alterations are proposed to the existing access to the site and this proposal would not significantly alter the footprint of the building. A total of 16 parking spaces are proposed on the site for the three units that would be created. The available space on the site for the parking and turning of vehicles would be similar to that of the existing development, however this proposal would formalise the parking arrangements.

It is considered that adequate space is available on the site for cycle storage and details of the proposed storage would be secured by condition.

Given the existing use on the site and the proposed parking arrangement the proposed development is not considered to result in any significant harm to highway safety.

### **Biodiversity**

The site is covered by built development and this proposal reduces the existing footprint.. It is therefore considered that this development would have no significant impact upon biodiversity in the area.

### **Conclusion**

The proposed development is not considered to result in any significant harm to the character and appearance of the area, neighbouring living conditions, highway safety or biodiversity. This application does not propose housing on the site and would therefore be contrary to policy H01 of the Thanet Local Plan.

The site is allocated for 23 dwellings and this proposal would prevent the development of the site for housing due to the location of the site and the nature of the proposed use. The Council cannot currently demonstrate a five year housing supply and therefore the loss of allocated housing must be given significant weight in the determination of this application. It is however acknowledged that due to parts of the site being within different ownerships and the ongoing uses on the site that it is unlikely to come forward for housing in its current form.



This application would result in the re-use of a vacant building and provide economic benefits through the creation of six jobs on the site. The reuse of the building is considered to result in environmental benefits through the ongoing use and maintenance of the site and the creation of jobs is considered to result in economic benefits to the district.

Given the need for housing in the district significant weight should be given to the loss of an allocated housing site that would provide 23 dwellings, however given the circumstances regarding the ownership of the site, the apparent lack of interest in pursuing a housing development on the site, and the benefits of reusing an existing building and providing jobs on the site, this is considered to be a balanced case and could be considered as an acceptable departure from Local Plan Policy H01.

**Case Officer**

Duncan Fitt

TITLE:

F/TH/23/0534

Project

J C Rook And Sons Limited Cecilia Road Ramsgate Kent CT11 7DZ

