

**A03**

**F/TH/23/0834**

**PROPOSAL:** External alterations including new shopfront fronting Staffordshire Street Car Park, an increase in height of parapet at first floor and roof level and replacement of existing fenestration as well as an air source heat pump and plant associated with the lift to the roof, with internal works including an increase in floorspace from creation of mezzanine

**LOCATION:** 5 Broad Street RAMSGATE Kent CT11 8QY

**WARD:** Eastcliff

**AGENT:** Miss Heloise Desaissement

**APPLICANT:** Ms Lucia Tanner, Thanet District Council

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 221 Rev C, 231 Rev C, 232 Rev C, 233 Rev C and 234 Rev C.

**GROUND;**

To secure the proper development of the area.

3 Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policies SP36 and HE02 and advice contained within the National Planning Policy Framework.

4 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 secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policies SP36 and HE02 and advice contained within the National Planning Policy Framework.

5 Prior to the erection or installation of any extraction system at the site details of such shall be submitted to and agreed in writing by the Local Planning Authority. No extraction system other than that agreed in writing by the Local Planning Authority shall be erected or installed at the site. No fans, louvres, ducts or other similar apparatus shall be installed externally without the prior written approval of the Local Planning Authority.

**GROUND:**

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

6 The noise rating level (LA,T) associated with the Air Source Heat Pump shall not exceed the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 + A1:2019. An acoustic assessment of compliance with the above shall be submitted to the Local Planning Authority no later than two months after commencement of the operation of the development hereby permitted. Any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition (x) shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment and all works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority.

**GROUND:**

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

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

**GROUND:**

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

## INFORMATIVES

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

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

## SITE, LOCATION AND DESCRIPTION

No. 5 Broad Street, Ramsgate is an existing three storey building with an accessible flat roof and maintains direct street frontages onto both Broad Street and Cleaver Lane. It appears to be currently used for storage and retail sale of second hand furniture and haberdashery goods.

The rear of the building opens on Broad Street, a street featuring an eclectic grouping of architectural styles and materials, with no continuous building line at street level and no continuous roof line at height. The southwest side of Broad Street maintains parking, loading bays and delivery access to the rear of the High Street businesses.

The front of the building opens onto Cleaver Lane, an access road that links Union Street and Turner Street, beyond which, is an extensive car park, the Staffordshire street car park.

The building is adjoined by a four-storey building (Kingswood Heights) that provides 20 apartments on one side and the former St James' Hall on the other. St James' Hall is currently vacant.

The site and much of the surrounding area lies within the Ramsgate Conservation Area.

## RELEVANT PLANNING HISTORY

F/TH/07/1237 - Change of use from storage to retail use together with erection of shopfronts to front and rear elevations and alteration to windows. Approved 31st October 2007

F/TH/06/1108 - Installation of 6no. pole mounted antennas and 2no. equipment cabinets shrouded by a GRP shroud. Refused 13th November 2006. Appeal dismissed 3rd July 2007.

F/TH/04/0787 - Siting of 3No. pole-mounted antennae, provision of internal equipment room and associated equipment. Refused 13th August 2004.

F/TH/03/0755 - Installation of telecommunications equipment comprising 3No. wall-mounted polar antennae and 1No. transmission dish, mounted at third floor level together with the installation of 4No. roof-top equipment cabins mounted on steel support frames and ground-based electrical meter cabinet. Approved 1st September 2003.

F/TH/03/0044 - Installation of telecommunications equipment comprising 2 No. wall-mounted antennae and 2 No. dishes at third floor level on the south-eastern side elevation of the above property and 1 No. wall-mounted antenna and 1 No. dish on the north-western side elevation, together with the installation of roof-top equipment cabinets and one ground level cabin. Refused 6th May 2003.

F/TH/02/1186 - Installation of telecommunications equipment comprising 2 No. wall-mounted antennae at third floor level on rear elevation and 1 No. wall-mounted antenna at third floor level on front elevation together with erection of 1.1m high steel balustrade around perimeter of roof and associated equipment and roof top cabinet. Approved 28th March 2003.

### PROPOSED DEVELOPMENT

Planning permission is sought for the external alterations including new shopfront fronting Staffordshire Street Car Park, an increase in height of parapet at first floor and roof level, and replacement of existing fenestration as well as an air source heat pump and plant associated with the lift to the roof, with internal works including an increase in floorspace from creation of mezzanine.

The proposal as originally submitted proposed an extension at roof level to create a fourth floor with bar at roof top level and the erection of a three storey lift extension to the Broad Street elevation. Following concerns raised by officers these elements have been removed from the application.

The application has been submitted by the Council's regeneration team as a project to create a creative workspace in a vacant town centre building, funded by the Future High Street Fund award.

### DEVELOPMENT PLAN POLICIES

SP04 - Economic Growth

SP11 - Ramsgate

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

SP37 - Climate Change

SP43 - Safe and Sustainable Travel

SP44 - Accessible Locations  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living conditions  
HE02 - Development in Conservation Areas  
SE06 - Noise pollution  
TP02 - Walking  
TP03 - Cycling  
TP03 - Car Parking

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice displayed close to the application site and the application publicised in a local newspaper. No representations have been received.

**Ramsgate Town Council:** No comment

**Ramsgate Heritage and Design Forum:** No objection

## CONSULTATIONS

**Environment Agency:** We have assessed this application as having a low environmental risk. We therefore have no comments to make.

**Southern Water:** It appears that the developer is intending to build-over a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. 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 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. The conditions and application associated with the build-over/close-to a public sewer are available at Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk)

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.

In situations where surface water is being considered for discharge to our network, we require the following hierarchy for surface water to be followed - reuse, infiltration, water course, storm sewer, combined sewer - which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

**TDC Environmental Health:** Final Comment - To safeguard neighbours from potential Air Source Heat Pump (ASHP) noise and nuisance from commercial kitchen extraction it is necessary for the following conditions to be attached:

Condition: Noise from ASHP Plant

The noise rating level (LA,T) associated with the Air Source Heat Pump shall not exceed the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 + A1:2019. An acoustic assessment of compliance with condition (x) shall be submitted to the Local Planning Authority no later than two months after commencement of the operation of the development hereby permitted. Any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition (x) shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment and all works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

Condition: Noise internal

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

Reason: In order that the Council may be satisfied that development proposals that generate significant levels of noise are accompanied by a scheme to mitigate such effects on surrounding uses in accordance with The National Planning Policy Framework 2023 and Thanet District Council Policy SE06 - Noise Pollution.

Condition: Control of External Apparatus (Café extraction)

Prior to the erection or installation of any extraction system at the site details of such shall be submitted to and agreed in writing by the Local Planning Authority. No extraction system other than that agreed in writing by the Local Planning Authority shall be erected or installed at the site. No fans, louvers, ducts or other similar apparatus shall be installed externally without the prior written approval of the Local Planning Authority.

Reason: In order that the Council may be satisfied that development proposals that generate significant levels of noise and odour are accompanied by a scheme to mitigate such effects on surrounding uses in accordance with The National Planning Policy Framework 2023 and Thanet District Council Policy SE01 Potentially Polluting Development.

Initial comment - EH would be concerned with the proposed roof top bar and terrace particularly given the proximity to residential flats nearby, as well as the proposed Cox and Son development. It would not be appropriate to introduce a licensed premise or open communal area serving patrons without having assessed noise impacts. Although the proposed curfew is 10pm; significant noise is often generated by licensed premises who automatically benefit from provisions within the Live Music Act. The application also seeks to install an air source heat pump. Therefore, without further supporting information demonstrating the noise has been assessed and where adverse impacts identified are mitigated EH must recommend refusal.

**TDC Conservation Officer:** Final comment - Following a review of the proposed application, subsequent to the removal of the proposed roof extension, I have no objections to the scheme and would consider the unification, maintenance and continued use of the building would appear positively in the context of the surrounding conservation area.

Should this application be approved I would suggest joinery details of any newly proposed windows and doors, proposed shopfront and neon signage before the work is undertaken in order to further protect the setting and appearance of the surrounding conservation area.

Initial comment - On further review of the application I do have concerns regarding the roof extension element of the proposed scheme. The building in question is already dominant in the existing street scene and to further elevate this would cause quite a high level of harm to the setting and appearance of the surrounding conservation area. This design choice is somewhat further exacerbated by the use of the contemporary lift shaft which sits predominantly to the front of the building, adding to its bulk and protruding form.

Given the form of the surrounding street scene and its setting and appearance within the conservation environment. Ideally I would like this application amended to remove the top floor development or at least reviewed.

## COMMENTS

This application is to be determined by the Planning Committee as the application is submitted by Thanet District Council.

### **Principle**

There are no in principle objections to the extension or alteration of an existing property.

### **Character and Appearance**

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision makers to pay special attention to the desirability of preserving or

enhancing the character or appearance of conservation areas. The NPPF 2019 states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193). The NPPF goes on to state in paragraph 196 states that where a development proposal would 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.

Policies SP36 and HE02 of the Thanet Local Plan are also relevant to this application. Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic significance of Heritage Assets. Policy HE02 states that within conservation areas, development proposals which preserve or enhance the character or appearance of the area will be permitted and states that where proposals are for extensions that they will be granted where "the character, scale and plan form of the original building are respected and the extension is subordinate to it and does not dominate principal elevations", and "appropriate materials and detailing are proposed and the extension would not result in the loss of features that contribute to the character or appearance of the conservation area".

The Ramsgate Conservation Area Appraisal was adopted in March 2022. The application site is identified as lying within character area 2 in the appraisal - the historic commercial core. This encompasses the town centre and is arranged along 4 principal streets - High Street, Harbour Street, Queen Street and King Street. It states that most buildings within that character area have a commercial function, often with flats to the upper floors, and that development is very dense and built hard up to the pavement, with a prevailing height of three to four storeys. It is noted that the adjoining property to the application site, St James Hall, is identified as a building which makes a positive contribution to this part of the conservation area.

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Policy QD02 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 external works proposed to the building now include a new shopfront fronting Staffordshire Street Car Park, an increase in height of parapet at first floor and roof level,



replacement of existing fenestration as well as an air source heat pump and plant associated with the lift to the roof.

The proposed shopfront would be timber double glazed and be traditional in design including stall risers. It is considered that the shopfront is acceptable in design terms and is considered to make access to the building from the rear more accessible. It would also see the removal of the large fascia to the shopfront which is a benefit to the character and appearance of the conservation area.

The raising of the parapets at roof and first floor level are considered to add interest to the building and provide a usable space at first space at the existing ground floor flat roof element of the Broad Street elevation. It is not considered unusual to have activity at that level within the streetscene as such as the balconies found at the adjoining Kingswood Heights.

The proposal would also see the installation of some plant relating to the proposed internal lift introduced at roof level along with the air source heat pump. It is not considered unusual to see mechanical plant on buildings and it is noted that the building has over a number of years had a number of telecommunication masts and other plant on its roof which would be fully removed as part of this application. It is not considered that either the lift equipment or the air source heat pump would be particularly dominant or visible, although it is recognised that they could be visible in long distance views of the building. However in those instances, the changes can be seen in the context of the building and other surrounding development and it would be considered an enhancement to the area.

The alterations to fenestration will see a combination of new windows added into existing openings as well as some windows on the Broad Street and flank elevation infilled with glazed bricks. This is considered to add interest to the building, whilst allowing light to still enter the building through the openings and also distinguishing the alterations to the building that form part of this application from the building as existing from this application helping to tell the story of the buildings evolution. A rooflight would also be removed as part of this application.

It is also noted that the proposal would increase the usable floor space within the building by the addition of mezzanine floors in some areas. This would have no impact on the character or appearance of the building externally and, given that the building is not listed and the limited floorspace created, planning permission is not required for this change.

It is considered appropriate that joinery details are secured for the new windows and doors including those in the new shopfront as well as samples/details of the glazed bricks proposed to be utilised to ensure that the development preserves and enhances its setting.

Given the above, it is not considered that, subject to safeguarding conditions, that there would be any adverse impact on the character or appearance of the site or its conservation area setting from the proposed development.

## **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. Paragraph 130 f) details planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy QD03 of the Local Plan deals specifically with living conditions. This policy states that all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to 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.

It falls to consider the impact of the proposed development on nearby residential properties in the surrounding area, particularly properties in Kingswood Heights.

Environmental Health raised concerns initially about the potential noise impact of the rooftop bar on surrounding residents, but this element, as set out earlier in the report, has been removed from the application. They do, however, have some concerns about the noise impact of the air source heat pump both and the method of extraction for the area shown on the plans as a cafe, but advise that their concerns can be dealt with via the imposition of conditions.

The air source heat pump, whilst located on the roof of the building, would not be located in close proximity to any windows of Kingswood Heights and it is recognised that the application site is an edge of town centre location where some background noise is to be expected. Environmental Health have suggested two conditions relating to limiting noise from the heat pump and they are considered to meet the test for conditions under paragraph 55 of the National Planning Policy Framework.

In terms of extraction, it is recognised that there is the potential for flues or other plant associated with cafes and other uses producing food to cause noise and disturbance to the occupiers of residential properties. Although it has been confirmed by the applicant that the cafe in this instance would have no on site food preparation with limited preparation facilities (microwave, kettle, fridge), it is considered reasonable that a condition is attached so that any means of extraction if required in the future would be submitted and agreed by the planning department prior to their installation.

Given the above, it is not considered, subject to safeguarding conditions, that there would be any adverse impact on the residential amenities of surrounding occupiers from the proposed development.

## **Highways**

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111).

Whilst it is noted that the proposed mezzanine floors would increase the amount of usable floorspace within the building, the site lies within the area identified within Policy TP06 as an area of the town centre where new development proposals will not be required or expected to provide on site car parking spaces. The site is in a sustainable location, close to public transport links, facilities and services and public car parks. The proposed works to the building are considered to be minor in nature and would not be likely to generate traffic movements or requirements for additional parking.

It is, therefore, that the proposed development would not have an adverse impact on highway safety or parking in the local area.

## **Other Matters**

Southern Water has raised concerns that the development would be built over a public sewer crossing the application site which is not normally permitted by them. Following the amendments to the application, the proposal seeks to make changes to the existing building with no changes to its footprint, as such it is not considered that the proposed development would have any additional impact on the sewer crossing the site than the existing.

## **Conclusion**

This application seeks consent for external alterations to 5 Broad Street including new shopfront fronting Staffordshire Street Car Park, an increase in height of parapet at first floor and roof level and replacement of existing fenestration as well as an air source heat pump and plant associated with the lift to the roof, with internal works including an increase in floorspace from creation of mezzanine.

The proposed works are generally low key and would unify and maintain the building and help secure its continued use. It is considered that with safeguarding conditions that there would be no adverse impact on the character appearance of the site or its conservation area setting, the residential amenities of nearby occupiers or highway safety or parking.

Members are, therefore, recommended to approve the application.

**Case Officer**  
Annabel Hemmings

TITLE:

F/TH/23/0834

Project

5 Broad Street RAMSGATE Kent CT11 8QY

