

**A02**

**F/TH/23/1174**

**PROPOSAL:** Change of use of first and second floors from 4-bed flat to 5-bed HMO together with installation of replacement of shop front  
**LOCATION:** (Part Retrospective)

12 Queen Street RAMSGATE Kent CT11 9DR

**WARD:** Central Harbour

**AGENT:** Mr John Lowden

**APPLICANT:** Mr J Singh

**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 Compulsory Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 1149 received 09 November 2023 and 1149-2 received 31 January 2024.

**GROUND;**

To secure the proper development of the area.

3 No more than five persons shall occupy the property as their principal or main residence at any one time.

**GROUND:**

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

4 Prior to the first occupation of the development, the refuse storage facilities, as shown on approved drawing no. 1149-2 received 31 January 2024 shall be provided and thereafter maintained.

**GROUND**

In the interests of visual amenity and highway safety in accordance with Policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

5 Prior to the first occupation of the development, dry waste compactors and sink macerators, as confirmed in correspondence from the applicant's agent received 31 January 2024 shall be provided and thereafter maintained.

## **GROUND**

In the interests of visual amenity and the living amenity of the neighbouring property occupiers in accordance with policies QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

## **INFORMATIVES**

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

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

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

## **SITE, LOCATION AND DESCRIPTION**

The site comprises a three storey mid-terrace building located opposite the pedestrianised end of Cavendish Street. The building has a commercial frontage at ground floor level and a bay window at first floor level. Brick and Stone details are visible across the frontage.

## **RELEVANT PLANNING HISTORY**

A/TH/11/0307 - Erection and display of 1No. externally illuminated fascia sign and 1No. externally illuminated projecting sign. Granted 02 June 2011

F/TH/11/0306 - Installation of new shopfront together with 3No. air conditioning units to rear. Granted 15 June 2011

F/TH/10/0420 - Change of use from retail to financial & professional services together with erection of one satellite dish and one sky dish to rear. Granted 05 July 2010

A/TH/99/0085 - Erection and display of internally illuminated double sided projecting box sign at fascia level and externally illuminated hanging sign to first floor bay window and non illuminated fascia sign. Granted 22 March 1999

TH/78/0055 - Provision of a new shopfront. Granted 28 March 1978

### PROPOSED DEVELOPMENT

The proposed development is the change of use of first and second floors from a 4-bed flat to 5-bed House of Multiple occupation (HMO) together with installation of replacement of a shop front.

The HMO would accommodate up to five unrelated people. When the site visit was completed the shopfront had been replaced and internal works had been largely completed, however the upper floors were not in use as a HMO.

No change of use of the ground floor is proposed or under consideration as part of this application.

### DEVELOPMENT PLAN POLICIES

E04 - Primary and Secondary Frontages  
HE02 - Development in Conservation Areas  
HO19 - House in Multiple Occupation  
QD02 - General Design Principles  
QD03 - Living Conditions  
SP08 - Thanet's Town Centres  
SP11 - Ramsgate  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

### NOTIFICATIONS

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

No responses have been received.

**Ramsgate Town Council** - No comment

### CONSULTATIONS

**TDC Conservation Officer** - 12 Queen Street is a shop front located within Ramsgate Conservation Area and central to the main commercial thoroughfare of the town.

This application is now retrospective and the work has been undertaken. 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 203 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness. Section 194 also states that 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require'.

This application seeks validation for the removal of the previous shopfront and its replacement which has already been undertaken. The removed shop front appeared to have some limited features, including a recessed doorway which appeared more traditional than that which has been put back in its place. The application form states that what was removed was already aluminium but no evidence has been provided to validate this. There was an opportunity here to improve the shopfronts in Queen Street rather than to take influence from other poor design examples and further degrade the street scene with bland shop fronts with little to no traditional detail or design influence. This site is within the conservation area which should have been the main design consideration of the shop front proposed.

No design and access statement has been included to justify any of the design choices made as part of this application or consideration as to how this may affect the setting and appearance of the surrounding conservation area.

Despite the heritage harm caused here, the main consideration is does the proposed shop front cause a significant amount of harm to the setting and appearance of the surrounding conservation environment. Although there is a level of harm caused and an opportunity missed to improve the area, the harm to the overall setting and appearance is likely to be less than substantial and as such I do not object to the application proposed.

**TDC Housing Licensing** - For licensable HMOs we work to the principle of allowing five persons per one shared kitchen, one shared bathroom and a separate WC. Where a living room is available it must be at least 11 metre squared and shared kitchens should be no smaller than 7 metre squared.

Where a shared living room and a shared kitchen are available, the minimum bedroom size for one person is 7 metre squared, and 11 metre squared for two persons. Based on the

proposed floor plans, we would propose a maximum of 9 persons, 5 households for this premises.

There is a licensed HMO within 100m of the property (8A Queen Street).

## COMMENTS

This application has been brought before members by Cllr Austin to consider whether this proposal would represent overdevelopment.

### **Principle**

The site lies within Ramsgate Town Centre. Policies SP08, SP11 and E04 direct main town centre uses to this area and policy E04 permits residential uses above ground floor level. The principle of development would, therefore, accord with these policies.

Policy HO19 of the Local Plan relates specifically to HMOs and states that proposals for Houses in Multiple Occupation (HMO's), either through conversion of existing buildings or new built development, will not be permitted in those parts of the Cliftonville and Margate Central Wards. Elsewhere proposals will be permitted where the development:

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

These tests are considered below.

### **Character and Appearance**

The site is located within the Ramsgate Conservation Area and, 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 135 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place.

Policy QD02 of the Thanet Local Plan provides general design 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.

No changes are proposed to the upper floors of the front elevation as part of this application.

Google Street View images show a shopfront with large glazed windows, a low plinth and a recessed doorway on the right hand side was previously in place. The replacement shop front has removed the plinth and created a flush frontage with the commercial use accessed through central double doors and a door on the right hand side providing access to the upper floors. The applicant has indicated that the shopfront was previously constructed from aluminium. Permission has been granted twice before for the replacement of the shopfront, first in 1978 (Application Reference TH/78/0055) and in 2011 (Application reference F/TH/11/0306). The proposed plans submitted with the 2011 application appear to match the design shown on Google, and indicate that the shopfront was constructed from aluminium. The Conservation Officer has indicated that the previous shopfront had a more traditional appearance with the recessed doorway, and the opportunity to improve the appearance of the area has been missed, however considers that the level of harm resulting from the new shopfront is not significant.

With regard to refuse storage the property does not currently benefit from a designated refuse storage area and the building immediately abuts the public footpath. The agent for the application has indicated that an area would be provided on the flat roof at first floor level and this is where refuse was stored when the property was in use as a flat. The reuse and recycling would then be put out on collection day. Given the similarities between the existing and proposed arrangements the proposed refuse storage is considered to be suitable.

The Council's Housing Licensing Team have indicated that there is a licensed HMO at 8A Queen Street. This property is located in the same terrace as the site, exceeding the 1 HMO in any group frontage of 20 dwellings houses and the 50m radius set out in the preamble of policy HO19. Whilst this HMO would be located in close proximity to an existing HMO, given the town centre location, with its busy character and variety of uses and the limited number of proposed residents, the proximity is not considered to result in any significant harm to the amenity or character of the area.

The harm resulting from the alteration to the shopfront and the provision of a new HMO in close proximity to an existing HMO must be weighed against the benefits of the scheme.

### **Living Conditions**

The replacement of the shopfront has not significantly altered the scale of the property and no alterations are proposed to the arrangement of openings around the property. A bin store is proposed at first floor level, on the flat roof between number 12. The applicant has

indicated that this area was previously used for refuse storage and whilst this store would be in close proximity to the windows of the site and the neighbouring property, due to its scale, is not considered to result in any significant loss of light, outlook or disturbance to the neighbouring or future occupants. The applicant's agent has also confirmed that a dry waste compactor and waste disposal units would be provided with the property to reduce the amount of waste that has to be stored. It is therefore considered that the proposed development would not result in any significant loss of light, sense of enclosure or overlooking to the neighbouring dwellings.

Whilst the HMO can accommodate up to 5 unrelated people, there is no reason to assume that the occupants would cause more noise and disturbance or anti-social behaviour than people living in the property as a single household.

The Council's Housing Licensing Officer has confirmed that the property meets the requirements for a HMO for up to 9 people. All habitable rooms benefit from natural light and ventilation and there is an amenity area at the rear that would be accessible for all residents.

It is, therefore, considered that the development does not have a significant impact upon the living conditions of the neighbouring residential property occupiers and provides an acceptable standard of accommodation for the residents in line with policy QD03 and HO19 of the Thanet Local Plan and the National Planning Policy Framework.

## **Transportation**

The site is located in a highly sustainable location within Ramsgate Town Centre with its numerous facilities and public transport links. The existing property has four bedrooms and the proposed HMO would accommodate up to 5 people in five bedrooms. Policy TP06 does not require new development to provide off street parking in this location and it is considered that due to the number of residents within the property, the properties existing capacity and the location of the site, there would be no significant increase in demand for parking or harm to highway safety as a result of the proposed development.

## **Biodiversity**

The site is located within the town centre and entirely covered by built development. The external changes are limited and given the existing uses, it is considered that the proposed development would have no significant impact upon biodiversity in the area.

## **Financial 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.

Whilst the proposed HMO increases the number of bedrooms in the property from four to five, the HMO would be restricted to a maximum of five residents at any one time. Furthermore the use of the existing rooms could be altered to bedrooms without the need for planning permission if the property was to remain as a single dwelling. It is therefore considered that given the size and number of bedrooms within the existing property, and the restriction of 5 residents within the HMO, that there would not be an increase in the number of people accommodated by the dwelling. A contribution to mitigate against increased recreational pressure upon the special protection area has therefore not been requested in this instance.

## **Conclusion**

The applicant has indicated that the upper floors of the property were previously unoccupied due to the only access being located through the ground floor commercial unit. This development would bring the rest of the building back into use.

Whilst the site is in close proximity to an existing HMO, given the limited number of residents proposed and the town centre location, this change of use is not considered to result in significant harm to the amenity or character of the area. It is also considered that given the existing use and the town centre location, this development would have no significant impact upon the living conditions of the neighbouring property occupiers, highway safety, biodiversity or the special protection area around the Thanet Coast.

The replacement of the shop front has removed a traditional design element, however the previous shopfront had a largely modern design and materials with large areas of glazing and aluminium. It is therefore considered that the harm to the conservation area resulting from the replacement of the shopfront is less than substantial.

This application would facilitate the reuse of the first and second floors of the building as residential accommodation with independent access from the commercial space on the ground floor. The use of the whole building and provision of an independent residential space is considered to provide significant public benefits that would outweigh the limited harm from the proximity of the proposed HMO to an existing HMO and the alterations to the appearance of the property. It is therefore recommended that members approve this application.

## **Case Officer**

Duncan Fitt



TITLE:

F/TH/23/1174

Project

12 Queen Street RAMSGATE Kent CT11 9DR

