

Planning Application F/TH/24/0640 - Rooks Delicatessen, 7-9 King Street, Ramsgate

Meeting	Planning Committee – 15th January 2025
Report Author:	Emma Fibbens, Planning Officer
Planning Reference:	F/TH/24/0640
Site Address:	Rooks Delicatessen, 7-9 King Street, Ramsgate
Agent:	Mr David Kinsella
Status	For Decision
Classification:	Unrestricted
Previously Considered by	Planning Committee 20th November 2024
Ward:	Viking

Executive Summary:

This report concerns an application for the erection of a second floor extension together with an increase in roof height, with the insertion of 1No dormer to the front elevation and 3No dormers to the side elevation to facilitate the creation of 2No 1-bed and 1No 2-bed self-contained flats. The proposal also includes a balcony to the rear, and alterations to the fenestration and internal layout.

At the November planning committee Members voted for a site visit of the site, which took place on the 6th December 2024. The property was visited, along with the neighbouring property at no.6 Abbots Hill. A number of concerns were raised by members at the site visit. In response to these concerns the agent has amended the plans through the reduction of the roof balcony area, the retention of existing brickwork to the side elevation (rather than render), alterations to the flat entrance (by retaining the existing entrance and omitting the new entrance door below no.6 Abbots Hill), and relocating the refuse storage area to the rear external space.

Public consultation on these amended plans has been carried out, and this report provides the view of officers on the amended plans, which are considered to be acceptable with regards to the impact upon both the character and appearance of the area and neighbouring living conditions.

Recommendation:

Members approve the application subject to the safeguarding conditions as set out within Annex 2.

Corporate Implications

Financial and Value for Money

The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.

The advice from Central Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.

The advice outlined is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority. There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.

Legal

The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.

The reasons for any decision must be formally recorded in the minutes and a copy placed on file.

If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.

Corporate

The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and promoting inward investment through setting planning strategies and policies that support growth of the economy.

Equalities Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.

1.0 Background

- 1.1 Members considered this application under planning reference F/TH/24/0640 for the erection of a second floor extension together with an increase in roof height, with the insertion of 1No dormer to the front elevation and 3No dormers to the side elevation to facilitate the creation of 2No 1-bed and 1No 2-bed self-contained flats. The proposal also includes a balcony to the rear, and alterations to the fenestration and internal layout.
- 1.2 The application was brought to Planning Committee on 20th November 2024 and members voted for a site visit. A site visit was carried out on the 6th December 2024. The property was visited, along with the neighbouring property at no.6 Abbots Hill. A number of concerns were raised by members at the site visit. In response to these concerns the agent has amended the plans, and it is these plans that are now under consideration. A public consultation on the amended plans has been carried out.

2.0 Analysis

- 2.1 The application is for a second floor extension, and the change of use of the building to create 2no. self-contained flats. As set out within the committee report within Annex 1, the principle of these works is considered to be acceptable, along with the impact upon the character and appearance of the area, and highway safety.
- 2.2 Amended plans have been submitted following the committee site visit, and a public consultation has been carried out. 1 email has been received raising the following points of concern:
 - Noise and safety from presence of balcony.
 - Position of screening
 - Presence of stairwell window adjacent to flat roof area, resulting in safety and security concerns.
 - No detail of any change to facade of no.6.
 - No confirmation of fireproofing or soundproofing throughout the whole building.
 - Concerns over noise, sanitation and fire from 'General storage' area.
 - Request to impose conditions on management and maintenance of waste storage area.
- 2.3 The amended plans as submitted address four points raised by members at the committee site visit. The first is the rendering of the building. Members queried why the existing brickwork could not be maintained on the side elevation. The amended elevation plans show the retention of the brickwork to part of the side elevation and the rendering of the remainder of the building as previously proposed. This amendment is considered to be acceptable, with the retained brick in keeping with the palette of material in the surrounding conservation area, whilst also retaining interest to the side elevation through the mix of materials.
- 2.4 At the site visit members entered the application site and viewed the location of the proposed extension and balcony area at roof level. The relationship with the neighbouring property, in particular rear elevation windows, was appreciated. The amended plans seeks to reduce the depth of the roof level balcony area by setting back the balustrading/privacy screen so that it aligns with the rear elevation wall of no.6 Abbots Hill. This setback would reduce the impact upon light to and outlook from the neighbours window, whilst also reducing the impact from noise and disturbance from the balcony. The amended plans maintain the 1.8m high opaque glass privacy

screen (above the finished floor level) to avoid overlooking of other nearby neighbouring properties, and the size of the balcony area maintained continues to achieve usable external amenity space for the proposed flat. The stairwell window will not allow access to the flat roof from its position over the stairwell, with no direct overlooking from windows in the proposal into neighbouring windows. The setback of the balustrading/privacy screen from the rear elevation of the property will also reduce the visual impact from Kings Place to the rear. As such, this proposed amendment is considered to have an acceptable impact upon neighbouring living conditions, and visual amenity, in accordance with Local Plan policy.

- 2.5 At the site visit members entered the building using the existing entrance on Abbots Hill and queried why the existing entrance could not be retained for the flats. They viewed the location of the proposed refuse store and queried whether an entrance to the flats through a refuse store would provide acceptable amenity for the future occupiers. Amended plans have been submitted showing the existing access to the building from Abbots Hill to be used as the entrance to the proposed flats, with the previously proposed entrance door omitted from the scheme. Furthermore, the refuse store has been relocated to the rear external amenity space. The area previously proposed for the refuse store is now annotated as a general storage area, with the three private storage areas for the flats remaining. Cycle storage has been retained, but relocated to the main entrance hall. These amendments will reduce the impact from noise and disturbance and potential odours to the occupiers of flat 6 above, as the area below their flat will be a general storage area rather than an entrance walkway and refuse store. The amendment will also improve the amenity for the future occupiers of the development who will no longer access the units through a refuse store. Future occupiers of the flats will continue to have good access to storage space, refuse storage and cycle storage facilities. As such the proposed amendments are considered to be acceptable. In regard to further potential controls on the maintenance of the storage area, suitable existing provisions under statutory nuisance legislation (Environmental Protection Act 1990) are available in the event of odour nuisance being created.
- 2.6 In response to the concerns of the neighbouring property in relation to soundproofing, it is not considered that the proposed use of the upper floors for residential accommodation would result in a significant increase in noise and disturbance above the previous commercial use to warrant specific measures to be required through planning conditions. Matters of fire safety will be assessed through building control legislation. No changes are proposed to the facade of no.6 following the revised plans being submitted.
- 2.7 It is therefore recommended that the plans as amended address a number of concerns raised and discussed by members at the initial committee meeting and committee site visit, resulting in a good quality development that achieves an acceptable impact upon neighbouring and future living conditions, in accordance with Policy QD03 of the Thanet Local Plan, and an acceptable design in accordance with Policies QD02 and HE02 of the Thanet Local Plan. There have been no changes to the assessment of the other material planning considerations set out in Annex 1. The conditions have been amended to reflect the amended plans, and these are set out within Annex 2.

3.0 Options

- 3.1 Members defer and delegate the application for approval subject to the submission of a signed legal agreement securing the contributions to the Strategic Access

Management and Monitoring Plan (SAMM) within 6 months and subject to the safeguarding conditions as set out within Annex 2.

3.2 Members propose an alternative motion.

4.0 Recommendations

4.1 Officers recommend Members of the Planning Committee agree option 3.1.

Contact Officer: *Emma Fibbens, Principal Planning Officer*
Reporting to: *Iain Livingstone, Planning Applications Manager*

Annex List

Annex 1: Committee Report F/TH/24/0640
Annex 2: Amended Planning Conditions