



Appeal Decision

Site visit made on 9 May 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/Z2260/W/21/3284262

Addington House Business Centre, Addington Place, Ramsgate CT11 9JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Gold against the decision of Thanet District Council.
 - The application Ref F/TH/20/0969, dated 20 July 2020, was refused by notice dated 23 July 2021.
 - The development proposed is the demolition of existing offices; stores and laundry; Change of Use to C3 and development of 6 new-build 3-storey dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing offices; stores and laundry; Change of Use to C3 and development of 6 x new-build 3-storey dwellings at Addington House Business Centre, Addington Place, Ramsgate CT11 9JG in accordance with the terms of the application, Ref F/TH/20/0969, dated 20 July 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. In referring to limited open space in the second reason for refusal in the decision notice, the Council considers that the appeal proposal would provide insufficient garden space for future occupiers of the proposed development. I have therefore referred to outdoor amenity space specifically in the related main issue.
3. The Government published a revised National Planning Policy Framework (the Framework) in September 2023. All references to the Framework in this decision relate to the revised document.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the safety and convenience of users of the highway, with particular regard to parking and access arrangements.
 - Whether or not the proposed development would preserve or enhance the character, appearance and significance of the Ramsgate Conservation Area.
 - Whether the proposed development would provide appropriate living conditions for future occupiers of the proposed dwellings, with particular regard to the amount of outdoor amenity space.

- Whether the proposed development would affect the integrity of the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site, a protected European site of nature conservation importance.

Reasons

Highway safety and parking

5. The appeal site is occupied by a commercial premises that is situated between Hertford Place and Addington Place, on land that is close to the designated town centre. The site is situated within a tightly knit enclave of particularly narrow roads surrounded by mostly terraced residential properties, within an area that is urban in character.
6. Policy TP06 of the Thanet District Council Local Plan (Adopted July 2020) (the LP) requires development to make satisfactory car parking provision, taking account of the type of development, location, accessibility, availability of opportunities for public transport, likely accumulation of car parking and design considerations.
7. In considering parking provision for residential development, the policy states that regard will be given to the guidance in the Kent Design Guide Review: Interim Guidance Note 3 (November 2008) on Residential Parking, which expresses parking provision in terms of maximum provision, not minimum. Three parking spaces would be provided to serve the proposed development, equating to 4 parking spaces below the stated maximum provision.
8. There are double yellow lines (Traffic Regulation Orders (TRO)) that prevent parking around the junctions and corners of nearby roads, including along one side of Hertford Place, Hertford Street and Albert Street. Apart from a row of time limited parking bays on Addington Street there are TROs along both sides of Addington Place and Addington Street.
9. During my site visit on a weekday afternoon, which was a snapshot in time, I witnessed relatively high levels of parking stress on unrestricted bays in surrounding streets. Around 5 cars were parked on Hertford Place and 10 or so parked on Hertford Street, where only 1 parking space was available. I have no evidence to show that the conditions I observed were abnormal. There is therefore little capacity for additional on-street parking.
10. Interested parties contend that the infrastructure, facilities, employment opportunities and public transport services in the town are not sufficient to discourage car ownership by future residents of the development. However, I saw that the site is located a short walk from the designated town centre, where there is a good range of services and facilities for future residents. I am also aware that the existing commercial use of the appeal premises could have generated a significant car parking and servicing demand, even though it was served by its own car park.
11. The Local Highways Authority (LHA) advises that the location is readily accessible by public transport. Based on my own observations, I have no reason to take a different view. The location of the site and the availability of public transport does not necessarily mean that occupiers of the proposed development would choose not to own a car. However, the location of the site would not make car ownership essential to enable future occupiers to meet

their day-to-day needs. As such, not owning a car would appear a realistic option for future occupiers of the appeal development.

12. I appreciate that parking stress in the area causes inconvenience to residents who may not be able to park vehicles as conveniently as they would prefer in this densely developed part of the town. I am informed that an increase in the number of pay and display parking bays nearby has reduced the availability of free parking spaces, and that visitors to the town also park within the area of the appeal site. However, on the evidence available and taking account of the appeal site's location, the scale of the proposed development, and the extant use of the appeal site, I am satisfied that the appeal proposal would not lead to an excessive additional demand for on-street parking, and therefore it would not harm the living conditions of the existing occupiers.
13. In terms of highway safety, the few vehicles travelling along nearby roads that I witnessed during my visit were travelling at low speeds consistent with the narrow width and layout of the roads. No vehicles were parked on the footways or TROs. To my mind, the narrow widths of Addington Street, Hertford Place, Hertford Street and Albert Street, would present limited opportunities to park on double yellow lines, either within the carriageway or partly on the footway without blocking the road completely, and is therefore unlikely to occur.
14. There might be some limited opportunities for parking vehicles on double yellow lines on Addington Place, at its widest points and between existing accesses. There are no footways on this road and very few properties front onto it. I did not observe any pedestrians using this road during my visit. The evidence before me does not substantiate that harm would arise from parking along Addington Place, which in any case is prohibited by the double yellow lines.
15. Based on the evidence available and my observations, I am satisfied that the proposal would not be likely to lead to parked vehicles obstructing pedestrians and vehicle movements along these roads, including emergency vehicles. The LHA does not anticipate that the proposed development would cause severe impacts on the highway. I have not been presented with any substantive evidence to the contrary.
16. The proposed single parking space to the rear of 44 Addington Street (No. 44) could potentially obstruct vehicle access to the parking spaces of this property. In that respect, the property's deeds may provide protection of access rights that could preclude the provision of the parking space. However, that is a civil matter between the relevant parties that would fall outside of planning control. Furthermore, I am satisfied based on my previous findings that harm would not arise if a parking space was not to be provided in that location to serve the proposed development. Consequently, such circumstances do not warrant refusal of planning permission and do not alter my conclusion on this main issue.
17. The proposed development would generate fewer vehicle journeys to and from the site than the existing commercial use. On the evidence available I am satisfied that use of the existing vehicle access to serve the proposed development, would not harm highway safety or adversely increase traffic congestion in the locality.

18. The LHA has no objection to the footpath along the frontage of the development, which would not be adopted. This footpath would be sufficient to separate the proposed dwellings from the carriageway of Hertford Place and provide a safe refuge for pedestrians exiting the front doors of the dwellings and waiting to cross the road to reach the footpath on the opposite side. Streetlights would be capable of being relocated appropriately.
19. Taking all the above into account, I conclude that the appeal proposal would not result in an adverse effect on the safety and convenience of users of the highway, with particular regard to parking and access arrangements, to the extent that permission should be withheld. Accordingly, the proposed development would not conflict with Policy TP06 of the LP, the relevant objectives of which are set out above. The proposal would also be consistent with Paragraph 111 of the Framework, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Conservation Area

20. The appeal site is within the Ramsgate Conservation Area (CA). In determining this appeal, I have had regard to my statutory duty under s72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
21. The character, appearance and significance of this part of the CA is derived from the relationship between the rows of 2 and 3 storey terraces and the historic street pattern in the area. Most of the terraces display a classical architectural style and are generally consistent in scale and appearance. Set in a repetitive pattern on the back edge of the roads, occupying narrow plots with limited rear gardens, the terraces create a fine-grained, intimate and enclosed character to the streets. This gives the area an attractively formal and well-ordered urban character and appearance.
22. The appeal building is a relatively modern structure with a flat roof and mostly blank masonry walls. It has a somewhat unattractive utilitarian form and appearance. In these respects, the appeal building does not contribute positively to the character, appearance and significance of the CA.
23. The proposed terrace would display a repetitive pattern of narrow fronted dwellings with vertically aligned openings and traditional detailing, reflecting elements of the style and appearance of the existing terraces in the wider area. Appropriate materials can be secured by conditions, including incorporating traditional knapped flint into the front walls of the terrace, which is a feature of the locality and found in the existing building. Set close to the back edge of Hertford Place, with small rear gardens, the proposed terrace would reinforce the intimate and enclosed character of the streets, and reflect the fine-grained pattern and density of development in the CA. Consequently, in this context the proposed development would not appear cramped or congested.
24. Having regard to all of the above, I conclude that the proposal would preserve and enhance the character, appearance and significance of the CA, consistent with Policies HE02 and QD02 of the LP, which require high quality development that responds sympathetically to the historic settlement pattern and conserves or enhances the significance of heritage assets and the wider townscape. The

proposal would also be consistent with Paragraph 199 of the Framework, which 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.

Living conditions of future occupiers

25. The private outdoor garden areas serving the proposed dwellings would be relatively modest in size. However, they would have a practical and usable shape, sufficient to establish a small outdoor seating area for relaxation and socialising on the patio. The drawings show space for a rotary washing line for the drying of laundry and provision of cycle storage. The lawn areas would provide conveniently accessible space for young children to play, which would also be visible from the glazed doors and windows of the lounge/dining rooms in the proposed dwellings. A hard landscaping condition would be imposed to secure the erection of a boundary enclosure around the rear garden of each dwelling.
26. For these reasons, I conclude that the proposed development would provide appropriate living conditions for future occupiers of the proposed dwellings, with particular regard to outdoor amenity space. This is by reason of the garden areas providing doorstep play and sufficient useable space to facilitate adequate and comfortable living conditions consistent with the requirements of Policies QD03 and GI04 of the LP. It therefore follows that the proposed development would provide a high standard of amenity for future occupiers in accordance with Paragraph 130.f) of the Framework.

Protected European site of nature conservation importance

27. The appeal site lies within the Zone of Influence (ZoI) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar European site of nature conservation importance.
28. The SPA is used by large numbers of migratory birds and the particular species for which it is designated are populations of over-wintering Turnstone (*Arenaria interpres*) and European Golden Plover (*Pluvialis apricaria*) of European importance. The main threat to the integrity of the SPA is the disturbance of feeding and roosting wading birds, notably overwintering Turnstones, by recreational activities, particularly dog walking and use of the beaches.
29. New housing development and increased numbers of households in the district has the potential to increase the negative effects of recreational disturbance to the qualifying bird species, resulting in the decline in their numbers and threatening the integrity of the SPA. The conservation objectives of the SPA are to ensure that its integrity is maintained.
30. Natural England has confirmed that additional residential development and associated recreational pressure is likely to have a significant adverse effect on the integrity of the SPA and its qualifying features. The appeal proposal would increase the number of households within the ZoI of the SPA. It is therefore likely to increase disturbance to the qualifying bird species in the SPA, through increased recreational pressure.
31. The appeal proposal is therefore likely to have a significant adverse effect on the integrity of the SPA, both in isolation and cumulatively with other housing development. As the competent authority, I must undertake an Appropriate

Assessment (AA) and consider whether measures could be put in place to avoid or mitigate the impact of the pressure arising from the proposed development on the SPA.

32. The Thanet District Council Strategic Access Management and Monitoring Plan (SAMMP) provides a strategy to mitigate the potential in-combination effects of new housing development in the vicinity of the SPA, on its integrity. The mitigation strategy incorporates access management, a Warden's service, legal enforcement and education, interpretation and signage, and the provision of sites attractive for dog walking. In addition, there would be monitoring and surveys of the SPA, particularly with regard to visitors and bird numbers.
33. Policy SP29 of the LP, requires new residential development to comply with the SAMMP, in order to mitigate against the effects of new development, through recreational pressure on the SPA. A tariff based financial contribution is required to be collected from new housing developments to contribute towards the delivery of the SAMMP, via a planning obligation. The current tariff is set out in the Thanet Strategic Access Management and Monitoring Plan – Notes to Accompany Tariff for 17,140 home April 2017.
34. The appellant has submitted a signed Unilateral Undertaking (UU), to obligate payment to the Council of the requisite tariff-based contribution towards the delivery of the SAMMP. I am satisfied that the obligation meets the tests for planning obligations in the Framework, in that it would be necessary to make the development acceptable in planning terms, directly related to the development and reasonably related in scale and kind to the development. As such, the contribution has been properly secured in accordance with the Framework and the SAMMP.
35. I have consulted Natural England and it is satisfied that the secured financial contribution would be effective in mitigating the recreational impacts of the development on the SPA and avoiding adverse effects on its integrity. Consequently, I conclude through my AA, that the delivery of the mitigation secured by the appellant's UU, would ensure that the appeal proposal would not have an adverse effect on the integrity of the SPA. Therefore, it would comply with Policy SP29 of the LP, the requirements of which are set out above.

Other Matters

36. Due to the scale of the development and particularly the inclusion of demolition works, some noise and disturbance would be expected. However, the effects of this on the living conditions of nearby occupiers of residential properties could be appropriately mitigated by measures secured by condition through the agreement of a Construction Management Plan (CMP).
37. The arrangements for bin storage in a dedicated enclosure close to the access are satisfactory. Bin storage is common to residential developments, and I have no substantive evidence that they would be particularly susceptible to vermin infestation that could not be adequately controlled by other means. Access from the dwellings to the bin storage area can be secured through the boundary enclosure element of the hard landscaping condition.
38. Some overlooking is a characteristic of the relationship between adjacent properties in densely built-up areas such as this. Views out of the rear windows

in the proposed dwellings would not lead to a harmful loss of privacy for the occupiers of the few nearby properties to the rear, given the distances of separation. A condition can be imposed to ensure first and second floor windows in the front elevations of Plots 1-5 would be fitted with obscure glazing to safeguard the privacy of the occupiers of the properties on the opposite side of Hertford Place.

39. Given the relationships between the proposed dwellings and all other existing properties, including their orientation and separation distances, the living conditions of nearby occupiers would not be harmed through a loss of outlook or light.
40. I have not been directed to any policies requiring the provision of electric vehicle charging points, so have not required any.

Conditions

41. The Council has suggested several conditions which I have considered in accordance with the tests set out in the National Planning Policy Guidance and Paragraph 56 of the Framework. The appellant has given written approval to the pre-commencement conditions. Where necessary I have amended the wording of the suggested conditions to ensure compliance with the tests. In the interests of certainty of the planning permission granted, the approved drawings are specified in a condition.
42. I have imposed a condition securing a CMP to safeguard the living conditions of nearby occupiers and control the deposition of mud and associated detritus on the roads that could otherwise harm highway safety. A pre-commencement condition is necessary to ensure development adheres to the CMP from the outset. However, I have limited evidence justifying the necessity for the CMP to control access to the site; the routing of construction and delivery vehicles to and from the site; the timing of delivery vehicles, and unspecified traffic management and signage measures. Therefore, I have not secured these elements within the CMP.
43. The potential for archaeological remains on the appeal site justifies a condition securing an archaeological investigation. A pre-commencement condition is necessary to ensure any remains are investigated before development that could otherwise cause them damage is commenced.
44. Given the proximity of Plot 6 to the adjacent car repair garage, and the advice from the Council's Environmental Health Officer, a condition is necessary to secure details of a scheme to minimise the effects of odour and noise upon future occupiers of this plot. As these details would not relate to the early stages of development, I see no basis on the evidence before me to require their agreement prior to commencement of development. I have therefore adjusted the trigger for submission and have added an implementation clause.
45. Requiring the development to be constructed from the materials stated on the approved drawings would unnecessarily duplicate the approved drawings condition. Conditions requiring the approval of the brick and roof tile samples, product details of the windows and doors, including reveals of a suitable depth, and a sample panel of the knapped flint walling are necessary to ensure the development has a satisfactory visual appearance, and contributes to preserving or enhancing the character, appearance and significance of the CA.

46. A landscaping scheme is necessary to ensure the development respects the character and appearance of the area. This would be secured by a condition.
47. I have imposed a condition requiring details of the footpath along the site frontage. Based on the evidence before me these details would not relate to the early stages of development and need not be agreed prior to commencement of development. I have therefore required details prior to development above ground floor slab level, along with a timetable for implementation to ensure the footpath and relocation of the streetlights are carried out.
48. I have imposed conditions requiring the provision of bin storage, cycle parking and manoeuvring space, prior to the occupation of development to ensure its satisfactory servicing and to encourage cycling. A condition is also required to ensure that car parking is laid out to serve the development prior to occupation. However, in having regard to potential constraints upon the delivery of the car parking space at the rear of No 44, as shown on the approved plans, I have necessarily amended the wording of the suggested condition to enable approval of an alternative car parking layout should it be necessary.
49. Conditions are necessary to ensure the development meets the energy and water efficiency standards in Policies QD01 and QD04 of the LP, and is capable of being connected to fibre optic broadband.

Conclusion

50. For the reasons given above and having regard to all matters raised, I conclude that the appeal proposal is consistent with the development plan as a whole. The appeal should be allowed.

G Sylvester

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 04577_NB102 Rev A; 04577_NB103 Rev C; 04577_NB104 Rev D; 04577_NB105 Rev D; 04577_NB106 Rev C; 04577_NB109 Rev C.
- 3) No development shall commence until details of a Construction Management Plan, to include the following, has been submitted to and approved in writing by the local planning authority:
 - i) parking and turning areas for construction and delivery vehicles and site personnel;
 - ii) provision of wheel washing facilities; and,

- iii) measures to control noise and dust during construction.

The approved details shall be adhered to throughout the construction period of the development.

- 4) No development shall take place until a Written Scheme of Investigation for archaeology has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 5) No development above slab level shall take place until a scheme to minimise the effects of noise and odour to the dwelling on Plot 6 has been submitted to and approved in writing by the local planning authority. The scheme shall include acoustic glazing to all windows in the front and rear elevations of Plot 6, and details of air conditioning including an acoustically treated unit. Plot 6 shall not be occupied until the approved scheme has been carried out.
- 6) No development above slab level shall take place until samples of the buff bricks, red bricks and roofing slates to be used in the construction of the external surfaces of the development hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 7) No development above slab level shall take place until manufacturers product details of the windows and doors have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) All windows and doors shall be set within reveals of not less than 100mm.
- 9) No development above slab level shall take place until a sample panel of the knapped flint walling to the ground floor front elevations of the dwellings hereby permitted has been erected on the site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample panel.

- 10) No development above slab level shall take place until details of the materials, levels and width of the footpath shown on the approved drawings along the frontage to Hertford Place; details of the proposed location of the relocated streetlights, and a timetable for the construction of the footpath and relocation of the streetlights, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable, and the footpath shall thereafter be retained in perpetuity.
- 11) No dwelling shall be occupied until details of hard and soft landscape works, together with a programme for their implementation, have been submitted to and approved in writing by the local planning authority. Hard landscaping shall include hard surfaces, walls, fences, other means of enclosure. Soft landscaping shall include species, size and location of new trees, shrubs, hedges and grassed areas. The hard and soft landscape works shall be carried out in accordance with the approved details and the approved implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives its written consent to any variation.
- 12) The dwellings on Plots 1-5 shall not be occupied until the first and second floor windows in the front elevations have been fitted with obscured glazing to a minimum of Pilkington Level 4, or equivalent. The windows shall be retained as such thereafter.
- 13) No dwelling shall be occupied until the cycle parking facility and bin storage facility for that dwelling have been provided in accordance with the approved drawings and thereafter kept available for the parking of bicycles and storage of bins, and used for no other purpose.
- 14) The vehicle parking spaces and manoeuvring space, and access thereto, shall be provided in accordance with the approved drawings, unless the local planning authority gives written consent to a variation of the layout details of car parking. The parking areas and manoeuvring space for vehicles and associated access arrangements shall be laid out in accordance with the approved details before first occupation of the development and thereafter retained and used for no other purpose.
- 15) The development hereby permitted shall be constructed to ensure a maximum water consumption of 110 litres use per person per day.
- 16) The development hereby permitted shall be constructed to the equivalent of Level 4 of the Code for Sustainable Homes.
- 17) All dwellings hereby permitted shall be provided with the ability for connection to Superfast Fibre Optic Broadband 'fibre to the premises'.

End of schedule