

Date: 11 February 2019  
Ask For: Emily Kennedy  
Direct Dial: (01843) 577046  
Email: emily.kennedy@thanet.gov.uk



## PLANNING COMMITTEE

**20 FEBRUARY 2019**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 20 February 2019** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Grove (Chairman); Councillors: Messenger (Vice-Chairman), Ashbee, Buckley, K Coleman-Cooke, Connor, Edwards, Evans, J Fairbrass, Fenner, Matterface, D Saunders, Taylor and Tomlinson

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'

3. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 26)

To approve the Minutes of the Planning Committee meeting held on 12 December 2018, copy attached.

4. **F/TH/18/0576 – LAND TO THE SIDE OF MILL HAVEN, MILL ROW, BIRCHINGTON** (Pages 27 - 38)

5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 39 - 42)

To consider the report of the Director of Community Services, copy attached for Members of the Committee.

***Note: Copies of correspondence relating to applications received will be available for members' perusal in the Members' Room from 5.00pm on the Friday before the meeting until the date of the meeting.***

Item  
No

Subject

**For Approval**

- 5a **A01 - F/TH/18/1421 - LAND ADJACENT 2 PARK PLACE, MARGATE**  
(Pages 43 - 52)
- 5b **A02 - /TH/18/1675 - YELTON, SECOND AVENUE, BROADSTAIRS** (Pages  
53 - 60)
- 5c **A03 - F/TH/18/1662 - 12 WEATHERLY DRIVE, BROADSTAIRS** (Pages 61 -  
66)
- 5d **A04 - F/TH/18/1384 - LAND FRONTING MARINA ESPLANADE,  
RAMSGATE** (Pages 67 - 76)
- 5e **A05 - F/TH/18/1624 - 15 WEST CLIFF ROAD, BROADSTAIRS** (Pages 77 -  
84)
- 5f **A06 - F/TH/17/0746 - LAND ADJACENT 35 VICTORIA PARADE,  
RAMSGATE** (Pages 85 - 98)

**For Refusal**

- 5g **R07 - F/TH/18/1053 - 43-49 MARINE TERRACE, MARGATE** (Pages 99 -  
136)
- 5h **R08 - F/TH/18/1615 - C WATKINS, 1 LEIGH ROAD, RAMSGATE** (Pages  
137 - 144)

**Declaration of Interests Form**



Please scan this barcode for an electronic copy of this agenda.

# Public Document Pack Agenda Item 3

## Planning Committee

### Minutes of the meeting held on 12 December 2018 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Bob Grove (Chairman); Councillors Messenger, Ashbee, Buckley, K Coleman-Cooke, Connor, J Fairbrass, Fenner, Matterface, D Saunders, Taylor and Tomlinson

#### 406. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Evans and Edwards for whom Councillors M Saunders and Rusiecki were present.

#### 407. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 408. MINUTES OF PREVIOUS MEETING

Members AGREED that the minutes of the Planning Committee held on 21 November 2018 be approved and signed by the Chairman.

#### 409. SITE VISITS

#### 410. F/TH/18/0897 - LAND ADJACENT TO 150 MONKTON STREET, MONKTON, RAMSGATE

PROPOSAL: Erection of 9 No two storey 4 bedroom dwellings with associated parking

It was proposed by the Chairman and seconded by the Vice Chairman:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 17-0515 - 10 Revision D (received 08/11/18), 17-0515\_11A (received 08/11/18), 17-0515\_18 (received 08/11/18), 17-0515- 20 Revision B (received 21/09/18), 17-0515 - 21 Revision A (received 21/09/18), 17\_0515 - 22 Revision A (received 21/09/18), 17-0515-37 (received 21/09/18), 17-0515-36 (received

21/09/18), 17-0515-35 (received 21/09/18), 17-0515-25 Revision A (received 21/09/18), 17-0515-24 Revision A, 17-0515-23 Revision B (received 21/09/18), 17-0515-42 (received 21/09/18), 17-0515-41 (received 21/09/18), 17\_0515-40 (received 21/09/18), 17/0515-27 Revision A (received 21/09/18), 17/0515-26 Revision B (received 21/09/18), 17/0515-28 Revision A (received 21/09/18), 17/0515-29 Revision A (received 21/09/18), 17-0515 -31 (received 22/06/18), 17-0515 -30 (received 22/06/18), 17-0515 -32 (received 22/06/18), 17-0515-33 (received 22/06/18) and 2018\_23 001

**GROUND;**

To secure the proper development of the area.

3 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 details.

**GROUND;**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

4 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. 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 a similar size and species.

**GROUND;**

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

6 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The landscape management plan shall be carried out as approved.

**GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

7 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2005 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND;**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

8 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

9 The construction of the development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

**GROUND;**

In the interests of highway safety.

10 The area shown on the approved plan numbered 17-0515 - 10 Revision D for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

**GROUND;**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.n.

11 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

**GROUND;**

In the interests of highway safety.

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

**GROUND;**

In the interests of promoting increased cycling in accordance with policy TR12 of the Thanet Local Plan

13 Prior to the first occupation of the development hereby permitted, the proposed footway improvements shown on plan numbered 17-0515-10 Rev D or amended as agreed with the Local Planning Authority shall be completed and operational.

**GROUND;**

In the interests of highway safety.

14 Prior to the first occupation of any dwelling hereby approved visibility splays of 1 metre by 1 metre behind the footway on both sides of the vehicular accesses with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

**GROUND;**

In the interest of highway safety.

15 Prior to the first occupation of plots 1 and 2 fencing shall be provided along the frontage of plots 1 and 2 until the proposed boundary hedge is established.

**GROUND;**

In the interests of highway safety.

16 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details

**GROUND;**

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

17 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use

and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND;**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND;**

The site is underlain by a principal aquifer.

19 Prior to the installation of any external lighting, a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**GROUND;**

In order to limit the impact upon protected species that may be present, in accordance with the National Planning Policy Framework.

20 Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of ecological enhancement features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Details of annual habitat and species monitoring;
- i) Details of how the monitoring will inform updates of the management plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**GROUND;**

In order to limit the impact upon protected species that may be present, in accordance with the National Planning Policy Framework.

21 No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

**GROUND;**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with the NPPF

22 No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the Local Planning Authority. The manual shall include the following details:

A description of the drainage system and its key components

A general arrangement plan with the location of drainage measures and critical features clearly marked

An approximate timetable for the implementation of the drainage system

Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities

Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operations of the sustainable drainage system throughout its lifetime.

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

**GROUND;**

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction) as per the requirements of the NPPF.

23 No building of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified

professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**GROUND;**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

24 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND;**

To ensure that features of archaeological interest are properly examined and recorded.”

Further to debate, the motion was put to the vote and declared LOST.

Then, it was proposed by the Vice Chairman and Councillor Buckley:

“That the application be REFUSED for the following reasons:

‘The proposed development, by virtue of its location, scale and layout, would result in the loss of an important gap within the village, which provides views of the Stour Marshes and Wantsum Channel North Shore, and is considered to a valued undeveloped landscape identified within the development plan, the loss of which would be significantly harmful to the character and appearance of the village, and the countryside as a landscape character area, contrary to the Thanet Local Plan Policies CC1, CC2 and R2 and paragraph 170 of the National Planning Policy Framework.’”

Upon being put to the vote, the motion was declared CARRIED.

**411. F/TH/18/1098 - 135 MONKTON ROAD, MINSTER, RAMSGATE**

PROPOSAL: Erection of 4No detached dwellings, with associated parking, access and landscaping

It was proposed by the Chairman and seconded by the Vice Chairman:

“That the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

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

GROUND;

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

2 The development hereby approved shall be carried out in accordance with the approved drawings numbered P01 Revision A (Unit 1)(24/09/18), P02 Revision (Unit 2) (24/09/18), P03 Revision A (Unit 3) (24/09/18), P02 Revision A (Unit 4) (24/09/18), P05 Revision B (Site Plan) (24/09/18), P06 Revision A (received 24/09/18) and Garage Barn Plans and Elevations.

GROUND;

To secure the proper development of the area.

3 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 details.

GROUND;

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

4 No development shall take place until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Take into account measures as described at paragraph 4.4.4 of the Extended Phase 1 Habitat and Bat Building Survey Report report;
- b) Identify those areas/features on site that are particularly sensitive for bats (adjacent woodland) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- c) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND;

In order to limit the impact upon protected species that may be present, in accordance with the National Planning Policy Framework.

5 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway
- o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND;

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. 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 a similar size and species.

GROUND;

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

7 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The landscape management plan shall be carried out as approved.

GROUND;

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

8 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

GROUND;

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

9 The construction of the development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

GROUND;

In the interests of highway safety.

10 The area shown on the approved plan numbered P05 Revision B for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND;

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

11 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND;

In the interests of highway safety.

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

GROUND;

In the interests of promoting increased cycling in accordance with policy TR12 of the Thanet Local Plan

13 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - . all previous uses;
  - . potential contaminants associated with those uses;
  - . a conceptual model of the site indicating sources, pathways and receptors; and
  - . potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

GROUND:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

14 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling

and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

GROUND:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

GROUND:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

16 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

17 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

GROUND:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

18 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

GROUND;

To ensure that features of archaeological interest are properly examined and recorded.”

Further to debate, the motion was put to the vote and declared CARRIED.

**412. SCHEDULE OF PLANNING APPLICATIONS**

**413. A01 - OL/TH/18/1233 - THE OLD FORGE, HIGH STREET, GARLINGE, MARGATE**

PROPOSAL: Outline application for the erection of 4No two storey detached dwellings with access and parking

It was proposed by the Vice Chairman, seconded by Councillor Rusiecki and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

GROUND;

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

5 Details of the exact position of the water main within the site shall be submitted as part of any reserved matters submission pursuant to condition 1 for the layout of the site. Any proposed layout shall take into account the position of the water main.

GROUND;

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework

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

GROUND;

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

7 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND;

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

8 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.

GROUND;

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

(i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority;

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

GROUND;

To ensure that features of archaeological interest are properly examined and recorded in accordance with the advice contained within the National Planning Policy Framework.

10 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND;

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

11 Details pursuant to Condition 1, shall include provision of areas for 2 off street car parking spaces and manoeuvring and turning facilities to adequately serve each plot. Such facilities as approved shall be operational prior to the occupation of the units, and thereafter, shall be maintained for their approved purposes

GROUND:

In the interests of highway safety.

12 Details pursuant to Condition 1, shall show 2m by 2m pedestrian visibility splays with no obstruction above 0.6 metres in height within the splays.

GROUND:

In the interests of highway safety.

13 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures

GROUND;

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

14 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND;  
In the interests of highway safety.”

**414. A02 - F/TH/18/1452 - 1 GODWIN ROAD, MARGATE**

PROPOSAL: Variation of condition 2 of planning permission F/TH/15/0202 for the erection of four storey building to accommodate 2No. three bed maisonettes, following demolition of existing building to allow external alterations to elevations and alterations to roof form

It was proposed by the Vice Chairman, seconded by Councillor Rusiecki and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered SK-1.01-B, SK-1.02-B, SK-1.04-B, SK-1.05-B, SK-501-B and CO-1.06-A received 16 November 2018 and the additional plans numbered CO.2.02 and CO-1.02-A received 19 November 2018.

**GROUND;**  
To secure the proper development of the area.

2 The refuse storage facilities as specified upon the approved drawing numbered SK-1.01-B received 16 November 2018 shall be provided prior to the first occupation of the units hereby approved and shall be kept available for that use at all times.

**GROUND;**  
To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy D1 of the Thanet Local Plan

3 Prior to the first occupation of the development hereby permitted, secure cycle parking as shown on drawing numbered SK-1.01-B received 16 November 2018 shall be provided and thereafter retained.

**GROUND;**  
In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan and Policy CV5 of the Cliftonville Development Plan Document.

4 Prior to the construction of the external surfaces of the development hereby approved, samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

**GROUND;**  
In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

5 All new windows and doors shall be set within reveals of no less than 100mm, with the exception of the front entrance door, which shall be set within a reveal of no less than 200mm, as agreed in the email correspondence received from the agent dated 22nd November 2018

**GROUND:**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan”.

**415. A03 - F/TH/18/1203 - LAND ADJACENT BROOKSEND LODGE, CANTERBURY ROAD, BIRCHINGTON**

PROPOSAL: Erection of 5No single storey dwellings with associated parking and landscaping

It was proposed by the Vice Chairman, seconded by Councillor Rusiecki and  
**RESOLVED:**

“THAT the officer’s recommendation be adopted, namely:

‘That the application be **APPROVED** 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 18/300/JG/PL01 Rev C, 18/300/JG/PL02 Rev C, 18/300/JG/PL03 Rev D, and 18/300/JG/PL04 Rev C, received 20 November 2018, and the materials specification numbered 18/300/JG/PL05 and visibility splay plan numbered 833/201, received 28 August 2018.

**GROUND;**

To secure the proper development of the area.

3 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND;**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

4 Prior to the first occupation of the development, the area shown on the approved for the of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND;**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

5 Prior to the first use of the dwellings hereby approved visibility splays of 2.4m x 160m shall be provided to the access on to Canterbury Road as shown on the approved plan no 833/201 with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND;**

In the interest of highway safety.

6 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- the treatment proposed for all hard surfaced areas beyond the limits of the highway
- walls, fences, other means of enclosure proposed
- ecological enhancements to the site, including the installation of bat and bird nesting boxes, generous native planting and hedgehog access points,
- retention of the historic hedgerow as identified within the archaeological desk based assessment,

shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. 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 a similar size and species.

**GROUND;**

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

8 Clearance of the site and excavation works shall be carried out in accordance with the mitigation measures as identified within section 4 of the Preliminary Ecological Appraisal report, dated 30th May 2018.

**GROUND:**

To protect endangered species in accordance with the NPPF.

9 The development hereby permitted shall be constructed in the materials as specified within the material specification numbered 18/300/JG/PL05.

**GROUND;**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

10 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2005 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND;**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND:**

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.”

**416. R04 - OL/TH/18/0567 - LAND NORTH WEST OF DOWN BARTON ROAD, ST NICHOLAS AT WADE, BIRCHINGTON**

PROPOSAL: Outline application for the erection of 6No. dwellings with all matters reserved

Speaking in favour of the application was Mr Brown.

It was proposed by the Chairman and seconded by the Vice Chairman:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be REFUSED for the following reasons:

1 The proposed dwellings, by virtue of their location and scale, would impact upon long distance views, and detract from the open and undeveloped rural character of the area, severely detrimental to the appearance of the Landscape Character Area, and thereby failing to protect the intrinsic character and beauty of the countryside, contrary to Thanet Local Plan Policies CC1, CC2 and D1, and paragraphs 127, 130 and 170 of the National Planning Policy Framework.

2 The proposed development is located in an area where there is the potential for significant archaeology, and no archaeological field evaluation has been submitted with the application to determine the presence, location, nature, significance and condition of any archaeological remains within the site. As such, the proposed development in the form proposed could affect significant archaeological remains, and is therefore considered contrary to paragraph 189 of the NPPF.”

Upon being put to the vote, the motion was declared CARRIED.

**417. D05 - F/TH/18/1424 - LAND ADJOINING 1 CHILTON LANE, RAMSGATE**

PROPOSAL: Variation of condition 17 of planning permission OL/TH/16/1416 'Outline application for erection of 14No. detached dwellings including access, layout and scale' to allow amendments to scale and layout.

It was proposed by the Vice Chairman, seconded by Councillor Rusiecki and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘To DEFER & DELEGATE for approval to officers subject to receipt of a legal agreement securing required planning obligations and the following conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

**GROUND**

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

**GROUND**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

**GROUND**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

**GROUND**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5 Prior to the commencement of the development hereby permitted, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- i) Details of construction access point to the site
- ii) Parking and turning for delivery and site personnel vehicles
- iii) Wheel washing facilities
- iv) Any temporary traffic management required during construction (details of this should be agreed beforehand with the Streetworks Team)

Development shall be carried out in accordance with the approved details.

**GROUND:**

In the interests of highway safety.

6 No development shall take place until the highway alterations shown on plan numbered 8250Z/02 Rev A, which include the provision of parking controls outside of the site, either side of the new access, have been completed.

**GROUND:**

In the interests of highway safety.

7 The areas shown on the approved plans for vehicle parking and turning shall be provided prior to the first occupation of the development hereby permitted, and thereafter maintained.

**GROUND:**

Development without adequate provision for the parking or turning of cars is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of Policy D1 of the Thanet Local Plan.

8 Prior to the first occupation of the development hereby permitted, visibility splays of 120 metres x 2.4 metres x 120 metres shall be provided at the access, with no obstructions over 1 metre above carriageway level within the splays.

**GROUND:**

In the interests of highway safety.

9 Prior to the first occupation of the development hereby permitted, visibility splays of 0.5 metres x 18 metres into the site on both sides of the access, with no obstructions over 0.6m above footway level, shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

10 No development hereby permitted shall commence until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without an increase to the flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

**GROUND:**

To ensure that the principles of sustainable drainage are incorporated into this proposal without increasing the on and off-site flood risk, in accordance with the NPPF.

11 No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

**GROUND:**

To ensure the ongoing efficiency of the surface water drainage system and to clarify the responsibilities for the post-construction care of the approved system, in accordance with the NPPF.

12 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

**GROUND:**

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

13 Details to be submitted in pursuant of condition 1 above for landscaping shall show:

- the use of a bound surface material for the first 5 metres of the access from the edge of the highway;
- a lighting design strategy for biodiversity, which shows how and where external lighting will be installed, and areas/features on site that are particularly sensitive for badgers and bats;
- details of how the development will enhance the quality and quantity of biodiversity on site;
- ecological enhancement measures to be provided on site, i.e. bat/bird boxes;
- the provision of mature tree planting within the site;
- retention of the tree planting to the northern boundary of the site.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan, and the NPPF.

14 No development shall take place until details of the means of foul disposal have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

**GROUND:**

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

15 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837: 2005 using the following protective fence specification:-

- o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.

The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed.

At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.

Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point.

There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

16 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

(i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**GROUND**

To ensure that features of archaeological interest are properly examined and recorded in accordance with the advice contained within the National Planning Policy Framework.

17 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 15128-05-C and 15128-06-B, received 27th June 2017, and the additional parking controls plan numbered 8250Z/02 Rev A, received 28th February 2017.

**GROUND:**

To secure the proper development of the area.”

Meeting concluded : 8pm

This page is intentionally left blank

**Planning Application F/TH/18/0576 – Land to the side of Mill Haven, Mill Row, Birchington**

**Planning Committee – 20th February 2019**

Report Author **Lauren Hemsley, Senior Planning Officer**

Status **For Decision**

Classification: Unrestricted

Ward: **Birchington South**

**Executive Summary:**

This report concerns an application for the erection of 1 no. two storey 3 bed dwelling and associated parking. The application was reported to planning committee on the 21st November 2018. Members voted to defer to officers for the receipt of a construction management plan to include details of delivery times, routes and type of vehicles used, and then be brought back to members. The report outlines the provisions of the Construction Management Plan and how it will facilitate the construction of the proposed dwelling. The report recommends that the construction management plan and accompanying plan can adequately facilitate for the construction of the dwelling in the proposed location.

**Recommendation:**

Members approve the application for the erection of 1 no. two storey 3 bed dwelling and associated parking subject to safeguarding conditions, including a condition that requires the proposed development to be carried out in accordance with the Construction Management Plan received 21st December 2018, and the additional plan received 30th January 2019.

**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 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.
<b>Legal</b>	<p>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.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p>
<b>Corporate</b>	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.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<p>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.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

## 1.0 Background

- 1.1 The site currently forms part of the garden serving an existing bungalow called Mill Haven, with existing trees and shrubs. The site is on the edge of the urban confines and bounded by fields. There are a range of house types both within Mill Row, and neighbouring Mill Haven, with detached, semi-detached and terraced properties all visible, with no distinct prevailing character. The wider pattern of development demonstrates properties have either a direct street frontage or are set back within the plot.
- 1.2 The proposal is for the erection of a 1 no. two storey 3 bedroom detached family house on the land to the side of Mill Haven, which will utilise the existing access. The proposed dwelling is set back from the front boundary by 14m, and has been orientated with the front elevation facing in an easterly direction towards the access.

The dwelling is proposed to be constructed, with weatherboarding, a slate roof and upvc windows and doors. There is a parking courtyard to the front of the property with two parking spaces and provision for vehicles to turn. The property has a good sized garden with private amenity space to the rear and side, with provision made for refuse storage in the front garden, and clothes drying and cycle storage located within the rear garden. The amended plans show the originally proposed detached garage omitted, with space provided for two parking spaces, and the wild cherry tree retained.

- 1.3 The application was reported to planning committee on the 21st November 2018. Whilst members raised no concerns with the design, concern was raised about the practical construction of the proposal due to the narrow access road at Mill Row, which serves the site. Following discussion, members voted for the application to be deferred to allow officers time to seek details of a construction management plan, to include details of delivery times, routes and type of vehicles to be used. Following the receipt of these details, members requested that the application be brought back to planning committee for determination.

### **3.0 Analysis**

- 3.1 The construction management plan was submitted on the 21st December 2018. The submission includes details of site operating times from 07:30 to 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays if required. The main construction route to the site will not be along Mill Row but from the A28 as indicated on the plan submitted on 30th January 2019. Vehicles over 3 tonnes will not be permitted to use Mill Row to access the site. The applicant has secured an agreement with the neighbouring land owner for the temporary use of the access lane running adjacent to the eastern boundary of the application site.
- 3.2 Consultee comments have been received from KCC Highways and Transportation in response to the Construction Management Plan, and they have raised no objection providing the landowner agrees to the use of the land to provide the access and that TDC are satisfied that this can be conditioned. It is proposed to condition the Construction Management Plan and accompanying CEMP-Plan received on the 30th January 2019 in order to secure that the construction is carried out in accordance with these details. The council would be able to enforce against this condition if non compliance took place.
- 3.3 The KCC Public Rights of Way team also responded to the Construction Management Plan and raised no objection to the proposed route, providing no material is stored on the footpath TM32 which crosses the field and joins up with Mill Row.
- 3.4 Neighbouring occupiers have been notified of the submission of the Construction Management Plan, and were provided with 14 days to comment. A letter has been received from a neighbouring occupier raising concerns about the access route proposed, on the basis that they were not convinced that the owner of the farmland had granted permission for use of the access. The submission to the Council by the agent includes confirmation that the applicant has an agreement with the neighbouring landowner for the use of the land for access during the construction

process. On the basis of the information submitted, which states that the neighbour has agreed to the use of the land, it would be reasonable to apply a condition requiring that the development is constructed in accordance with the construction management plan. If the agreement of the neighbouring landowner was not forthcoming, an application to either remove or vary this condition would be required in order for development to commence. The neighbouring letter also raises concern in relation to rights of way issues from Mill Row and other private legal matters but any legal matters for the landowner and onward sales is not a planning consideration. The letter also raises concern with the number of houses which would be served from Mill Row, but again, Kent Highway Services have not raised an objection to the application.

3.5 The Construction Management Plan is considered to create an acceptable route to the site to enable construction, with a banksman to be allocated to all traffic movement on and off the A28, a wheel wash facility, a layby area, a 4m wide access width, loading and unloading adjacent to the site and a temporary turning area. The Construction Management Plan will be conditioned in order to ensure compliance with the agreed route and provisions during the construction of the proposed dwelling.

3.4 The proposed Construction Management Plan is considered to be acceptable and in accordance with the NPPF, which requires that safe and suitable accesses to sites are achieved. It is therefore recommended that Members approve the application, subject to safeguarding conditions, including compliance with the construction management plan.

## 4.0 Options

4.1 Members approve the application in accordance with the officer recommendation, subject to safeguarding conditions as listed within Appendix 1, and an additional Construction Management Plan condition detailed as follows:

*The development hereby permitted shall be carried out in accordance with the Construction Management Plan received on 21st December 2018 and the Construction Route Plan received on 30th January 2019.*

**Ground:** *In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.*

4.2 Members propose an alternative motion.

## 5.0 Recommendations

5.1 Officers recommend Members of the Planning Committee to agree option 4.1.

Contact Officer:	Lauren Hemsley, Senior Planning Officer
Reporting to:	Emma Fibbens, Principal Planning Officer

## Annex List

Appendix A	Planning Committee Schedule item 21st November 2018
------------	---

# Agenda Item 4

## Annex 1

**A04**

**F/TH/18/0576**

**PROPOSAL:** Erection of 1No two storey 3-bed dwelling and associated parking.

**LOCATION:** Land To The Side Of Mill Haven Mill Row BIRCHINGTON Kent

**WARD:** Birchington South

**AGENT:** Mr Daniel McCarthy

**APPLICANT:** Mrs Mary-Ann Cresdee

**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 02, 03, 07 received on 22 October 2018, and plans numbered 04 and 05 received on 27 September 2018.

**GROUND;**

To secure the proper development of the area.

3 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.

**GROUND;**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND;**

To ensure that features of archaeological interest are properly examined and recorded.

## Agenda Item 4

### Annex 1

5 The rooflights to be provided in the north east elevation of the dwelling hereby approved, shall be provided and maintained with a cill height of not less than 1.73 metres above the finished internal floor level.

**GROUND;**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.

6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. 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 a similar size and species.

**GROUND;**

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

7 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2005 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND;**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

8 No further enlargements or alterations of the dwelling house, whether approved by Class A, B or C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND;**

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

### INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

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).

### SITE, LOCATION AND DESCRIPTION

The existing bungalow at Mill Haven is detached and set within a large plot, with parking and access from Mill Row. The site currently forms part of the garden serving Mill Haven, with existing trees and shrubs. The site is on the edge of the urban confines and bounded by fields. There are a range of house types both within Mill Row, and neighbouring Mill Haven, with detached, semi-detached and terraced properties all visible, with no distinct prevailing character. The wider pattern of development demonstrates properties have either a direct street frontage or are set back within the plot.

### RELEVANT PLANNING HISTORY

No relevant site history.

### PROPOSED DEVELOPMENT

The proposal is for the erection of 1 no. two storey 3 bedroom detached family house on the land to the side of Mill Haven, which will utilise the existing access. The proposed dwelling is set back from the front boundary by 14m, and has been orientated with the front elevation facing in an easterly direction towards the access. The dwelling is proposed to be constructed, with weatherboarding, a slate roof and upvc windows and doors. There is a parking courtyard to the front of the property with two parking spaces and provision for vehicles to turn. The property has a good sized garden with private amenity space to the rear and side, with provision made for refuse storage in the front garden, and clothes drying and cycle storage located within the rear garden. The amended plans do not now include the detached garage, which was originally proposed, but set out the two parking spaces instead and retain the good condition wild cherry tree.

### DEVELOPMENT PLAN POLICIES

#### **THANET LOCAL PLAN 2006 - SAVED POLICIES**

D1 - Design Principles

D2 - Landscaping

H1 - Housing

SR5 - Door step play space

TR12 - Cycling  
TR16 - Car parking

### NOTIFICATIONS

Letters were sent to neighbouring properties and a site notice has been posted. One comment was received to inform that the site had a former working windmill in 1700s. Any destruction of this area and the base would mean a loss of considerable historical interest and should be preserved. One letter of objection was received from a neighbour, raising the following concerns:

- The lane is already served by 5 dwellings and is only 3.65m in width
- Access and safety issues and no access or turning for HGV or large vans.
- Heavy vehicles would damage the top of my cellar which runs underneath my private roadway.
- There is an underground stream and watercourse within 20 metres of the proposed development which leads to a well.
- Loss of trees.
- Destruction of heritage asset and historical area as identified by the Birchington Heritage Trust
- Noise and disturbance from the construction.
- Loss of privacy due to overlooking from the garage.
- Overdevelopment and overcrowding.
- Legal complications with access arrangements.

**Birchington Council** - Objection. Overdevelopment with a lack of parking, it is a historic site and will increase traffic going into Mill Row which is not a big road and onto the A28.

### CONSULTATIONS

**Southern Water** - No objection. Formal application required for connection to the public sewer.

**Archaeology** - No objection. The site lies in a rich archaeological landscape with remains of prehistoric and medieval dates having been found during evaluation works to the south and west recently. In particular a large double ring ditch monument has been identified to the south east of the property. Specifically as has been represented to you the site includes the location of a former flour mill that was in use in the mid 19th century. I have not been able to research the origins of this feature but it would be of interest as a local heritage asset.

The proposed new building is likely to fall on the location of the flour mill and it may be that early remains survive on the site. I would therefore recommend that in any forthcoming consent provision is made for a programme of archaeological works so that any archaeology that is affected by the development can be identified and investigated prior to loss.

**Kent Highways** - No objection. The provision of one additional dwelling is unlikely to have a notable impact on traffic flows in the area. For a 3 bed dwelling in the suburban location a minimum of 1.5 parking spaces must be provided. Sufficient turning area must be provided within the site to allow cars to park and enter/exit the site in a forward gear.

### COMMENT

The application has been called to planning committee by Cllr Coleman-Cooke to enable members to consider whether the proposed development would constitute an overdevelopment of the existing site, whether it is out of character with the area and if parking and traffic issues would be created.

### **Principle**

The site is located within the urban confines of Birchington and on garden land serving Mill Haven. The development would represent development on non-previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet and, on this basis, the National Planning Policy Framework (NPPF) requires that applications for housing should be considered in the context of the presumption in favour of sustainable development. Furthermore, the emerging Policy H01 of the submitted Draft Local Plan states that the Council will grant permission for new housing development on residential gardens where it is judged to not be harmful to the character and amenity of the local area. The site is within a sustainable location close to Canterbury Road (A28) with good access to local amenities in Birchington and local transport links. The principle of developing the site is therefore considered to be acceptable and consistent with the principles of the NPPF, subject to the consideration of other material considerations, such as impact on the character and appearance of an area, the living conditions of neighbours and impacts on the highway network, being considered acceptable.

### **Character and Appearance of the Area**

Policy QD02 of the Draft Local Plan states that residential development on garden land will be permitted if it makes a positive visual contribution to the area.

The site is within the urban confines and adjacent to open fields. There is considered to be suitable space within the large plot of 1289 sqm to accommodate an additional dwelling. The site layout of the proposed dwelling has utilised the space effectively to create a rectangular footprint with a narrower frontage and wider side elevations so as not to overcrowd the plot or impinge on the existing dwelling. There is enough space for garden land all around the property, and parking and access to the front. The proposal is in keeping with the pattern of development of the area, as Mill Haven is on a much larger plot than the surrounding dwellings, with the majority of plots at a much higher density. The proposed orientation of the family dwelling is complimentary to the existing dwelling within the plot.

In terms of the design, the proposal has a pitched roof with gable ends to the rear and front elevations, with a canopy over the front entrance, rooms in the roof served by roof lights, windows within the gable ends and a number of patio doors and windows. The property is 6.8m in height to the top of the ridge and 11.5m in depth, with a front and rear elevation of 6m in width and a side projection with gable and chimney feature to the south west elevation, projecting a further 2m x 5m from the main footprint of the house. There is no particular prevailing character within Mill Row and through the neighbouring properties and it is not therefore considered that the design or scale of the proposal would be out of

# Agenda Item 4

## Annex 1

character. A sample condition for materials is proposed to ensure good quality materials for the dwelling.

The tree removal plan details that there are 9 trees to be removed in total from the site, mainly along the south west facing elevation,. The existing trees are not protected by a Tree Preservation Order, and an Arboricultural Assessment has been submitted identifying the trees to be removed as Grade C2 and of fair condition, and therefore it is not considered that the existing trees are worthy of a Tree Preservation Order.

A landscaping plan has been submitted showing that 8no. New trees are to be planted within the site, which in addition to the trees to be retained, will provide some screening from views of the property from across the fields. It is also noted that the site adjacent to the boundary of the application site has been allocated as a strategic housing site, which may further reduce views into the site in the future.

It is therefore not considered that the proposal creates a harmful impact to the character and appearance of the area and is considered to be in accordance with Policy D1 of the Thanet Local Plan and QD02 of the Draft Local Plan.

### **Living Conditions**

In terms of the impact of the proposal upon neighbouring living conditions, there is considered to be sufficient space around the property and acceptable distances to neighbouring properties following the amendments made to the plans, which show the removal of the originally proposed detached garage, to prevent any significant impact upon neighbouring light or outlook.

The proposed development, is set away from the boundary of the neighbouring property at Mill Lodge by 12 metres and the first floor bedroom window is orientated away from the rear amenity space. There is a distance of 3 metres between the proposed dwelling and Mill Haven, the existing bungalow within the plot and the ground floor windows serve a toilet and utility room, which are not considered to create any overlooking concerns. There are no first floor windows within the north east facing elevation towards the existing dwelling. The rooflights within the north east facing roof slope are all above 1.7m from the cill height and there are not considered to be any harmful overlooking issues created from these windows. The site is bordered by open fields on the north west and south west elevations.

The proposal is therefore considered to be acceptable and in accordance with Policy D1 of the Thanet Local Plan, and the NPPF.

### **Transportation**

Whilst concerns have been raised in relation to parking, the amended plans provide for 2 parking spaces instead of the original detached garage, which exceeds the 1.5 spaces required. Sufficient turning space is also provided. KCC Highways have not raised an objection to the application and do not consider that the creation of one additional dwelling would create a notable impact on traffic flows within the area. Cycle parking is provided in the form of a bike sheds to be provided in the rear garden. The application is therefore

## Agenda Item 4 Annex 1

considered to be acceptable in terms of the parking and highways arrangements. The impact on the highway safety and convenience is therefore considered to be acceptable and in accordance with the NPPF.

### CONCLUSION

The principle of development is a departure from Policy H1 of the Thanet Local Plan, but Policy H01 in the Draft Local Plan allows for garden land to be built on where not judged harmful to the local area in terms of the character and amenity considerations. The proposal is considered to be acceptable as it is complimentary to the varied character and appearance of the area and provides a family dwelling in a sustainable location within Birchington. There are no harmful impacts to neighbouring living conditions and the proposal does not pose any harmful impacts to highway safety. The application is therefore considered to be an acceptable departure to Policy H1, with a design and layout in accordance with Policies D1 and TR16 of the Thanet Local Plan, and the National Planning Policy Framework.

It is therefore recommended that members approve the application subject to safeguarding conditions.

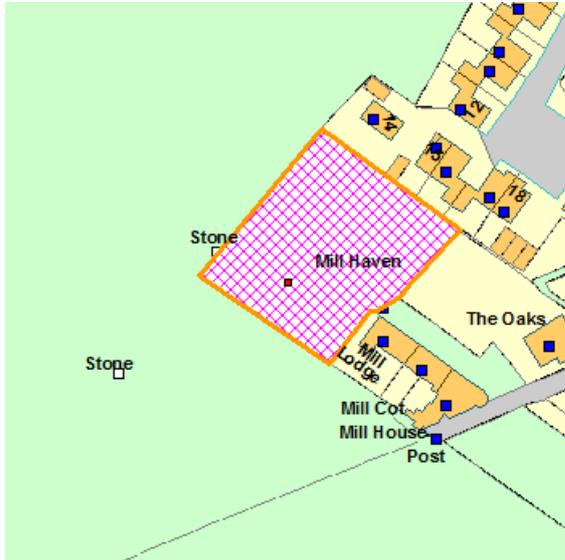
### **Case Officer**

Lauren Hemsley

# Agenda Item 4 Annex 1

TITLE: F/TH/18/0576

Project Land To The Side Of Mill Haven Mill Row BIRCHINGTON Kent



THANET DISTRICT COUNCIL

PLANNING COMMITTEE

20 FEBRUARY 2019

BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

(A) Standard Reference Documents - (available for inspection at the Council offices)

1. Thanet District Council Local Plan saved policies
2. Cliftonville Development Plan Document
3. Government Circulars and the National Planning Policy Framework issued by the Department of Communities and Local Government.

(B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection at the Council offices)

(C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available for inspection at the Council offices and via the Council's website)

I certify that the above items are not exempt information.

(D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:..

Proper Officer

DATE:11 FEBRUARY 2019

## THANET DISTRICT COUNCIL

### REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

#### PART A

TO: THE PLANNING COMMITTEE

DATE: 20 February 2019

Application Number	Address and Details	Recommendation
A01 F/TH/18/1421	<p><b>Land Adjacent 2 Park Place MARGATE Kent</b></p> <p>Erection of 1No. two storey 2-bed dwelling</p> <p>Ward: Margate Central</p>	Approve
A02 F/TH/18/1675	<p><b>Yelton Second Avenue BROADSTAIRS Kent CT10 3LN</b></p> <p>Erection of a two storey 5-bed detached dwelling</p> <p>Ward: Kingsgate</p>	Approve
A03 FH/TH/18/1662	<p><b>12 Weatherly Drive BROADSTAIRS Kent CT10 2EE</b></p> <p>Erection of two storey side extension together with erection of single storey front extension following demolition of existing rear extension and garage</p> <p>Ward: Viking</p>	Approve
A04 F/TH/18/1384	<p><b>Land Fronting Marina Esplanade RAMSGATE Kent</b></p> <p>Erection of a flood defence wall, improvements to existing sea wall, raising of ground levels and installation of flood gate together with extension of groyne.</p> <hr/> <p>Ward: Eastcliff</p>	Approve

A05 FH/TH/18/1624

**15 West Cliff Road BROADSTAIRS  
Kent CT10 1PU**

Approve

Erection of a first and second floor extension to existing bungalow with a two storey rear extension, a single storey rear extension, dormer windows to front and rear, balcony to front at first floor level and a two storey front extension with pitched roof together with alterations to external materials and fenestration

Ward: Viking

A06 F/TH/17/0746

**Land Adjacent 35 Victoria Parade  
RAMSGATE Kent**

Approve

Erection of 2no. detached dwellings, with associated off-street parking.

Ward: Sir Moses Montefiore

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART B

TO: THE PLANNING COMMITTEE

DATE: 20 February 2019

Application Number	Address and Details	Recommendation
R07 F/TH/18/1053	<p><b>43 - 49 Marine Terrace MARGATE Kent</b></p> <p>Erection of 124 bedroom hotel (use class C1) with associated restaurant/bar, gymnasium, meeting spaces, and rooftop bar together with 1No retail/restaurant (use classes A1/A3) at ground floor following demolition of existing buildings</p> <p>Ward: Margate Central</p>	Refuse Permission
R08 F/TH/18/1615	<p><b>C Watkins 1 Leigh Road RAMSGATE Kent CT12 5EU</b></p> <p>Erection of two storey extension to existing building.</p> <p>Ward: Newington</p>	Refuse Permission

**A01**

**F/TH/18/1421**

PROPOSAL: Erection of 1No. two storey 2-bed dwelling  
LOCATION: Land Adjacent 2 Park Place MARGATE Kent  
WARD: Margate Central  
AGENT: Mr Luke Strange  
APPLICANT: Mr Khouri  
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 04 rev A and 03 Rev A received on 23 January 2019 and dated 02 Rev A received on 18 January 2019

**GROUND;**

To secure the proper development of the area.

3 The development hereby permitted shall be constructed using yellow stock bricks, natural slate roof, and cast iron rainwater goods.

**GROUND;**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with 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 bricks 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.

**GROUND;**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with advice contained within the National Planning Policy Framework.

5 All new windows shall be timber sliding sash and set within a reveal of not less than 100mm

**GROUND;**

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

6 Prior to the installation of the timber 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 advice contained within the National Planning Policy Framework.

7 Prior to the installation of the rain water goods, details including the material and a sectional profile shall be submitted to and approved in writing by the local planning authority. The rain water goods shall be installed in accordance with the approved details.

**GROUND;**

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

8 The rooflights hereby approved shall be 'conservation style' rooflights, set flush with the roof plane.

**GROUND;**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with advice contained within the National Planning Policy Framework.

9 Prior to the installation of the railings hereby permitted, details of the material, colour and finish shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND;**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with advice contained within the National Planning Policy Framework.

## INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

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).

## SITE, LOCATION AND DESCRIPTION

The application site is a vacant plot of land within Margate Conservation Area, to the north of Margate Fire Station and adjacent to the junction of Park Place, Churchfields and Grosvenor Gardens. To the east of the site is the Grade II\* listed St John the Baptist's Church. The area is predominantly characterised by 2-storey terraced Victorian properties, with larger, semi-detached properties to the south and south-east of the site. The site is located in close proximity to the town centre, with good pedestrian and public transport links into the town centre, and district-wide. The site is a grassed area in a corner position, with a low boundary wall to the perimeter. Adjacent to the site is a terrace of houses along Park Place and to the rear of the site is some grassed open space which is outside of the application site.

## RELEVANT PLANNING HISTORY

F/TH/18/1042 - Erection of 1No. two storey (2-bed) dwelling - Refused 20/09/2018

Reason for Refusal:

The site lies within the Margate Conservation Area, and it is the duty of the Council, as the Local Planning Authority to pay special attention to the desirability of preserving and enhancing its special character and appearance. The proposed dwelling and boundary wall, by virtue of its siting and location, will result in the loss of undeveloped open space which positively contributes to the Margate Conservation Area and the setting of the Grade II\* listed St John the Baptist Church. The proposed development would therefore result in less than substantial harm to the significance of the designated heritage assets, which is not considered to be outweighed by public benefits, and would be to the detriment of the character and appearance of the area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 127, 130, 192, 193 and 196 of the NPPF.

F/TH/09/0922 - Erection of 1 No. 2 storey dwelling - Refused 16/06/2010

Reason for refusal:

The proposed development would result in the loss of undeveloped open space that positively contributes to the character and appearance of the Conservation Area, contrary to advice contained within PPS5: Planning for the Historic Environment and policies H1 and D1 of the Thanet Local Plan.

## PROPOSED DEVELOPMENT

The proposal is for the erection of a detached two storey house with two bedrooms, located adjacent to the existing terraced dwellings in Park Place. The proposed dwelling has a street frontage with pedestrian access from Park Place, with the side elevation facing Churchfields. The proposed house measures 4.9m in width and 6.2 - 6.9m in height as there is a level change along this section of Park Place. There is a single storey pitched roof addition to the rear, which measures 3m in width and 3.4m in height decreasing to 2.2m at the eaves. Amenity space is provided to the side and rear of the property with a perimeter boundary wall with wrought iron railings proposed above. Yellow stock bricks, timber double glazed windows and doors, a natural slate roof and black cast iron rainwater goods are proposed to be used in the construction of the dwelling.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Saved Policies 2006**

- D1 - Design Principles
- D2 - Landscaping
- H1 - Housing
- H4 - Windfall site
- SR5 - Door step play space
- TR12 - Cycling
- TR16 - Car parking

## CONSULTATIONS

**TDC Conservation Officer** - As I previously indicated on my comments dated 6/9/2018, in my view the openness of the application site contributes towards the spacious character of the street scene on this part of the Conservation Area. It is an important open space which contributes to the visual amenity and character of the area and the setting of the grade II\* listed church.

I acknowledge that the proposed dwelling would be sited within the established building line of the terrace to the north side of Park Place and abutting no 2. In appearance, the proposed dwelling would be similar to those existing in terrace. I also acknowledge that historically, originally a building occupied the site on the end of the terrace adjoining no. 2 Park Place as evidenced in historic Ordnance Survey maps and historic photo. However, the building was of a lower height compared to the terrace. This building was demolished and at some time the depth of the plot was reduced to give way to the widening of Grosvenor Gardens.

In my view, whether the inclusion of the open space and the one adjacent to it fronting High Street was deliberately done when the Conservation Area was designated or not, the application site has always remained an open space in the Conservation Area with no buildings as such any development that reduces the openness of the site would result in harm to the open character of the street scene and the character and appearance of the CA and the setting of the listed church as heritage assets.

I therefore consider that the principle issue of the negative impact on the character and appearance of the Conservation Area and the setting of the church still remains.

**Southern Water** - No objection. Formal application for connection to the public foul sewer is required.

**Kent County Council Highways and Transportation** - No objection. A standard response was originally received to state that the site is a non protocol site. After concern was raised by members comments were requested from the Highways Officer and he stated that if there is visibility available from a 2.4 metre setback for a distance in accordance with the speed limit (43 metres for a 30mph road) then there would be no grounds for a highway safety objection in regards to access visibility. The best way to alleviate concerns would be to request that the applicant provides visibility splays at the junction of Park Place and Grosvenor Gardens. As the exit onto Grosvenor Gardens is one way, visibility is only required in one direction, looking south (looking right) out of the junction.

## REPRESENTATIONS

A site notice was posted and neighbours notified. Correspondence has been received from the adjacent neighbour in relation to concerns raised about the proximity of the proposed dwelling to their support foundation which runs along the perimeter of their boundary wall and access to maintain their property, along with more general concerns relating to the loss of light, privacy, need more open space, out of keeping with the character of the area, over development and residential amenity.

## COMMENT

The application has been called to planning committee by Cllr Iris Johnston to enable members to consider any impacts of the proposed development within the Conservation Area and the setting of the nearby Grade II\* listed St Johns Church.

## **Principle**

The site is an area of open space which is not defined as previously developed land. The development would therefore represent development on non-previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet and in the absence of a 5 year supply and, on this basis, the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is sustainably located within walking distance of Margate Town Centre, primary schools, and other facilities and services. The site is also on a bus route and walking distance of the train station. The principle of development is therefore considered to be acceptable subject to other material considerations including the impact upon the character and appearance of the Margate Conservation Area, and the impact upon neighbouring living conditions.

## **Character and Appearance of the Area**

The site is situated within the Margate Conservation Area and within close proximity to the Grade II\* listed St John the Baptist Church. The proposed dwelling is of a similar proportion to the adjacent row of terraced houses along Park Place. The proposal is not to adjoin the dwelling, but provide a gap of 0.65m between the proposed dwelling and 2 Park Place. A boundary wall is proposed for the perimeter of the site which extends from 1.6m with brick and a railing above at the corner of Park Place and Grosvenor Gardens to 1.8-2m further along the boundary fronting Churchfields.

The Conservation Officer considers that the proposal site creates an important gap site within the built environment which is a visually important spatial area within the Conservation Area. He considers that any development that reduces the openness of the site would materially be detrimental to the character and appearance of the Conservation Area and the setting of the listed St John the Baptist Church. The previous decisions made for this site have been on the basis that the site has been an open site historically and it would therefore be harmful to the Conservation Area and the setting of the listed building to allow a dwelling to be built on the open space. However, the applicant has submitted with this application new information in the form of a Heritage Statement, which demonstrates that historically there was a dwelling within this position from at least 1874 to the 1960s, which was demolished in order to allow for highway works to widen the road at the junction of Grosvenor Gardens and Churchfields. This additional and new information to support the application creates the need to review the previous decisions made, as it provides a question as to whether the retention of the open space provides more of a positive contribution to the conservation area than the provision of a new dwelling where one was historically sited .

It is considered that the harm to the Conservation Area as a result of a dwelling occupying the currently open space is not as severe as previously considered because the proposal is in keeping with the historic pattern of development of the area, as shown by the historic maps provided and evidenced in the supporting Heritage Statement. The presence of a dwelling in this location would be as per the historic arrangement and is therefore considered to have less of an impact on the setting of the Grade II\* listed building, because in the lifespan of the Church there has been a dwelling in this location, which given the width and positioning of the plot, does not impede the views of the church from Grosvenor Gardens and the proposal would still provide a framed view, bounded by residential properties within the Conservation Area.

Design changes have also been made to the front elevation of the dwelling when compared to the previously refused application, to create a more symmetrical frontage with the arrangement of the fenestration, which is in keeping with the historic photographs provided of the dwelling which previously occupied the plot, and the character and appearance of the adjacent terraced properties on Park Place. The materials proposed are yellow stock brick, with a natural slate roof, timber joinery and cast iron rainwater goods. These materials are sympathetic to the character and appearance of the Margate Conservation Area.

The National Planning Policy Framework considers that in determining applications, local planning authorities should take account of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities, and new development making a positive contribution to local

character and distinctiveness. Previously it was considered that the removal of this open space from the Margate Conservation Area would not conserve the character and appearance of this part of the Conservation Area. Following the submission of additional information through this application, which reveals that there was historically a dwelling in this location of a similar footprint, it is considered that the historic pattern of development comprises of a building in this location and not the open space which the site is currently characterised by.

Paragraph 196 of the NPPF considers that where a development proposal will 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. On balance, it is therefore considered that the less than substantial harm which the Conservation Officer and previous decisions on this site have concluded, can be outweighed by wider public benefits of utilising a plot which historically comprised of a dwelling, is in keeping with the historic pattern of development of the area and as a privately owned plot of land, which does not constitute as public open space has limited visual benefit to the community or viable use as private open space. It is therefore considered that on balance, the proposal is in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

### **Living Conditions**

The proposal is for a detached dwelling, which is separated from no. 2 Park Place with a 650mm gap. Amended plans were received as a result of neighbour comments, which highlighted a low wall/support foundation to the side of the boundary wall of 2 Park Place and the application site. The site plan provides for a sufficient separation distance and any other rights of access over the land are not a material consideration for this application and would be a legal matter outside of the planning process. There are no side windows on the north western elevation, with the main windows serving the property positioned to the front and rear, as per the existing adjacent row of terraced houses in park Place. There is a ground floor window on the south eastern elevation facing out towards the side garden area and the road. The gardens of Park Place are north east facing and the proposal is not considered to create harmful overshadowing onto the neighbouring amenity space, because it is north east facing. The two storey part of the proposal is in line with the rear elevation of 2 park Place. The single storey part of the proposal projects from the rear elevation of 2 Park Place by 2.5m and the roof is sloping away from the rear elevation of the proposed dwelling. This is not considered to create a harmful impact on the neighbouring occupiers living conditions. The application is therefore considered to be acceptable in terms of the impacts to neighbouring living conditions and in accordance with Policy D1 of the Thanet Local Plan, and the NPPF.

The proposal complies with Policy SR5 in providing a rear garden with safe doorstep play space, and provision is made for clothes drying and refuse storage. The application is therefore considered to be acceptable in terms of the living conditions for future occupiers and in accordance with the NPPF.

## **Transportation**

There is no parking proposed for the application which is in accordance with the adjacent dwellings. Policy TR16 of the Thanet Local Plan considers that in conservation areas where the provision of parking in line with this policy would be detrimental to the character of the conservation area or have an adverse effect on the setting of a listed building, exceptions may be made. The application is within close proximity of the town centre and nearby bus routes and Margate train station and is considered to be within a sustainable location and therefore does not create any harmful impacts to highways safety and convenience through the lack of parking.

Comments were requested from the Highways Officer after the initial non protocol response was received following concerns raised through the consultation process. The Highways Officer has stated that if there is visibility available from a 2.4 metre setback for a distance in accordance with the speed limit (43 metres for a 30mph road) then there would be no grounds for a highway safety objection in relation to access visibility. The Highways Officer considered that the best way to alleviate concerns was to request the applicant provides visibility splays at the junction of Park Place and Grosvenor Gardens. As the exit onto Grosvenor Gardens is one way, visibility is only required in one direction, looking south (looking right) out of the junction. The proposed site plan shows the existing visibility splay and that it would be unaffected by the proposal.

Cycle parking is proposed within the rear garden in accordance with Policy TR12 of the Thanet Local Plan.

## **Conclusion**

The proposal represents development on non-previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet. It is considered that the proposed dwelling is in a suitable location in close proximity to the town centre, with good access to local amenities. The proposal is not deemed to have significant detrimental impacts on neighbouring property occupiers or upon highway safety. Previously it was considered that the removal of this open space from the Margate Conservation Area would not conserve the character and appearance of this part of the Conservation Area. Following the submission of additional information through this application, which reveals that there was historically a dwelling in this location of a similar footprint, it is considered on balance the benefit of the dwelling outweighs the less than substantial harm caused to the Conservation Area and nearby listed building and is acceptable in accordance with Policy D1 of the Thanet Local Plan and paragraph 196 of the NPPF.

It is therefore recommended that members approve the application subject to safeguarding conditions.

## **Case Officer**

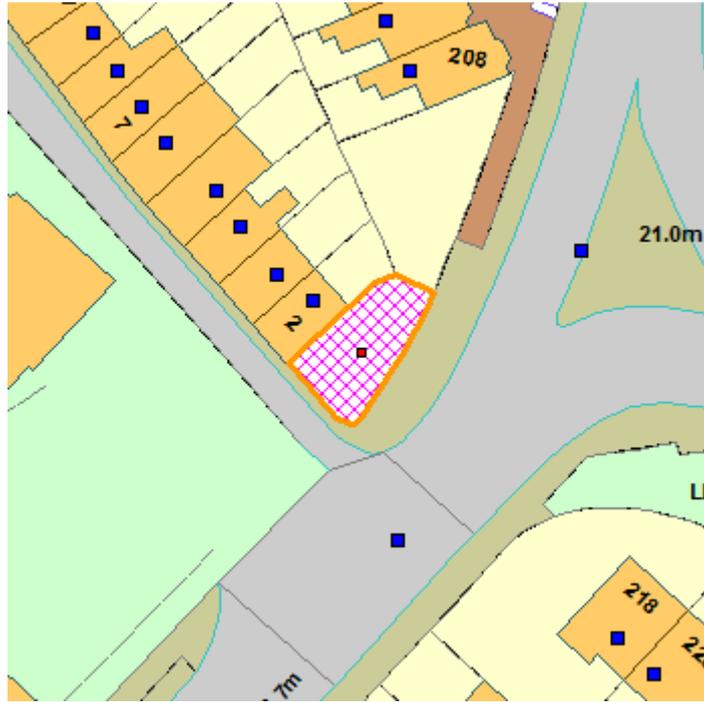
Lauren Hemsley

TITLE:

F/TH/18/1421

Project

Land Adjacent 2 Park Place MARGATE Kent



This page is intentionally left blank



5 Prior to the first occupation of the development hereby approved, full details of both hard landscape works, to include

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway
- o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

## **GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

## SITE, LOCATION AND DESCRIPTION

The site lies within a designated Area of High Landscape Value. The site when inspected was occupied by a former dwellinghouse which was initially damaged by fire and then subsequently mostly demolished prior to this planning application being received. A single storey detached bungalow previously occupied the site. The site is accessed from Second Avenue.

## RELEVANT PLANNING HISTORY

FH/TH/18/0954 Erection of first floor extension together with the erection of 2no. two storey side extensions and erection of 1no. single storey rear extension. Granted 15/08/18

## PROPOSED DEVELOPMENT

Planning permission is sought for the demolition of the existing single storey dwellinghouse and erection of a replacement two storey detached house with integral garage, following demolition of the fire damaged dwellinghouse. The replacement dwelling would have a maximum ground floor width of 17.4m and depth of 8.2m. The first floor eaves height would be 5m. The replacement dwelling would have a maximum ridge height of 7.8m.

This proposal is the same as the previous submission for extensions, as the development represents an exact reinstatement of the previous dwellinghouse with proposed extension.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan (2006 Saved Policies)**

- H1 - Residential Development Sites
- H4 - Windfall Sites
- D1 - Design Principles
- D2 - Landscaping
- SR5 - Play Space
- TR12 - Cycling
- TR16 - Car Parking Provision

## NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site.

One representation was received. The concerns can be summarised as follows:

- \* Loss of privacy - front facing windows will look into objectors garden
- \* Out of character with the area - a two storey dwelling centred within a row of existing bungalows
- \* General dislike of proposal

**Broadstairs Town Council:** Refuse - conflicts with Neighbourhood Plan, development too high, loss of privacy and conflicts with policies D1 and D7 of the current adopted Local Plan.

**Broadstairs Society:** This is in an Area of High Townscape Value which has certain characteristics meriting special consideration. As such the design criteria should be the same as applies to developments in Conservation Areas so that the conservation or enhancement of the local character should be the primary aim. The Society does not see how the design, scale of development separation between buildings, use of materials and landscaping are complementary to the special character of the area.

## CONSULTATIONS

**Natural England:** On the basis of the appropriate financial contributions being secured to the relevant scheme. NE concurs with your authority's conclusion that this is suitable mitigation, as such the proposed developments will not have an adverse effect on the integrity of Thanet Coast and sandwich Bay SPA and Ramsar site.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr Bill Hayton due to concerns that the development would be out of keeping in the area and represent an over-development.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

### **Principle**

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The site is within the confines of Kingsgate and within an existing residential area. The site is within an Area of High Townscape Value. The proposal is for a one-for-one replacement of dwelling in within the urban confines, accordingly no objection is raised in principle to the proposed development.

The key considerations relevant to the determination are character and appearance, living conditions and highways and transportation.

### **Character and Appearance**

Paragraph 127 of the 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 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 place that are safe, inclusive and accessible. Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area particularly in scale, massing, rhythm and use of materials.

Firstly It should be noted that the original dwelling, which is to be replaced (no longer in situ) was considered to be of limited architectural merit. The proposed replacement dwelling has the advantage of being a bespoke design and a modern thermally efficient building that would be constructed to modern building regulations and as such would have considerable sustainability advantages over the existing building or any extension of the existing building.

This part of Second Avenue is designated as an Area of High Townscape Value (AHTV) in the Council's Local Plan where the conservation or enhancement of the existing local character is the primary planning aim (saved Policy D7) . Within such areas new development will only be permitted where the design, scale of development, separation between buildings, materials and landscaping compliment the special character of the area.

In order to assess the impact the proposed development would have on the AHTV, it is necessary to understand the existing character of the area. This part of Second Avenue contains both single storey, chalet style and two storey properties. Dwellings are generally separated by clear visual breaks in built form with landscaping or by subservient outbuilding or extensions.

The proposed dwelling has a largely similar footprint to that of the original bungalow. It is acknowledged that there is an increase in ridge height of 2.5m, the roof is, however, hipped away from "Surat" (chalet bungalow). The eaves height is of a similar height to the ridge height of the original bungalow. There is a distance of separation between built forms; the proposed dwelling and "Surat" of approximately 7.4m.

The proposed dwelling has a half hip roof over the subservient element of the dwelling, containing the single garage, this provides a greater distance of visual separation between the site and "Thanet Lodge". The built form of "Thanet Lodge" is built to the shared boundary and maintains a distance of 2.6m from the shared boundary.

The proposed property takes a different design to the original dwelling and the original dwelling is not recognisable at all within the proposed design. There is no policy requirement for replacement dwellings to replicate either the original dwelling or its original design concept. In this instance, the proposal does, replicate that previously approved scheme granted in August 2018 which is a material planning consideration in the determination of this current application. The proposed appearance is considered to be acceptable and appropriate for this setting and maintains an acceptable level of separation between the proposed dwelling and the adjoining dwellings. The proposed dwelling is larger in size and scale than the dwelling which it replaces and will result in an increase in overall ridge height. The increase in ridge height in comparison to the original is not however thought to be excessive in the context of the site, nor based on the previous approval. As a whole the design concept is considered to be cohesive.

The proposed dwelling would site comfortably within the plot, with spaciousness provided between the built forms and boundaries. The enlargement can be achieved without resulting in harm to the character of the Area of High Townscape Value.

This proposal represents the rebuild of an existing dwelling and previously approved extensions. In the absence of any change from the scale, design or siting of the proposed dwelling from that of the recent consent there is no planning objection to this proposal.

In summary the proposal will maintain the environmental quality, local character and privacy of existing residents in-keeping with the requirement and usage in this area. The principle of a dwelling at this location is acceptable. The proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings. The proposal has respected the characteristic built form and the local townscape setting. It is considered that the proposal would comply with the aims of policy D1 and D7 of the Local Plan.

## **Living Conditions**

Paragraph 117 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.

The property shares a common with three properties; either side and to the rear. Dwellings to the front are separated by the highway. Given the distance of separation dwellings to the front would not be adversely affected by the proposal. With regard to the relationship with "Surat", which is a chalet bungalow with an integral garage with a window nearest to the application site. There is a distance of 7.4 m between the built forms. The height of the proposed building increases from 5.3m to 7.8m, it is noted that the proposed roof hips away from the neighbour. Given the degree of separation, roof configuration and it being a garage immediately adjacent to the boundary it is considered that no material harm will result. To the southeast is a property known as Thanet Lodge, which is a single storey dwelling with integral garage. There are no windows to this bungalow with the side elevation. The proposed built form would increase in height and get closer to the boundary with this property, but given the relationship it is considered that no material harm would result. The property to the rear fronts onto Fitzroy Avenue and would face onto the rear section of their amenity space. Windows are proposed in the first floor of the dwelling to both non-habitable and habitable rooms. As the dwelling is currently single storey it is acknowledged that a greater degree of overlooking would occur. Given however that the habitable rooms; bedrooms would face onto the rear section of number 67 Fitzroy Avenue, and the separation distance of at least 25m, I do not consider this to be unacceptable. On the basis of the above I am satisfied that neighbour amenity would not be harmed by the approval of this application.

Local Plan policy SR5 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. The private gardens would provide a safe play space and space for clothes drying, refuse storage and storage facilities.

The impact upon the neighbouring and future occupiers of the development is therefore considered to be acceptable and in accordance with Saved Policies D1 and SR5 of the Thanet Local Plan and the NPPF.

## **Highways and Transportation**

The site is served by an existing vehicular access. Given that this access is to remain and there would be no intensification in the use of the site, there are not considered to be any highway implications.

The site can accommodate at least two off street parking spaces required and therefore complies with the required standard.

The impact upon highway safety is therefore considered to be acceptable.

## **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.

This application includes a Unilateral Undertaking which provides the required financial contribution (£530) for the 5 bed residential unit to mitigate the additional recreational pressure on the SPA area.

### **Conclusion**

Having regard to the relevant national and local planning policies and having taken all relevant material considerations into account it is considered that the dwelling is appropriate to the location and is not a disproportionate replacement dwelling in this instance and that the proposal complies with the relevant development plan policies. A draft Unilateral Undertaking has been submitted to address this matter.

It is therefore recommended that Members approve the application subject to safeguarding conditions.

### **Case Officer**

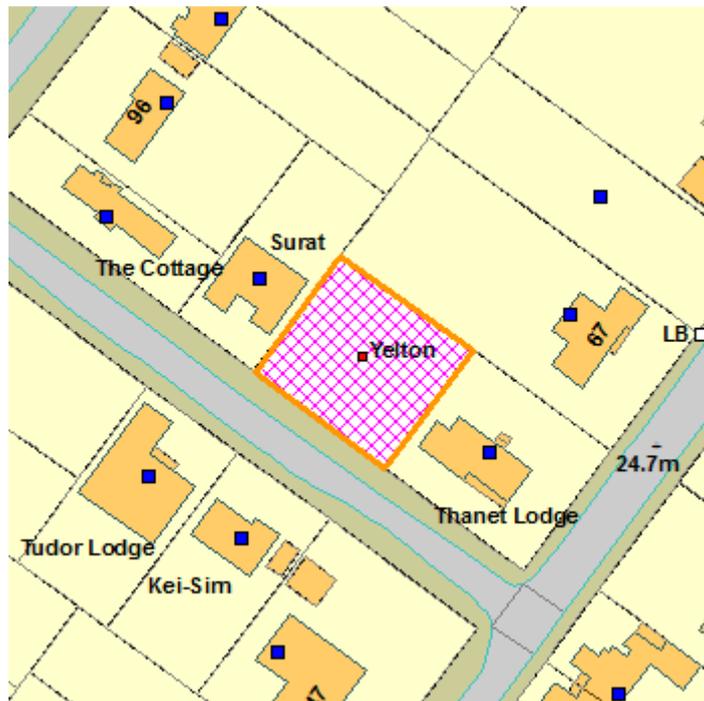
Gill Richardson

TITLE:

F/TH/18/1675

Project

Yelton Second Avenue BROADSTAIRS Kent CT10 3LN



This page is intentionally left blank

**A03**

**FH/TH/18/1662**

**PROPOSAL:** Erection of two storey side extension together with erection of single storey front extension following demolition of existing rear extension and garage

**LOCATION:** 12 Weatherly Drive BROADSTAIRS Kent CT10 2EE

**WARD:** Viking

**AGENT:** Mr Luke Strange

**APPLICANT:** Mr Gilpin

**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 283/05 Rev A and 283/06 Rev A received 17 January 2019.

**GROUND;**

To secure the proper development of the area.

3 The external materials and external finishes to be used in the erection of the extensions hereby approved shall be of the same colour, finish and texture as those on the existing property.

**GROUND;**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

4 The first floor window in the rear elevation of the extension hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND:**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

## SITE, LOCATION AND DESCRIPTION

12 Weatherly Drive is a two storey detached dwelling with a pitched roof and gable end facing the road. The property is set at an angle to Weatherly Drive and located close to the junction with Nicholls Avenue. There is an existing driveway located to the southern side of the property and the rear elevation is clearly visible from the public highway as Weatherly Drive continues around the rear of the property. Properties within the immediate vicinity are 20th century in age and vary from large detached dwellings, to bungalows and flats. Many properties, including the application property, share some Georgian design features including windows with glazing bars and flush gabled porches with pillars.

## RELEVANT PLANNING HISTORY

There is no planning history for the site.

## PROPOSED DEVELOPMENT

The proposed development is the erection of a two storey side extension and single storey front extension following demolition of existing rear extension and garage. An amended plan has been submitted during the application process removing the render to the front elevation and altering the design of the porch from a pitched roof to a flat roof.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Saved Policies 2006**

D1 - Design

## NOTIFICATIONS

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

During the initial consultation five letters of objection were received raising the following concerns:

- Loss of parking
- Proposed materials
- Front porch is out of keeping with the neighbouring properties
- Change in style of windows
- Impact upon the character and appearance of the area
- Impact upon neighbour amenity
- Scale and bulk of the extension
- Impact upon highway safety

Parking on the pavement

**Broadstairs and St Peter's Town Council** - Updated comments received 06 February 2019. No comment.

Initial comments received 10 January 2019. The Planning Committee of the Town Council has considered this application and resolved by a majority to recommend refusal with the following concerns: Proposed development is out of built line, overlooking, poor elevation design, loss of light, out of keeping with street scene and overdevelopment.

No further letters were received following the submission of the amended plan.

## CONSULTATIONS

None received

## COMMENTS

This application is brought before members by Cllr-Mave Saunders to consider the impact of the proposed development upon the character and appearance of the area and the neighbouring living conditions.

### **Principle**

The application is located within a residential area of Broadstairs. The principle of extending an existing residential dwelling is considered acceptable, subject to the detail of the scheme.

### **Character and Appearance**

Number 12 is a unique property within the street scene as it is set at an angle to the road where as all other property are set along a straight building line. The proposed side extension would project from the southern side elevation of the property towards the boundary with 9 Nicholls Drive. The two storey side extension would have a double pitched roof with a central valley and gable ends facing south. The two ridges of the proposed extension are set down from the main ridgeline of the property.

The amended front extension would extend forward of the proposed extension and the southern part of the front elevation with a flat roof. A door and a garage door would be located in the ground floor front elevation and a window would be located in the first floor front elevation. One window is proposed in ground floor and first floor rear elevations.

Following the submission of the amended plan, the proposed render has been removed from the front elevation and the extensions would be constructed from materials to match the existing property.

The proposed side extension would reduce the open space to the boundary on the southern side of the site, however there is a variety of separation distances between properties within the immediate area and due to the location and orientation of number 9 Nicholls Avenue, a

separation distance of 12m would remain at first floor level. The side extension does not project beyond the existing front and rear side elevations of the property and therefore it is considered that the proposed side extension would have no significant impact upon the character and appearance of the area.

The amended flat roof front porch extension would project forward of the main front elevation by 1.6m and leave a separation distance of 4.2m to the boundary with the highway. A number of other properties have flat roof front porch extensions or canopies, including the adjacent neighbours, 14 Weatherly Drive and 9 Nicholls Avenue. Therefore it is considered that the proposed front extension would have no significant impact upon the character and appearance of the area.

Concern has been raised regarding the change of windows proposed as part of this application. As the application property is a single dwelling the windows can be changed without the benefit of planning permission provided they are similar in appearance to the existing windows. The existing and proposed windows are both constructed from UPVC and would be located within the same openings. Given the permitted development fallback position it is considered that the proposed windows would have no significant impact upon the character and appearance of the area.

Whilst there is a degree of uniformity between the dwellings surrounding the application site, it is considered that following the amended plan and given the location and design of the proposed alterations, it is considered that there would be no significant impact upon the character and appearance of the area in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The proposed side extension would measure 3.4m wide, 8.5m deep, 5.3m to the eaves and 6.5m in total height. This extension does not project beyond the existing main front or rear elevations of the property. The proposed front extension would project forward of the proposed side extension and the southern part of the existing front elevation. This extension has been amended from a pitched roof to a flat roof design during the application process. The front extension would measure 6.3m wide, 1.6m deep and 2.9m in height.

The proposed extensions are staggered along the southern boundary and at the closest point there is a separation distance of 8.4m to the rear elevation of the southern neighbour, 9 Nicholls Drive. There is a separation distance of 8.2m to the northern boundary and the side elevation of 14 Weatherly Drive from the closest point of the extensions. The front and rear boundaries of the site are shared with the highway and therefore there are no direct neighbours to these boundaries. At the front there is a separation distance of 19.2m to the front elevation closest neighbour, number 51 Weatherly Drive and at their rear there is a separation distance of 29m to the front elevation of closest neighbour, 95 Weatherly Drive. Given these large separation distances it is considered that the proposed development would not result in any significant loss of light or sense of enclosure to the neighbouring properties.

A door and a garage door are proposed in the ground floor front elevation and one window is proposed in the ground floor rear elevation. Due to the ground floor location of these windows, they are not considered to result in any significant overlooking. One window serving a bedrooms is proposed in the first floor front elevation and one window serving a bathroom is proposed in the first floor rear elevation. At the front of the property there is a separation distance of 21m from the proposed front window to the closest neighbouring property, number 49 Weatherly Drive. Any views from this window are not considered to be significantly different to the existing windows in the first floor front elevation. The window within the first floor rear elevation would serve a bathroom which is not considered to be a habitable room. Whilst some views may be obtained from this window towards the rear elevations of the properties on Nicholls Avenue this would be at an obscure angle and is not considered to be significantly different to the existing first floor rear windows.

In light of the above it is considered that the proposed development would not result in any significant harm to neighbouring living amenity by way of loss of light, sense of enclosure or overlooking, in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

The proposed development would remove the existing garage and reduce the size of the available off street parking at the property to one car. Garages are often under used for parking of vehicles and parking in Weatherly Drive and the surrounding roads is unrestricted. It is considered that there is sufficient capacity within the surrounding roads to accommodate any additional on street parking as a result of the development. Therefore it is considered that the proposed development would not result in any significant harm to highway safety or significant increase in demand for on street parking to warrant refusal of the application.

### **Other Matters**

Policy D3 is not a saved policy of the Thanet Local Plan and therefore cannot be considered in the determination of this application.

### **Conclusion**

In conclusion it is considered that the proposed development would not have a significant impact on its surroundings or residential amenity and accords with Thanet Local Plan Saved Policies and the National Planning Policy Framework. It is therefore recommended that members approve the application, subject to safeguarding conditions.

### **Case Officer**

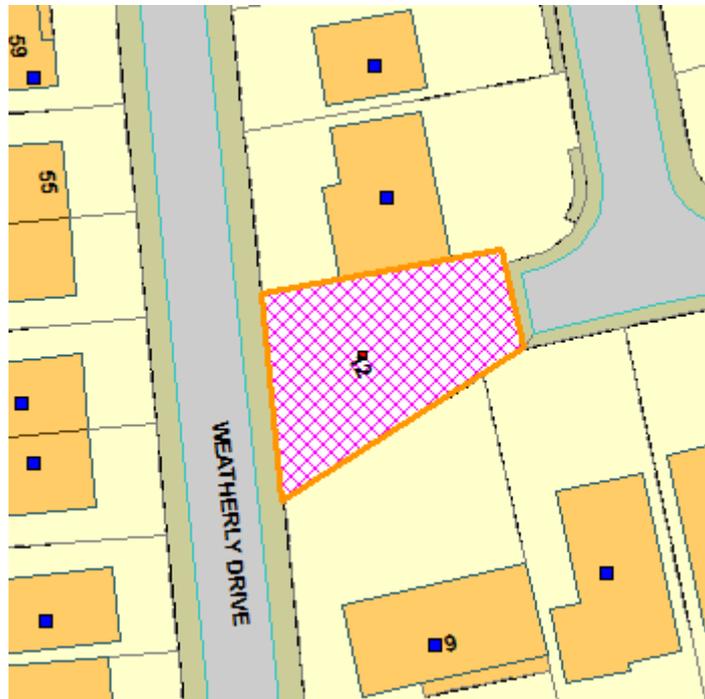
Duncan Fitt

TITLE:

FH/TH/18/1662

Project

12 Weatherly Drive BROADSTAIRS Kent CT10 2EE





has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

## GROUND:

To ensure pollution prevention measures are in place for all potentially polluting activities during construction in accordance within National Planning Policy Framework paragraph 109 and in the interests of highway safety.

4 The groyne extension hereby approved shall be finished using a roughened surface as agreed by the applicant in correspondence dated 28 March 2018.

## GROUND;

In the interests of biodiversity conservation and enhancement in accordance with the advice contained within the National Planning Policy Framework.

## INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

## SITE, LOCATION AND DESCRIPTION

The site comprises several sections of land (including land in the highway) adjacent to Granville Marina and Marina Esplanade, a 220m section of sea wall adjacent to Marina Esplanade and a concrete groyne extending into the sea approximately 110m north of Marina Esplanade. The western section of Marina Esplanade is located within the Ramsgate Conservation Area and there are a number of listed buildings located at the southern end of Granville Marina adjacent to the site. The area surrounding the site has an open character and Marina Esplanade immediately abuts Ramsgate Main Sands.

## RELEVANT PLANNING HISTORY

F/TH/18/0071 - Erection of a flood defence wall, improvements to existing sea wall, raising of ground levels and installation of flood gate together with extension of groyne. Granted 01 June 2018

F/TH/97/0627 - Erection of a detached single and two storey first aid/ lifeguard/kiosk building with associated flagpole and terrace; erection of a detached single storey kiosk and toilet amenity block with associated flagpole and terrace; environmental improvements to foreshore and promenade including the refurbishment of the existing toilet block, construction of retaining walls balustrading; concrete seating; feature walls; seating walls; plinths; flagpoles; sundecks; staircases; feature entrance markers and boundary fences/barriers/walls to car parking areas; and look out features. Formation of promenades; steps; ramps; boardwalks and associated landscaping. Granted 10 October 1997.

## PROPOSED DEVELOPMENT

This application seeks consent for the erection of wave defence wall on Marina Esplanade and Granville Marina, alterations to the highway within Marina Esplanade and Granville Marina, re-facing of the sea wall along Marina Esplanade and extension of an existing concrete groyne, to provide improved wave flood protection to the residential properties on Granville Marina. The proposed developments will increase the level of protection from tidal flooding to the properties on Granville Marina to a 1:200 year standard.

This application is a resubmission of application reference F/TH/18/0071 which was approved by the Planning Committee in June 2018. The only change between the approved application and this proposal is the location of the extension to the existing concrete groyne. The approved application sought to extend the height and length of the groyne, however this application proposes to increase its height but makes no change to the length of the groyne.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Saved Policies 2006**

D1 - Design

EC8 - Ramsgate Waterfront

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was placed in the local paper. One letter of objection has been received raising the following concerns:

- Impact upon highway safety
- Heavy vehicles using Marina Road to access the site as there are residential properties built under this road.
- Damage to the highway
- Noise and disturbance

**Ramsgate Town Council:** No objection

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

## CONSULTATIONS

**KCC Highways and Transportation** - I refer to the above planning application and confirm the proposals are acceptable in principle in respect of highway matters. The proposed highway alterations will be subject to a separate approval process under section 278 of the Highways Act, including the necessary alterations to existing parking restrictions and signage. The proposed wall within the highway along Granville Marina will need to be installed and maintained under a licence agreed with the highway authority.

A Construction Management Plan will need to be submitted and approved by condition and should include the following:

Number of daily HGV movements;

Timing of HGV movements (it should be noted that these may be restricted to outside school drop-off and pick-up times);

Routing of HGV's between the site and the 'A' road network;

Parking and turning for HGV's and site personnel;

Wheel washing facilities,

Temporary traffic management measures (these will need to be discussed and agreed with our Network Management and Streetworks Teams).

Whilst not a highway issue (bearing in mind the parking restrictions in place) I would point out that the proposed wall may remove the current informal echelon parking that takes place across the block paved area alongside Granville Marina. Such parking may in future have to be parallel to Granville Marina (as it appears was originally intended), but this will reduce the amount of parking currently being utilised in Granville Marina.

**Natural England** - No objection.

European sites - Thanet Coast Special Area of Conservation

The works, as set out in the information supplied by the applicant, are sited within or near to a European designated site. Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Thanet Coast Site of Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The vertical groyne extension falls outside of the SAC. It is our view that there would be no likely significant effects to the designated site resulting from this work.

Marine Conservation Zone - Thanet Coast

The works, as set out in the information supplied by the applicant, are sited within a Marine Conservation Zone. Natural England have not identified a pathway by which impacts from the development would affect the interest features of the site(s). We are therefore confident that the works will not hinder the conservation objectives of such a site.

## Other advice

Natural England advises that opportunities for wider biodiversity gains are investigated. Methods such as ensuring the surface of the groyne structure is slightly roughened can be beneficial in providing an adequate surface for intertidal organisms to adhere.

Environment Agency - We have no objection to the construction of proposed flood protection measures, submitted as part of this planning application. Our flood team has been involved in the proposal from an early stage, and consider the design to be acceptable in reducing the impact of flood risk to that area.

We are also not concern in a biodiversity perspective as the Thanet Coast SPA is over 400 metres away from the edge of the proposed development, so the impacts upon bird species should be negligible. But we would advise consulting Natural England for more advice.

**TDC Conservation Officer** - No objection. In my view harm to the setting of the listed buildings and character and appearance of the conservation area will be offset by the benefits of the flood defence.

**TDC Environmental Health** - Having reviewed the application for 'Erection of a floor defence wall, improvements to existing sea wall, raising of ground levels and installation of flood gate together with extension of groyne' Environmental protection would recommend a condition requesting a construction environmental management plan is attached to the consent if granted to safeguard the residential properties nearby.

## COMMENTS

This application is brought before members as the application has been made by Thanet District Council.

The main considerations in determining this application are the impacts upon the character and appearance of the conservation area, neighbouring living conditions and highway safety.

## **Principle**

There are no policy objections to the principle of the proposal and therefore the application needs to be determined in accordance with the National Planning Policy Framework (NPPF) and Local Plan Policies. The principle of development is therefore considered acceptable subject to the assessment of material considerations.

## **Character and Appearance**

As part of the site is located within the Ramsgate Conservation Area 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.'

A 220m section of sea wall would be refaced with concrete. This re-facing is considered to cause little change in the visual appearance of the sea wall, it would however increase the depth of the promenade by 0.25m.

The concrete groyne is an existing feature visible from the car park north east of Marina Esplanade. This application proposes to extend the height of the groyne along its length by a maximum of 1.8m. Steps would be provided at the western end of the groyne adjacent to the sea wall to allow members of the public access along the beach.

The proposed wave protection wall is split into three sections with the long central section located on the western side of Marina Esplanade extending along the pavement adjacent to Granville Marina. Two shorter sections are proposed on the eastern side of Marina Esplanade at the northern and southern ends of Granville Marina opposite the junctions with Marina Esplanade. The wall would be constructed from pre-cast concrete sections with timber flood gates located in the pedestrian and vehicular accesses.

The flood wall would measure 0.8m high with 0.95m pillars at the pedestrian and vehicular accesses. A stainless steel rail would project 0.16m from the top of the seaward sections of wall adjacent to the raised highway and from the landward sections adjacent to the vehicular accesses. The highway would be altered to reduce the risk of wave overtopping and to ensure that surface water drains away from the residential properties. The entrance and exit to Granville Marina would be relocated from the ends of the road to ensure that the necessary alterations to the highway levels can be completed. The existing double yellow and single yellow lines would be reinstated and new double yellow lines applied to the entrance and exit of Granville Marina.

The residential properties in Granville Marina are located immediately adjacent to the beach and, as such, there is a varying character to the area with a number of different boundary treatments and structures visible within the street scene. Whilst the proposed wave wall would be a visible and prominent feature and the re-faced sea wall and groyne extension would be visible from the promenade, the Conservation Officer has raised no objection to the proposed development and it is considered to result in less than substantial harm to the character and appearance of the conservation area and the setting of the listed buildings. When a development results in less than substantial harm to a designated heritage asset, paragraph 196 of the NPPF requires that the harm is weighed against the public benefits of the proposal. The three elements to the proposed scheme will improve the flood defences to the properties on Granville Marina to a 1 in 200 year standard and therefore there is a clear public benefit to the proposed scheme which is considered to outweigh any harm to the character and appearance of the conservation area and the setting of the listed buildings.

### **Living Conditions**

The proposed wave wall would abut the boundary walls of 1 Granville Marina and Beach Retreat, however given its modest height and location at the boundary of these properties it is considered that the wave wall will cause no significant loss of light or sense of enclosure to the neighbouring residential properties.

The groyne extension is located 110m away from the closest residential property and the re-facing of the sea wall is located below the level of the promenade and the highway, and therefore it is considered that these developments will cause no adverse impact to the living conditions of the closest residential property occupiers.

The Council's Environmental Health Officer has requested a construction management plan to be submitted prior to commencement of development to ensure that during the construction process there would be no unacceptable noise or disturbance to the nearby residential property occupiers. The submission of the construction management plan would be secured by condition.

### **Highways and Transportation**

The proposed development will alter the location of the entrance and exit to Granville Marina and the wave wall is proposed to be located on the north western side of the pavement adjacent to Granville Marina. Currently there is a raised cobbled area adjacent to the pavement inside Granville Marina which is used for informal echelon parking. This raised area will be removed, however the remaining area behind the proposed wave wall in Granville Marina will be 4m deep allowing for a similar parking arrangement to continue. Whilst there may be a slight reduction in space due to the re-location of the junctions, parking within Granville Marina is unrestricted and public car parks are available to the north and south of the site along Marina Esplanade. KCC Highways raise no objection to the proposal subject to the submission of a construction management plan which would be requested by condition. It is therefore considered that the proposed wave wall and highway works will have no significant impact upon highway safety.

The re-facing of the sea wall and extension of the concrete groyne are not located in the highway and are, therefore, not considered to have any significant impact upon highway safety.

Concern has been raised regarding the use of Marina Road to access the site due to the location of residential properties below the road. There is no weight restriction on this section of road and therefore this section of road would be subject to the restrictions applied to normal road going vehicles. Further information regarding the number and timing of HGV movements would be provided within the construction management plan. It is not anticipated that any abnormal vehicles would be required or that excessive damage would be caused to the carriageway by normal road vehicles. No vehicles would need to use the weight restricted access road that extends from the northern end of Marina Road to the Council car park.

### **Conclusion**

In conclusion it is considered that the proposed flood defence works would not result in any significantly detrimental impact to residential amenity, highway safety or ecology, and whilst the development is considered to result in less than substantial harm to the designated heritage assets, this harm is considered to be outweighed by the public benefits of the proposal, as this scheme would significantly reduce the risk of flooding to the residential properties on Granville Marina and Marina Esplanade. The scheme is therefore considered

to accord with the Thanet Local Plan Saved Policies and the National Planning Policy Framework and it is recommended that members approve the application, subject to safeguarding conditions.

**Case Officer**

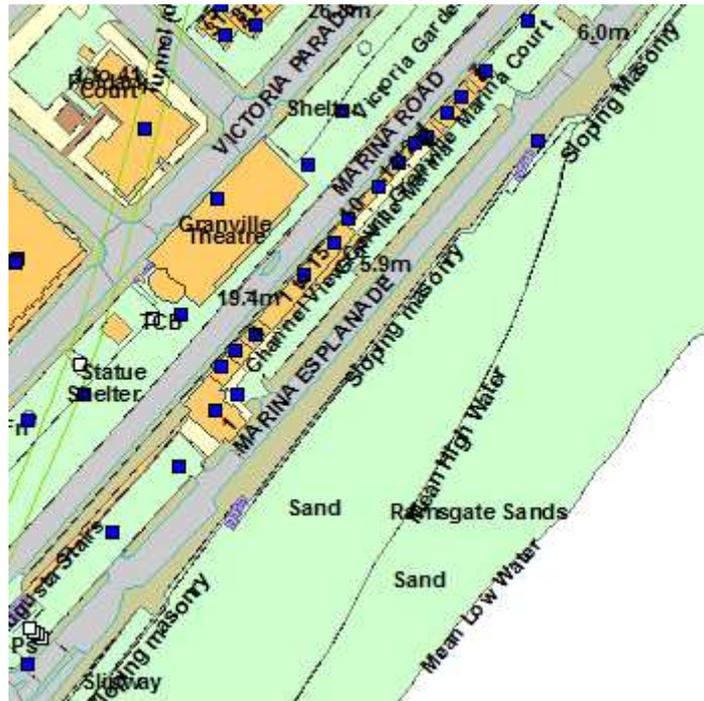
Duncan Fitt

TITLE:

F/TH/18/1384

Project

Land Fronting Marina Esplanade RAMSGATE Kent



This page is intentionally left blank



**GROUND;**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with advice contained within the National Planning Policy Framework.

4 Prior to the construction of the external surfaces of the development hereby approved a sample of the yellow stock brick 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 sample.

**GROUND;**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with advice contained within the National Planning Policy Framework.

5 All new window and door openings shall be set within a reveal of not less than 100mm as confirmed in the email correspondence received from the agent dated 29 January 2019.

**GROUND;**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with advice contained within the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

15 West Cliff Road is a single storey detached bungalow set under a steeply hipped roof. The application property is sited in a row of predominantly large detached and semi-detached Victorian or early 20th century dwellings, of varied, traditional designs incorporating gable features and bay window projections. There is an access road to the rear which provides access to the rear garage.

The application site is located within the Broadstairs Conservation Area.

RELEVANT PLANNING HISTORY

No relevant planning history.

PROPOSED DEVELOPMENT

The application is for alterations and extensions to an existing bungalow to create a 2-storey dwelling with rooms within the roof. The proposal includes the erection of a first and second floor extension including a front balcony together with a two storey rear extension, a single storey rear extension, the erection of dormer windows to front and rear, a two storey front extension together with alterations to external materials and fenestration. The property will be finished in yellow stock bricks and off white render to the elevations, aluminium windows and a slate roof.

Amended plans were received during the course of the application which reduced the depth of the rear extension at first floor level by 0.5m.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006 (Saved Policies)**

D1 - Design Principles

D2 - Landscaping

TR16 - Car Parking Provision

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. Five letters of objection and one neutral representation have been received.

The letters of objection raise the following concerns:

The proposed development would result in a loss of privacy from the front facing windows and balcony at first floor level to properties opposite.

The proposed development is excessive.

The existing bungalow is part of the variety of traditional buildings and these contrasts should be maintained.

Consider it disingenuous to refer to this application as an extension as it involves the demolition of most of the bungalow.

The proposed provision of accommodation is excessive.

The enlarged property could further exacerbate the already congested parking spaces on West Cliff Road.

Building work will cause considerable inconvenience to existing residents.

The depth of the rear extension, particularly at two storey level will result in an overbearing impact and loss of outlook.

Given the height of existing boundary treatment, the proposed extension would have the effect of blocking us in, causing shading and loss of sunlight.

The proposed development is too large for the site.

The neutral representation states:

The Conservation Officer should ensure that building materials are compatible and complementary to its surroundings.

## CONSULTATIONS

TDC Conservation Officer - No objection in principle. Some reservations on the height of the roof ridge in relation to adjacent properties and the building line of the proposed development not consistent with the existing building line which would have an effect on the character of the streetscape.

## COMMENTS

This application is brought to Planning Committee, as it has been called in by Councillor Saunders due to concerns the proposed development will result in overdevelopment, loss of outlook and overlooking.

The main consideration with regard to this application is the consideration of the impact of the proposed development on the character and appearance of the Conservation Area, the residential amenity of neighbouring property occupiers, and highway safety.

### **Character and Appearance**

The development is located within a Conservation Area, and therefore the Local Planning Authority must have regard to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the area.

The application property lies between two existing two storey dwellings, and is the only single storey bungalow to the north of West Cliff Road, set within a row of large Victorian and early 20th century two storey dwellings of varied designs. The proposed extension and increase in height to a two storey property with accommodation within the pitched roof will therefore not appear out of character with the street scene.

The gradient of the road falls from west to east, with the ridgeline of properties dropping with the ground level. Whilst the proposed development will extend approximately 0.6m above 13 West Cliff Road to the west, this neighbouring property is a modern property which does not accord with the prevailing height and levels of adjacent Victorian and early 20th century development. The height of the proposed development accords with the staggered heights of the wider street scene, and as such, given the disproportionate low height of the adjacent property, and the relatively minimal height the proposed development will extend above its ridgeline, the proposed height of the application property is not considered to be out of character or harmful to the street scene.

The proposed development is a comparable scale to the surrounding built development to the north of West Cliff Road and the separation distance to each neighbour will accord with the established siting and separation between properties in this location. The proposed development will follow the established front building line, and the two storey front gabled projection will extend in line with the bay window projections of adjacent development to the east.

The design of the proposed development exhibits a high quality design, which reflects the traditional design and form of surrounding properties. The proposal incorporates established design features within the street scene, such as the two storey front gable projection, the front balcony and a modest dormer set comfortably within the roofslope. The proposed fenestration has a vertical emphasis and will be set within 100mm reveals and will therefore positively integrate with the design, proportions and treatment of fenestration of surrounding development.

The proposed material finish, including brickwork, render, black aluminium windows and slate roof tiles will utilise appropriate materials for a Conservation Area, and will introduce a contemporary and cohesive appearance to the property, whilst complementing the surrounding traditional palette of materials.

The proposed development is therefore considered to positively respond to, and integrate well with the form, scale, design and pattern of development of the surrounding area. The proposed development will therefore be acceptable in terms of the special character and appearance of the Conservation Area, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The proposed development will increase the built form of the property to a two storey property with accommodation within the roof. The adjacent neighbour to the west, No. 13 West Cliff Road, contains from 3no. side elevation windows that would face the proposed development; however these windows appear to be secondary windows, or serve hallways/bathrooms, and therefore are unlikely to constitute sole windows which serve primary habitable rooms. As such, the proposed additional built form associated with the proposed development is not considered to result in significant harm to the light to and outlook from these windows. There are no side elevation windows to the main body of the adjacent neighbour to the east, No. 15 West Cliff Road.

The proposed development will extend beyond the rear elevation of No. 13 by approximately 3.5m at single storey level, with an approximately 1.8m separation distance. This neighbour is located on a higher ground level and the single storey element will extend approximately 0.5m above the existing boundary treatment to the eaves, with a lean to roof which extends approximately 0.5m above the top of the nearest adjacent neighbours window at the highest point. Given the change in ground levels between the two properties and the form of the roof, the single storey element will extend a modest height above the existing boundary treatment, which together with the separation distance to this neighbour and the moderate depth, is not considered to result in significant harm to the light or outlook of the adjacent neighbour to the west.

The two storey element of the proposed development will extend a modest depth of 1.5m beyond the rear elevation of No. 13 which given the separation distance to this neighbour is again not considered to result in significant harm to light or outlook.

No. 15 has a single storey rear extension, which extends beyond the rear elevation of the proposed development, and does not contain any side elevation windows. The proposed single storey element of the proposed development will therefore not result in harm to this neighbour. At two storey level, the proposed development will extend approximately 2m beyond the first floor rear elevation of this neighbouring property, and a distance of approximately 3.5m is achieved between the proposed extension and the nearest neighbouring first floor rear elevation window. Given the modest depth proposed beyond the adjacent neighbours rear elevation and the separation distance to the nearest rear elevation window, the proposed development is not considered to result in significant harm to the light to and outlook to this adjacent neighbour.

Objections have been raised regarding a loss of outlook from adjacent neighbours opposite the application site deriving from the additional built form. The proposed development will retain a minimum approximately 21m separation distance to these adjacent neighbours opposite to the south, which will prevent harm to their residential amenity.

The proposed development will introduce first and second floor windows to the rear elevation. Views from these windows to adjacent neighbours to the side will be oblique views which are not considered to be significantly harmful. To the rear these windows will face a block of adjacent garages, with a distance of approximately 32m achieved to the nearest residential property to the rear. This distance exceeds the 21m guidance distance which has historically been used to assess impacts of overlooking. The proposed development is therefore not considered to result in harmful impacts of overlooking to properties at the rear.

In terms of overlooking to the front, the proposed additional windows and balcony to the front elevation of the proposed development will face the street and the front gardens and front elevations of properties opposite, none of which constitute private amenity space. These window openings and balcony will therefore not result in harmful overlooking.

The proposed development incorporates a central window to the ground floor to both side elevations. The window to the east will face a blank side elevation and views from the window to the west will be limited by virtue of its ground floor location and the provision of side boundary treatment. These windows will therefore not result in harmful overlooking. All other first and second floor side elevation windows will be obscure glazed and will serve non-habitable rooms and spaces including bathrooms and landings. Given the use of the rooms these windows serve, the provision of obscure glazing and their position and relationship with the adjacent neighbours, these windows are not considered to result in harmful overlooking to neighbouring occupiers.

The proposed development is therefore considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Highways**

The proposed enlarged dwelling may generate a small increase in the demand for parking associated with this site. There is an existing garage to the rear, accessed via the rear access.

Non-restricted on street parking is available in West Cliff Road and surrounding roads and the site is located in close proximity to Broadstairs Town Centre which provides a range of amenities and good public transport links, including multi bus stops in close proximity on Ramsgate Road and Broadstairs Train Station within reasonable walking distance. The site is therefore considered to be sustainably located, and given the proposed 4 bedroom extended property is unlikely to result in a significant increase in the demand for parking above the existing use, together with the nearby parking availability, it is not considered that the proposal will result in significant material harm to the local highway network or highway safety, in accordance with Policy TR16 of the Thanet Local Plan and the NPPF.

## **Conclusion**

The proposed development is considered to positively respond to, and integrate well with the surrounding built development and will therefore be compatible with the special character and appearance of the Conservation Area. The development is not considered to result in harm to residential amenity, nor highway amenity and highway safety. It is therefore recommended to Members that this application be approved, subject to safeguarding conditions.

## **Case Officer**

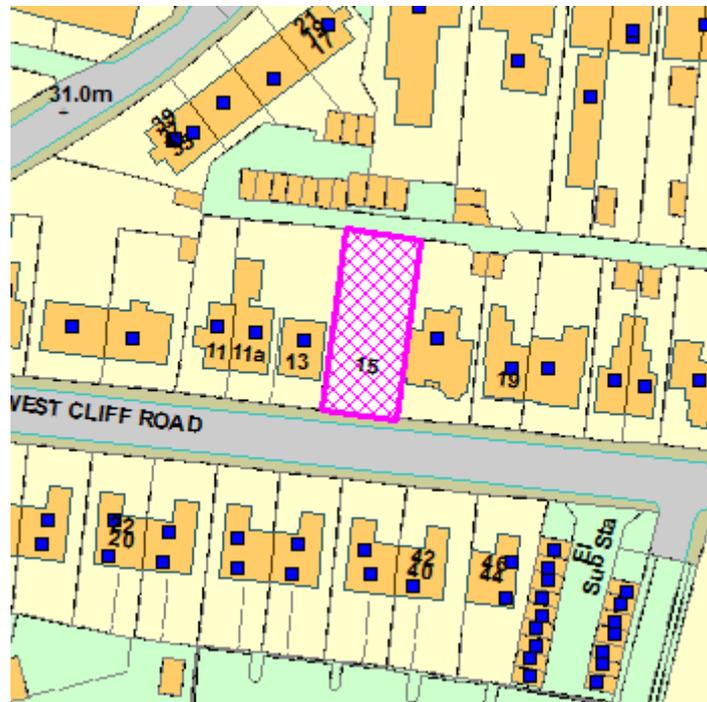
Jenny Suttle

TITLE:

FH/TH/18/1624

Project

15 West Cliff Road BROADSTAIRS Kent CT10 1PU



**A06**

**F/TH/17/0746**

**PROPOSAL:** Erection of 2no. detached dwellings, with associated off-street parking.

**LOCATION:** Land Adjacent 35 Victoria Parade RAMSGATE Kent

**WARD:** Sir Moses Montefiore

**AGENT:** Mr Daniel Bragg

**APPLICANT:** Mr Graham Kinnear

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND;**

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

2 The development hereby approved shall be carried out in accordance with amended drawings numbered 16/1702/PL/10, 16/1702/PL/11, 16/1702/PL/12, 16/1702/PL/13, 16/1702/PL/14 and 16/1702/PL/15 received 18 January 2019.

**GROUND:**

To secure the proper development of the area.

3 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.

**GROUND;**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

4 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted.
- the treatment proposed for all hard surfaced areas beyond the limits of the highway.

- walls, fences, other means of enclosure proposed.
- ecological enhancement measures as identified within the Preliminary Ecological Appraisal dated 21st July 2017.

shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment and safeguard protected species, in accordance with Policies D1 and D2 of the Thanet Local Plan and the National Planning Policy Framework.

5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. 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 a similar size and species.

**GROUND;**

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

6 Prior to the first occupation of the dwellings hereby approved, the areas shown for the parking of vehicles shall be operational. The areas approved shall thereafter be maintained for that purpose.

**GROUND:**

In the interests of highway safety.

7 The vehicular hardstanding within the development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

**GROUND:**

In the interests of highway safety.

8 Prior to the first use of the vehicular hardstandings for each dwelling hereby approved visibility splays of 2 metres by 2 metres behind the footway on both sides of the vehicular access access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

**GROUND;**

In the interest of highway safety.

9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

## **GROUND;**

To ensure that features of archaeological interest are properly examined and recorded.

## INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

The applicant is advised that separate prior approval is required from Kent Highway Services for the new vehicle crossing/removal of the existing vehicle crossing/works within the highway and in this regard they should contact KHS on 08458 247800

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 SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

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).

## SITE, LOCATION AND DESCRIPTION

The application site is a vacant parcel of land located between Nos 35 and 37 fronting Victoria Parade. The site has been vacant and overgrown with vegetation for a considerable number of years and has recently been tidied up in order to reveal the extent of the site. The site is located within the urban confines of Ramsgate in a wholly residential area. Properties along this section of Victoria Parade, between the Winterstoke Crescent junctions, are substantial sized dwellings with a variety of architectural styles and are set in fairly generous plots. The properties are set back from the highway with low level boundary walls to the front boundary.

The boundary for the Ramsgate Conservation Area runs along the centre of Victoria Parade and extends across the public open space known as Winterstoke Gardens and the East Cliff Chine to the south east. The site is therefore adjacent to but not inside the conservation area.

## PLANNING HISTORY

The site has never been developed and there is no planning history.

## PROPOSED DEVELOPMENT

The proposed development is for the erection of two detached dwellings and includes off-street parking for several vehicles to the front of the property. Dwelling 36a would be 2½ storeys and 36b two storeys, both providing 4 bedrooms. A 1 metre high boundary wall is shown to the front boundary and the rear gardens, which extend a depth of 22-27m, are shown enclosed by a 1.8 metre high boundary fence.

Amended plans have been received during the application process showing the scale and footprint of the proposed dwellings reduced, increasing the spacing between the proposed dwellings and neighbouring properties.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006 (Saved Policies)**

D1 - Design Principles

D2 - Landscaping

H1 - Residential Development Sites

H4 - Windfall Sites

SR5 - Play Space

SR11 - Private Open Space

TR12 - Cycle provision

TR16 - Car parking provision

## NOTIFICATIONS

The application was initially consulted upon in June 2017. Eight representations have been received in response, commenting on the originally submitted plans:

\* The development is out of character with the neighbouring buildings in Victoria Parade - these buildings are all large and have a wide frontage onto Victoria Parade. The frontage for these two buildings would be much narrower.

\* A single dwelling would be more in keeping with surrounding properties.

\* There is an established family of foxes living in the land that will lose their habitat.

- \* No height is given for the boundary at the back of the land - this should be no higher than the existing boundary, approximately 1.8 metres.
- \* A number of properties on both sides of Winterstoke Crescent will have views spoilt if the heights involved with the development are not kept within strict bounds.
- \* Loss of view
- \* The area is entirely made up of single plot and single large dwellings - it is totally out of character to split plots into two.
- \* Arthur Sebag Montefiore and Charles Fredrick Grummant introduced restrictive covenants in 1935 to protect and maintain the area's natural beauty and stature and plots should not be broken or split for overdevelopment.
- \* The ridge heights are the same as No.35, whilst neighbouring properties have much lower ridge heights.
- \* Loss of light
- \* No consideration has been given in the drawings to show how the existing property at the rear fits in the context of this housing development.
- \* There are no site levels/datum's given that enable us to accurately check and monitor the levels except a visual line comparing No.35s ridge with the new development. This is critical to understanding the level of intrusion.
- \* Over development
- \* Poor architecture
- \* Should be one house built no higher than the current houses.
- \* It's unfair that only 7 Winterstoke Crescent would have 2 buildings in front them when everyone else only has one, the proposed height of the dwelling adding to the unfairness.
- \* The vacant plot has been untouched for many decades and may have developed a varied and interesting ecosystem. I am concerned that this has not been considered or assessed.
- \* If two buildings are built on the site then this will not be in line with the rest of the buildings along the street.
- \* Added increase in traffic, pollution, noise and loss of light if more than one house is built should be taken into account.
- \* Fears that this would lead to 4 dwellings on the next plot.
- \* The land has been overgrown and left to rack and ruin for the last 40 years.

Re-consultation for amended plans took place in January 2019. Four representations have been received making the following comments:

- \* Two four bedroomed houses crammed into a single plot of land is not in keeping with other property in the parade. All other plots have onehouse with significant green space surrounding each plot.
- \* This development would have a negative impact on the character of this area.
- \* Overcrowding of a single plot.
- \* Would not improve the quality or character of the area but would be detrimental to the integrity of the parade and surrounding houses.
- \* Significant loss of privacy due to size, number of residents, on a plot with no previous history of any building.
- \* Six parking spaces on the property on one plot is out of character with other houses and is environmentally unacceptable.
- \* The local plan states the council aim to deliver the right number and mix of housing required ... as well as protecting and improving the quality of thanet's existing builds and

natural environment. Existing builds are single houses on individual plots. There is nothing in the local plan which supports over development of any plots.

\* The local plan makes a commitment to safeguarding the character and amenity of residential areas. Reducing open green spaces with overcrowded developments contravenes this commitment.

\* There is no evidence of demand for two new 4 bedroomed houses in the area. There are presently two such properties for sale in near by roads which have been on the market for many months with no movement.

\* The development is situated in a historic part of Ramsgate with the Sun Shelter and Rock Gardens and Winterstoke Gardens being Grade 2 listed by Historic England and part of the history linked to the East Cliff Estate of Sir Moses Montefiore. The council aims to preserve the history and heritage of the town which cannot be achieved through altering the character of the area.

\* What measures will be put in place to ensure the building heights will not exceed those described and outlined in this new proposal?

\* The 3D images shows how totally out of character two houses crammed into a one house plot will look against the larger spacious properties either side.

\* Concerns that there are no levels marked on the application and the roof levels shown may not be achieved.

\* Need levels added to the drawing to show roof levels, window ledge levels etc.

\* Can we be assured that the spoil from the ground reduction be removed from site and not disposed of by raising the rear garden ground level.

\* Can the fox family be humanly moved and not have their lairs bulldozer into the ground.

**Ramsgate Town Council** - No objection.

### CONSULTATIONS

**Southern Water** - The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.

All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

**Kent Biodiversity Officer** - (Final Comment) The development will result in the loss of suitable hedgehog and breeding bird habitat. I would encourage them to plant a wide hedgerow at the rear of the site to retain some suitable habitat for these species in addition to the recommendations within the report to incorporate bird boxes and hedgehog homes.

(Initial Comment) If the trees / scrub has taken over it often means that while it has good breeding bird interest, optimal habitat for protected species such as reptiles/GCN are no longer present within the site.

However the aerial photos indicate that the site is surrounded by mature gardens so it is possible that protected species present within the adjacent garden do utilise the habitat (for example reptiles may hibernate within it ). In addition the site may be used by priority species such as hedgehogs and as detailed within paragraph 84, Government Circular ODPM 06/2005 which states: "Impacts to species of principal importance "Capable of being a material consideration in the...making of planning decisions."

As the presence of protected/notable species cannot be ruled out we recommend that there is a need for an ecological scoping survey to be carried out.

The results of the ecological scoping survey, any recommended specific species surveys and details of any mitigation must be submitted prior to determination of the planning application.

**TDC Conservation Officer** - (Final Comments) The application site lies on the west of Victoria Parade. The site fall within the setting of the Ramsgate Conservation Area with its boundary on the east side of the street. As indicated on my previous comments I consider this part of Victoria Parade, (the north side of the street) as a well established residential street characterised by mostly detached properties on generous plots with generous gaps between buildings. Whilst the design of the buildings vary considerably, they are generously proportioned and I consider the siting and layout of these buildings have a sense of spaciousness about them, aided significantly by the consistent and reasonably generous spacing between them.

I accept that the height and size of the proposed buildings have been reduced and would respect that of adjoining properties. However, while I have no objection in principle to the design of the proposed buildings, I find that there are elements of the proposal which would not reflect and respond to some of the distinctive attributes of the area to the detriment of its character and appearance and that of the setting of the CA. The proposed development of two dwellings within the site would reduce the characteristic gaps between the buildings and would have an unduly cramped appearance materially diminishing the spacious character and prevailing pattern of development on this particular part of Harbour Parade. There would therefore be an awkward relationship between the 2 dwellings at this point and in the context of the dwellings in the street. I realise there are a few instances in the locality where the gaps have been closed down, but to my mind this underlines the harm to the character of the area and the street scene.

(Initial Comments) This part of Victoria Parade sits adjacent the Conservation Area. The dwellings along the Parade apart from having individual character they are characterised by

spacious plots and generous gardens and levels of landscaping which softens the built form. There is also a consistency and cohesion in the form, scale, layout and use of materials in buildings in this locality. In this respect the form of and appearance of buildings provide harmony between buildings and landscaping which creates a pleasing built environment and discernible townscape. In my view, the design of the proposed buildings would have little affinity with their surroundings and would detract on the setting of the conservation area.

I am also concerned with the proposed erection of two buildings on the plot. In my view this will result in a cramped over developed appearance of the site and represent a discordant addition to the street in this prominent location.

**KCC Archaeological Officer** - The site is presently undeveloped and having checked historic maps and photographs I note that the site was previously allotment with surrounding development emerging in the mid-20th century. The HER does not have any records that illustrate archaeology in the immediate vicinity though given the topographical setting would be similar to that of the park to the north where a potential prehistoric ring ditch has been recorded within 200m of the site I would expect the site to retain similar potential. There are also Roman findings to the south.

The development involves the construction of two dwellings on what is rare undeveloped land in this area and could potentially affect archaeology if present. I would recommend that in any forthcoming consent that provision is made for a programme of archaeological works.

### COMMENTS

This application is brought before members as a departure to the saved Local Plan Policy H1 as the proposal would represent development on non-previously developed land.

### **Principle**

This proposal would represent development on non-previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet and, on this basis, the National Planning Policy Framework (NPPF) requires that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is located on an undeveloped parcel of land between dwellings fronting Victoria Parade, the site is close to local shops and within walking distance of bus and rail connections, and is considered to be sustainably located. The principle of developing the site is therefore considered to be acceptable and consistent with the principles of the NPPF, subject to the consideration of other material considerations, such as the impact on the character and appearance of an area, the living conditions of neighbours and impacts on the highway network, being considered acceptable.

### **Character and Appearance**

This part of Victoria Parade is characterised by large detached properties, set back from the highway within fairly large plots. Properties along this section of Victoria Parade, between the Winterstoke Crescent junctions, are substantial sized dwellings with a variety of

architectural styles. The application site has been vacant and overgrown with trees and shrubs for a considerable number of years and would appear to be the last remaining undeveloped plot in the area bounded by Winterstoke Crescent and Victoria Parade. The site has previously had an unruly appearance with its overgrown vegetation but recently this has been cleared by the applicant in order to better reveal the depth and width of the plot.

Thanet Local Plan Policy D1 requires that new development should respect or enhance the character or appearance of the surrounding area and that open spaces, gaps in development and features that contribute to the quality of the local environment should be retained.

The site is considered to be undeveloped private open space and therefore must be assessed under the Local Plan policy for Private Open Space (Policy SR11). There are no other specific policies restricting the use of this land. Policy SR11 states that development will not be permitted on undeveloped private open space or a gap in the settlement pattern, if the site (a) provides active recreation opportunities, the loss of which would put additional pressure on remaining recreational areas; or (b) meets a deficiency in recreational facilities; or (c) has intrinsically beneficial qualities and makes a contribution to the character of the area either in itself or by virtue of the longer distance views it affords; unless adequate provision has previously been made in a suitable location for replacement open space, of at least equal recreational, community and amenity value.

In this instance the site does not provide active recreational opportunities or meet a deficiency in recreational facilities. The site is not visible from longer distance views along Victoria Parade, with views of the site only really possible when directly alongside the site. The site also lies opposite Winterstoke Gardens, which is widely open in character, and which positively contributes to the conservation area, and as such, the loss of the application site as a small area of private open space would not in itself be significantly detrimental to the character and appearance of the area.

The proposal is for the erection of two dwellings within the site, and consideration needs to be given as to whether two dwellings within this plot would be in keeping with the pattern of surrounding development.. Representations have been received arguing the plot should be for a single dwelling to remain in keeping with adjacent properties and the overall character of the area. It is noted, however, that the width of the vacant plot is the widest in this group of properties with only the corner property, No.41 (Winterstoke lodge), matching its width (measuring approximately 25.7 metres).

Lengthy discussion has taken place with the applicant regarding the size of the plot and the scale and design of the proposed dwellings and the scheme has been reduced in scale since its initial submission. An important consideration regarding the character and appearance of this particular part of Victoria Parade is the size of each property and the spaciousness between them. This spaciousness undoubtedly adds to the overall character of the area. The Conservation Officer refers to the character of the street comprising detached properties on generous plots with generous gaps between buildings and the spaciousness that their siting and layout brings to the street. He raises concerns that two dwellings on the site would reduce the characteristic gaps between the buildings and would have an unduly cramped appearance materially diminishing the spacious character and

prevailing pattern of development and resulting in harm to the character of the area. Whilst he raises no objection in principle to the design of the proposed buildings, he argues there are elements of the proposal which would not reflect and respond to some of the distinctive attributes of the area to the detriment of its character and appearance and that of the setting of the Conservation Area.

A single dwelling, or block of flats with the appearance of one large single dwelling, could be comfortably located within the site but the resulting gaps either side could result in the development appearing at odds with its neighbours, in particular No.35, which has a much smaller plot width of approximately 17.2 metre compared to the 25.7 metres of the application site. The amended scheme by contrast has sought to address the spacing between properties and the footprint of the dwellings, with the street scene elevation showing a 3 metre gap to the boundary with No.35, a similar gap between the new dwellings, a gap of approximately 1 metre to the side boundary with No.38, and a gap of more than 6 metres between the side boundary and the side elevation of no.38. The overall spacing between the dwellings within the street scene, along with the reductions in the scale of the proposed dwellings, is considered to result in a development that does not significantly detract from the character and appearance of the area, whilst enabling the optimum use of the land to be achieved. It is therefore considered that whilst concern has been raised by the Conservation Officer, in officer view the amended plans as submitted reduce the footprint and scale of the development to an acceptable degree so to limit any impact upon the setting of the Conservation Area.

With regards to the height of the dwellings, the ridge heights have been reduced from that initially proposed and the amended scheme shows No.36a with a ridge lower than the ridge of No.35, and No.36b reduced further to transition closer to the ridge height of the slightly lower ridge of No.37. Concerns have been raised that the finished height of the development might transgress from that shown on the drawings, but the 'Site Plan - As Existing' (Drawing No. 16/1702/PL/01 Revision A) clearly identifies the land levels across the site from which the proposed streetscene has been created. There is sufficient information, therefore, to ensure that the level of the proposed development in relation to the land level and the level of neighbouring development is clearly understood, and enforceable should the situation arise.

Concern has been raised through the notification process about about the potential harm to the Grade II Listed structures that are located within the conservation area, in the Winterstoke Gardens to the east (comprising fountain pools, a sunshelter and rock gardens); however, these features are set more than 45 metres from the front elevations of the proposed dwellings, and are visually separated by a wide public highway which during good weather is often heavily parked on both sides of the highway. As such, the impact upon the significance of the listed structures is considered to be acceptable.

The design of the properties, to the front elevation, has taken account of design features of neighbouring dwellings, with No.36a being 2½ storeys, rendered with large sections of glazing, similar to the design of No.35. Whereas, No.36b would be two storeys in height and includes architectural design features of No.37. Overall, it is considered that the proposed new dwellings, in their revised form, would sit comfortably within the site and complete the street frontage.

Precise details of the materials to be used have not been stated other than reference to the use of render and the submission of street scene perspective drawings. Given the prominence of the proposed dwellings and the need to ensure both dwellings relate sympathetically to the neighbouring dwellings it is essential that, if approved, details and samples are provided of all materials and their finishes, including window and door detail and samples of roof tiles to be used. Details of the front boundary wall would also need to be submitted to ensure a satisfactory finish to the front boundary. The 1.8 metre high timber fencing dividing the plots is considered an acceptable form of enclosure and details of this would also need to be submitted to ensure a satisfactory finish to the development.

Given the wide variation in architectural styles of dwellings within the immediate area and consideration of the separation distances to the neighbouring properties and boundaries mentioned above it is considered that the proposed dwellings would not appear out of keeping with the character and appearance of the area, and would not significantly impact upon the setting of the conservation area. It is, therefore, considered that the proposal is compatible with the aims and objectives of Thanet Local Plan Policy D1 and the guidance in the National Planning Policy Framework.

### **Living Conditions**

There would be two small windows at ground floor within the side elevation of Dwelling 36a, facing No.35, and these would serve a secondary window to the kitchen and a utility room. At first floor level the two small windows would serve a bathroom and en suite. Dwelling 36b would have no side windows facing No.38 and have a small secondary window serving the kitchen at ground floor, facing the side elevation of Dwelling 36a, with one en suite window at first floor level. The main windows would face towards the front and rear of the dwellings. The front elevation faces the public highway where there is mutual overlooking and the windows within the rear elevation would face into the rear garden. The properties to the rear, in Winterstoke Crescent, are at a higher level than the site and set more than 40 metres away. The upper floors would comprise bedrooms and a bathroom with the main habitable living room being on the ground floor. Given the distances between properties and level difference the window relationship of the proposed dwellings would be unlikely to result in unacceptable overlooking or loss of privacy to neighbouring occupiers.

Representations have been received regarding loss of light. Given the distances between properties it is considered there would not be an unacceptable loss of light to neighbouring residential occupiers or loss of outlook. Loss of views is not a material planning consideration, but it could be argued that two separate dwellings, as opposed to one larger dwelling, would afford more opportunities of views to be retained between the development.

With regards to the living conditions of future occupiers, the dwellings provide a good standing of living accommodation. All rooms are well laid out with natural light, ventilation and outlook. The dwellings have ample amenity space within the front and rear gardens and the site would be capable of providing ample space for clothes drying and refuse storage.

Local Plan policy SR5 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. The rear gardens provided meets the requirements for safe play space.

It is considered that the proposed development complies with Policy D1 and SR5 of the Thanet Local Plan and paragraph 17 of the National Planning Policy Framework.

## **Transportation**

Kent Highways have not commented specifically on this application as it is classed as non-protocol, but KCC Residential Parking requirements for a 4 bedroomed house is two spaces. A large area of hardstanding has been shown provided to the front of the property that would provide parking for several vehicles with the low level front boundary wall achieving adequate pedestrian visibility splays, allowing for safe access onto the highway. Cycle storage can easily be provided within the site. In addition the site is located fairly close to local shops and within walking distance of public transport connections, and is considered to be sustainably located in highway terms. The proposal therefore accords with the aims of Thanet Local Plan Policies TR12 and TR16.

## **Biodiversity**

Concern has been raised by neighbouring residents over potential harm to biodiversity, including the presence of a family of foxes. The site is undeveloped and Kent County Council's Biodiversity Officer has been consulted regarding the development of the site. The Officer advises that whilst the trees and scrub would offer good breeding bird interest, optimal habitat for protected species such as reptiles/GCN are no longer present within the site. The applicant was advised that the presence of protected/notable species could not be ruled out and recommended the need for an ecological scoping survey to be carried out.

An ecological assessment has been submitted, and reviewed by KCC, who conclude that the development would result in the loss of suitable hedgehog and breeding bird habitat. The applicant has been advised to plant a wide hedgerow to the rear of the site to retain some suitable habitat for these species, in addition to the recommendations contained within the report to incorporate bird boxes and hedgehog homes within the development.

With regards to the presence of foxes, no advice has been given by KCC, as they are not considered as protected species. However, the applicant has been made aware of concerns from residents.

The impact upon biodiversity is therefore considered to be acceptable, and in accordance with the NPPF, subject to safeguarding conditions.

## **Archaeology**

The Kent County Archaeological Officer comments that the site has the potential for undisturbed archaeology and recommends the implementation of a programme of archaeological work in accordance with a written specification and timetable which is to be submitted to and approved by the Local Planning Authority. It is considered that the

proposed safeguarding condition would be acceptable to address any archaeological concerns.

## **Other Matters**

Representations have been received regarding the presence of a covenant on the area which includes this land. Covenants are a civil matter and are not material planning considerations for this application.

## **Conclusion**

In conclusion it is considered that whilst the proposed development would be on non-previously developed land, it would not have a significant impact upon the character and appearance of the area or the setting of the adjacent conservation area, and no concerns are raised regarding the impact upon neighbouring amenity or highway safety. The proposal therefore accords with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework, and is considered to be an acceptable departure to Policy H1 of the Thanet Local Plan. It is therefore recommended that members approve the application, subject to safeguarding conditions.

## **Case Officer**

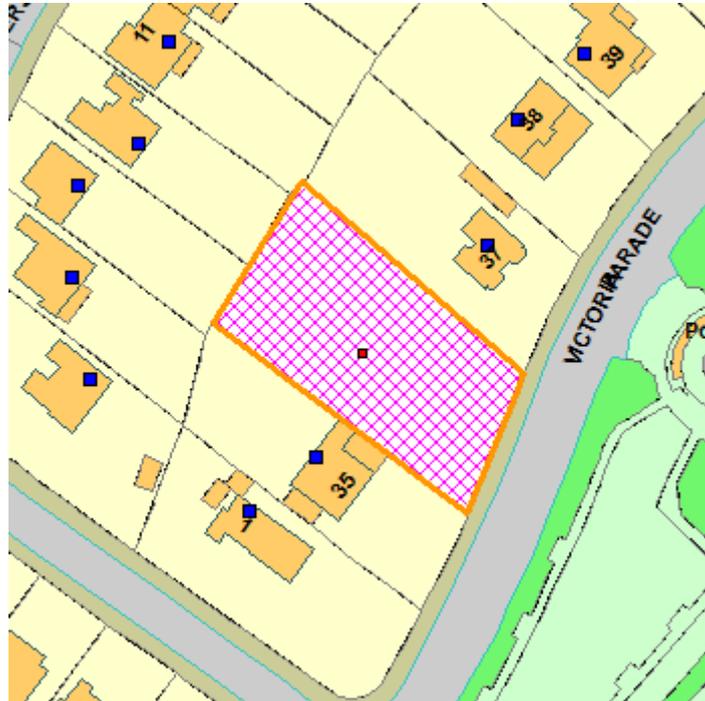
Rosemary Bullivant

TITLE:

F/TH/17/0746

Project

Land Adjacent 35 Victoria Parade RAMSGATE Kent



**R07**

**F/TH/18/1053**

**PROPOSAL:** Erection of 124 bedroom hotel (use class C1) with associated restaurant/bar, gymnasium, meeting spaces, and rooftop bar together with 1No retail/restaurant (use classes A1/A3) at ground floor following demolition of existing buildings

**LOCATION:** 43 - 49 Marine Terrace MARGATE Kent

**WARD:** Margate Central

**AGENT:** Nexus Planning

**APPLICANT:** Mr Chris Plummer

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The proposal, by virtue of its height, scale, depth and roof design, would appear unduly prominent and obtrusive within its locality, competing with and disrupting views of the landmark Grade II\* Dreamland Cinema building, whilst comprising the loss of two buildings of historic significance within the Margate Conservation area, resulting in severe harm to the significance of the conservation area and the setting of the adjacent Grade II\* Listed building, which is not outweighed by the public benefits of the proposal, contrary to Thanet Local Plan Policy D1 and paragraphs 127, 130, 192 and 196 of the National Planning Policy Framework.

2 The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraph 118 of the NPPF and the Habitats Directive.

## SITE, LOCATION AND DESCRIPTION

The site is located within Margate Conservation Area, within the main frontage of Marine Terrace facing Margate main sands. The site comprises numbers 43 to 49 Marine Terrace. 43-47 Marine Terrace currently comprises a vacant open plot that has been hard surfaced and is currently surrounded by hoarding. 48 Marine Terrace is a three storey building that was last in use as a fish and chip restaurant and takeaway at ground floor, with residential above. 49 Marine Terrace is a large three storey building that has recently been refurbished and is currently in use as offices (although the upper floors may be vacant at this time) with a rooftop bar above. Number 49 adjoins the grade II listed Cinque Ports public house.

## RELEVANT PLANNING HISTORY

### **43-47 Marine Terrace**

F/TH/04/0478 - Erection of a 3 storey building comprising basement parking, ground floor amusement arcade and first/part second floor offices. Granted 14 June 2004

F/TH/03/1190 - Erection of a 3 storey building comprising basement parking, ground floor amusement arcade and first floor offices. Refused 16 January 2004.

### **48 Marine Terrace**

TH/82/0360 - Conversion of residential accommodation into two self-contained flats and extension to existing restaurant. Granted 12 July 1982.

### **49 Marine Terrace**

F/TH/17/1672 - Temporary change of use of ground floor from nightclub (sui-generis) to offices (Use Class B1) for two years. Granted 15 January 2018.

F/TH/98/1032 - Change of use and conversion of ground floor amusement arcade to nightclub extension and alterations to front elevation. Granted 28 January 1999.

F/TH/96/0882 - Installation of new shopfront. Granted 28 February 1997.

## PROPOSED DEVELOPMENT

The proposed development consists of a 6-storey building with basement level to accommodate a 124no. bedroom hotel with associated restaurant, bar, gymnasium, meeting spaces and rooftop bar together with a retail/restaurant unit at ground floor level with external seating, following the demolition of numbers 48 and 49 Marine Terrace. A lorry loading bay with associated build out area is provided to the rear, to be accessed from Hall by the Sea Road.

The proposal involves the following floor breakdowns:

- Basement - hotel meeting rooms, gym, staff facilities, back of house, plant areas and servicing bay;
- Ground floor - hotel reception and lobby, restaurant and bar, kitchen and back of house for the restaurant, 14 hotel rooms, and the independent A1 retail use;
- Level 1 - 29 hotel rooms;
- Level 2 - 29 hotel rooms;
- Level 3 - 29 hotel rooms;
- Level 4 - 23 hotel rooms;
- Rooftop - public bar, including enclosed area and external terrace.

The ground floor would have floor to ceiling glazing and would be split into four sections with metal canopies above each section. Juliet balconies are proposed in the first floor front elevation and windows are proposed to the floors above. At the rear, the site drops in level, with the basement level directly accessible from Hall By The Sea Road. The proposed building would have a 'U' shaped design at the rear with a central core providing a space for deliveries. Services and back of house would be accessed directly from Hall By The Sea Road at street level and bedroom windows would be located in the rear elevation of the first to fourth floors. The majority of the openings within the upper floors of the rear elevations would be juliet balconies with some smaller windows located at ground floor level. With the

exception of the fifth floor, the rear elevation would be rendered white to match the front elevation.

The proposed third floor would have a similar height to the existing mansard roof at number 42 Marine Terrace and the four storey buildings that extend to the east. The fourth floor would extend 2.4m above the third floor and the fifth floor a further 3.8m above the fourth floor, giving a total height of 6.2m above number 42 Marine Terrace.

The proposed fourth floor has a flat roof design and is fully glazed to the front and part of the side elevations. The front elevation of the fourth floor is set back from the central section of the third floor by 3m at the closest point. At the rear the fourth floor would be rendered and juliet balconies serving bedrooms would be located in the rear elevation. At the front elevation the fourth floor is set in from the eastern boundary by 1.7m and 4m from the western side boundary. At the rear the fourth floor is set in from the eastern boundary by 3.3m and 3.5m from the western boundary. The rear elevation of the fourth floor is located flush with the rear elevations of the lower floors.

The fifth floor is constructed from floor length doors and windows to all elevations, and would have a metal standing seam roof above. An external terrace would project across the front elevation and part of the rear elevation. The front elevation of the fifth floor would be set back from the front elevation of the fourth floor by 6.9m at the closest point, and the front terrace would be set back from the front elevation of the fourth floor by 3m at the closest point. The main rear elevation of the fifth floor is set back from the rear elevation of the fourth floor by 5m and the rear terrace is set in by 1.8m. The fifth floor is set in from the western side boundary by 7m at the front and 4.4m at the rear. On the eastern side the fifth floor is set in by 6.2m from the side elevation.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

D1 - Design

D2 - Landscaping

EP5 - Local Air Quality Monitoring

HE11 - Archaeological Assessment

HE12 - Archaeological Sites and Preservation

T1 - Tourist Facilities

T7 - Amusement Uses

T8 - Dreamland

TC1 - New Retail Development

TR12 - Cycling

TR15 - Green Travel Plans

TR16 - Car Parking Provision

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was placed in the local paper. 13 Letters of objection, 10 letters of supports and petitions supporting the application containing 172 signatures have been received. The following points have been raised:

## Support

- Additional jobs for local people
- Improve Margate's tourism and leisure offer
- More hotel beds are needed in Margate
- Removes derelict buildings
- Rooftop bar will provide good views
- Enhance and improve the appearance of the seafront
- Support the principle of development within the gap and of a hotel but not this proposal

## Objection

- Poor quality design
- Too high
- Overdevelopment
- Cramped development
- Overbearing impact upon the adjacent listed buildings and conservation area
- The proposal is neither a reproduction of a Georgian Terrace or a modern interpretation
- Loss of 48 and 49 Marine Terrace
- Agglomeration of 3 distinct sites into 1
- Loss of parking and taxi bays
- Lack of parking for the proposal
- Impact upon traffic
- Impact upon the grade II\* listed Dreamland Cinema Building
- Glazed upper stories would dominate the grade II\* listed Dreamland Cinema Building
- There is currently a rooftop bar on the site and therefore the new rooftop bar is a neutral proposal
- The proportions of the fenestration are incorrect
- Unrealistic to expect most visitors to use public transport
- Impact upon views of Dreamland and Arlington House
- Few sea facing rooms in the hotel
- Proposal will be a budget hotel
- Design should incorporate the existing buildings
- No plant equipment is shown on the proposed plans
- Lighting from the upper floors will compete with the lighting on the Dreamland Cinema building
- Overlooking and loss of privacy to the adjacent residential properties
- Contrary to Local Development Plan
- No need to demolish historic buildings
- Noise and disturbance from rooftop terrace
- Competition between proposed restaurant and potential restaurant in the Dreamland building

## Cinema Theatre Association

- Impact upon the setting of the grade II\* listed Dreamland Cinema building
- Loss of 48 and 49 Marine Terrace

## Margate CAAG

- Unnecessary demolition of significant buildings in a Conservation Area.
- Loss of Character of the Conservation Area
- Harm to the setting of a Grade II\* Listed building
- Poor quality pastiche design
- Overbearing bulk that is out of proportion with the Regency terrace and the Grade II\* Listed Cinema
- Lack of any merit in the proposed design
- Poor quality of materials and detailing of the proposal

## Visit Kent

- Significant economic benefits of the proposal
- High quality hotel accommodation is needed in the area

## CONSULTATIONS

**TDC Tourism Manager** - The Isle of Thanet's latest figures (2017\*) for the visitor economy show significant growth in the sector in recent years, when compared with 2013

- Visitors up by 25% to 4.2 million
- Value up by 30%, to £319 million
- Average length of stay for overnight visits increased by 5.1% to 4.38 nights
- Jobs up by 34% to 7,950 (19% of all employment)

The figures confirm massive growth and renewed local confidence in developing the sector. The provision of additional quality visitor accommodation, to increase bedroom capacity, is seen as being vital to increase the volume of short breaks and business tourism.

The widely consulted Destination Management Plan sets out a number of objectives to address the need to encourage delivery of more quality accommodation for existing markets to grow market share, plus new experiences that provide character accommodation to attract new higher spending visitors for short breaks.

In addition, the area's Economic Growth Strategy recognises the importance of the tourism sector and sets out a programme to grow the sector, including the promotion of new hotel development opportunities.

Currently Margate / Cliftonville has a total of five hotel properties offering 175 bedrooms, with the most recent addition an independent boutique hotel, Sands Hotel opening 6 years ago.

Anecdotally we have heard that there is unfulfilled demand in relation to the conference sector and with film production interest, which we know is key for future growth of the visitor economy with developing business tourism and the out of season offer.

## **TDC Conservation Officer - Addendum**

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets a duty in considering to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting. Section 72 of the Act also sets a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

For heritage policy, significance is the value of a heritage asset to this and future generations because of its heritage interest and significance derives not only from a heritage asset's physical presence, but also from its setting. This makes the positive contribution of the buildings along Marine Terrace important to the character and appearance of the Conservation Area and their historic setting.

As indicated in my earlier comments, in my view the significance of the Conservation Area derives from its development in the 19th and 20th century development of Marine Terrace. The qualities of the architecture of the street scene being particularly of symmetrical facade and domestic massing gives that area a distinct sense of place. It is reasonable to take from that aspect that the two buildings, Nos. 48 and 49, are seen as one of those 'key components' on Marine Terrace despite their current condition. The buildings due to their noticeability and unmistakable past function and socio-historic interest, are a positive feature in the Conservation Area and their loss would impact overall on the sea front's architectural character and quality of the Marine Terrace. The loss of the two buildings would reduce the contribution they makes to the significance of the Conservation Area.

The revised Heritage Statement in my view contradicts itself by its statement that no. 48 is not identified as a locally listed building and is of some limited significance at the same time states that "we understand Thanet District Council is in the process of preparing a List of Locally Important Buildings and that no. 48 is on a tentative list for inclusion". The Framework's glossary defines heritage assets that they include a building "identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)". Whilst 'identified' is not defined, the glossary defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.

I can agree that the no. 48 is not special architecturally in a national context, nor does it survive well enough to be listed. However that does not mean that it is necessarily of no or of limited significance. It may be the case that the building has limited interest in terms of its historical use or association but it forms part of the heritage buildings in Margate. It relates well to its setting and is very prominent and for these reasons it makes a positive contribution to its setting. Therefore the building has value in terms of its architecture and its contribution to the historic setting and the absence of a local list does not rule out identification of such an asset by the local planning authority.

The Historic England guidance on Conservation Principles, Policies and Guidance is also useful as indicated in the revised HS, when considering significance, describing a range of 'heritage values' that may be attached to places and arranged in four groups; evidential value, historical value, aesthetic value, and communal value. Value judgements involve an element of subjectivity. What may be regarded as of little or no significance to one person may be of considerable significance to another and this is reflected in the evidence on this statement. It does not consider the contribution of the two buildings to the character and appearance of the area.

The HS further claims that the architectural interest of no. 48 is further undermined by its now exposed eastern flank (the empty site) which was never intended to be seen and means that the building is no longer read as part of the terrace. In my view, this underplays the building's local historical and evidential interest. Its façade detailing and the step down of its height within the streetscene allows an appreciation of the height of the building and has a prominence in the streetscape that is illustrative of its distinctive and specific building form. I therefore consider that the building has sufficient historical and socio-cultural value to be of local significance such as to merit consideration in planning decisions and should in policy terms be considered as a heritage asset that is undesignated.

The amended Heritage Statement is weighted in favour of the benefits of the development on the site with the loss of the two buildings. However, it falls short to provide the justification for the demolition of the two buildings and the harm that would be caused to the heritage assets within the site surroundings. The Heritage Statement also fails to consider that, the

intrinsic significance of the heritage assets should be recognised, not just their listing and status as heritage assets. There should be an attempt to identify the contribution made to the significance of the assets by their setting. The applicant have consistently minimised the contribution made to the contribution of nos. 48 and 49 and have also tried to restrict consideration primarily to visual contributions as opposed to all other contributions that the setting makes to or relationships that the setting has with the non-designated heritage assets.

While it is claimed that the architecture of the front elevation of the proposed hotel would be of reasonably good quality, in my view I consider that apart from its bulkness and overbearing, it would be less remarkable than that of the existing buildings proposed to be demolished and would not positively contribute to the setting in the same way. As such the negative effects of its scale and form would predominate the street scene and on this basis I find that the development would harm the setting of the surrounding listed buildings and the loss of the building will exacerbate the harm to the character and appearance of the Conservation Area.

I still have the opinion that there is no clear and convincing justification as to why the proposed hotel has only to be built on the site with the need to demolish the two buildings which have heritage value and positively contribute to the character and appearance of the Conservation Area. I am also not convinced that alternative sites have been considered on this proposed development.

The proposed hotel building will result in a building which would diminish the appreciation of the listed buildings within the street scene in particular Dreamland Cinema and will detrimentally affect the character and appearance of this part of the Conservation Area and the seafront. Without a clear justification of the need to demolish the two buildings to give way to the proposed development it will equate to treating the desirability of preserving the settings of listed buildings and the character of the area as mere material considerations to which it simply attaches such weight as it sees fit and hence contrary to the duty within the Act.

Even if the harm to the heritage assets would be “less than substantial” the balancing exercise cannot ignore the overarching statutory duty imposed by the Act. Concluding the proposal will lead to less than substantial harm to designated heritage assets without demonstrably giving “considerable importance and weight” to the desirability of preserving those heritage assets would not be a clear and convincing justification and in particular in this case which propose the demolition of buildings which have a positive contribution to the heritage assets.

Paragraph 193 of the NPPF advises 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF also advice on paragraph 194 that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It further advises on paragraph 197 that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

I therefore do not support the demolition of Nos. 48 and 49 Marine Terrace because I find no clear justification for their demolition has been provided by the applicant. The duty under the Act requires a decision-maker to properly strike the balance between harm to a heritage

asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

(18 October 2018)

Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets a duty when considering development in conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The Act also under Section 66(1) sets a duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) paragraph 193 advises 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

### *Area Character Appraisal*

This stretch of seafront is one of the most prestigious and historically notable built-up frontages in Margate, within which architectural detailing and traditional materials play an important part in defining local heritage. The significance and the character and appearance of the Margate Seafront Conservation Area derive from its development in the 19th and 20th century along the seafront. Its historic and architectural interest flows from the building of a man-made causeway which was built across the mouth of the Tivoli Stream so as to provide a direct connection between Margate and Westbrook and development of Marine Terrace as summer residences for the gentry against its south side which was commenced c. 1820. Apart from being much altered on the ground floor Marine terrace is regarded as Margate's best Regency terrace. A precedent for this kind of development had been made in 1803 by the builders of Buenos Ayres which is within the Conservation Area. The significance of the area is complemented by further development in the 20th century including Dreamland Cinema and the Dreamland Amusement Park which are particularly important buildings of more than special interest.

The proposed hotel development is within the Margate Seafront Conservation Area. The lack of a formal Conservation Area Appraisal is unfortunate. However, this situation is not unusual. Irrespective of this, Margate Seafront Conservation Area is a designated heritage asset and the relevant statutory and policy tests apply. The proposal site is also within close proximity of the Dreamland Cinema and the Scenic Railway at Dreamland both grade II\* listed and would be abutting the Cinque Ports PH a grade II listed building and a number of other listed buildings within the surrounding of the proposal site including, the Railway Station, Buenos Ayres, Nayland Rock Hotel, and The Clock Tower.

The heritage assets mentioned above partly derive their significance from the architectural, artistic, social and historic values which they possess. Their setting includes the proposal site and when viewed together from different vantage points as well as along the Margate Sands they make an important contribution to their architectural value and quality of the character and appearance of the Conservation Area.

### *Main Issues*

I have concerns with the proposed development especially with regard to its impact on the character and appearance of the Margate Seafront Conservation Area, the setting of various listed buildings and the demolition nos. 48 and 49 Marine Terrace.

In my view, I find that the demolition of the two buildings would result in unjustified and unnecessary loss of important historic buildings significant to the development of the area and which positively contribute to the character and appearance of the street scene and the Margate Seafront Conservation Area and the setting of listed buildings. As a result it would be detrimental to the character and appearance of the locality and I am not satisfied that clear and convincing reason for the demolition of the buildings has been provided or that all alternatives for re-use of the buildings as part of the scheme had been fully investigated or considered.

I also have concerns on the design in particular the scale, form and massing of the proposed hotel building to its context. In my view the proposal has not properly considered the specific character, quality, physical, historical and social characteristics of the proposal site's setting.

### *Demolition of No 48 and No 49 Marine Terrace*

#### *No. 48 Marine Terrace*

I consider that No 48 is a building of local significance because of its historic and socio-cultural interest and for its positive contribution to the character and appearance of the Margate Seafront Conservation Area.

Whilst the building is not formally identified by any current designations and the Council currently do not have a 'List of Locally Important Buildings', previously the building has been recognised by the Council on its Local List (Supplementary) of Buildings of Special Architectural or Historic Interest scheduled in February 1973 and also on a Local List on the former Kent Historic Buildings Index 1994. Currently the Council is in the process of developing a Local List as part of the emerging Thanet District Heritage Strategy. The building is on the tentative list for inclusion on the List. The emerging Heritage Strategy and the emerging Local Plan has not yet reached the stage of adoption. However, these have been subject to formal consultation and the Heritage Strategy awaits adoption. These indicate support for inclusion of the property on the local list.

The above qualifies and confirms the importance of the building as one of local interest and importance and is of sufficient interest to be considered as a non-designated heritage asset. The definition of 'heritage asset' within the Glossary to the Framework does not preclude assets identified by third parties and therefore it is reasonable to treat the building as a non-designated heritage asset, albeit there has been limited assessment of its significance. It is therefore of sufficient interest to be considered as a non-designated heritage asset and I do not support the demolition of the building.

The applicant's Heritage Statement states that the building is not considered that it makes a significantly positive contribution to the Conservation Area. I do not agree with this statement and consider that in the context of the street scene due to its scale compared to the rest of the terraces along Marine Terrace, the building is a "building of note". The building is also one of the few surviving houses on Marine Terrace which retains most of its original appearance and with many of its features intact. Its frontage design is harmonious in terms of its symmetry, proportions and detailing with the terraces in the street. Both the historic and architectural qualities of the building and the social history imbedded in its past use as one of the first "fish and chips" restaurant in Margate contributes to its significance as a non-designated heritage asset. As such this non-designated heritage asset positively contributes to the wider character of the area. The loss of the building would be in my view a significant

loss to a building which positively contributes to the historic and architectural interest of this part of the Conservation Area.

Paragraph 197 of the Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I am not convinced that such judgement to demolish the building has been given a strong consideration.

### *No. 49 Marine Terrace*

The building was built in mid-1930s as of Sam Isaac's restaurants and included a café, bar and restaurant and has been recently refurbished. I accept that the building is not of a great age nevertheless it is clear that the building forms part of the historic development of Margate as a holiday resort as well as the social history and "collective memory" of the area as a significant seaside resort development. The building is also valued as of social and historic value. Although the building has undergone alterations, nonetheless in its façade detailing, the building has a prominence in the streetscape that is illustrative of its distinctive and specific building typology and befits the architectural, social and cultural function it holds. As for No 48 I am also not convinced that such judgement to demolish the building has been given a strong consideration.

### *Comments on demolition of the two buildings*

Both buildings have sufficient historical and social value and are part of the town's architectural and socio-cultural heritage. I am not convinced that the proposed development has considered the advice as provided on paragraph 190 of the NPPF which advises to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal and paragraph 194 which advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

There might be some regenerative benefit in bringing the empty site at Nos 43-47 that is currently a gap site in the street back into some sort of development, it has not been demonstrated that the development of the site is only capable of being brought about by the scheme which could itself have a negative impact on public benefit through the permanent loss of the Nos 48 and 49 which are of socio-cultural significance in the area.

The addendum to Planning and Heritage Statement refers to paragraph 201 of the NPPF which states that, not all elements of a Conservation Area will necessarily contribute to its significance and considers that the two buildings make a limited contribution to the significance of the Margate Seafront Conservation Area and if they were considered to make a positive contribution to the significance of the CA their removal is considered to result to less than substantial harm under paragraph 196 of the NPPF. It continues to provide what it consider as the significant public benefits offered by demolition of the buildings.

The statutory consideration on to pay special regard to the desirability of preserving the setting of listed buildings and the desirability of preserving or enhancing the conservation area as a matter of statutory duty is what should be regarded as having considerable importance and weight other than 'material considerations'. In giving decision on an application accord is given to the considerable importance and weight to the "desirability of preserving the setting of listed buildings and the character and appearance of the conservation area" when weighing this factor in the balance with other 'material consideration' as set in the NPPF.

Whilst, there may be some regenerative benefits in bringing Nos 43-47 empty site back into some sort of development that is currently a gap site in the street, it has not been demonstrated that the scheme for the hotel development is only capable of being brought about by through the demolition of the two buildings which itself would have a negative impact on the character and appearance of the area. I therefore do not consider that a balanced judgement with regard to the demolition of the two buildings that contribute positively to the heritage asset (the Conservation Area) and setting of listed buildings has been clearly demonstrated to outweigh the harm to the heritage assets neither that alternative sites to cater for the required for the proposed building have been fully considered.

### *The Proposed Building*

Marine Terrace is generally made up of 4 storey terraces whereas on the west side the Dreamland Cinema forms an interesting highlight with its fin giving it a prominence in views up and down the street and the seafront as well as from different viewpoints within the town.

The proposed building will consist of six storeys. The application indicate that the two upper floors are to be constructed of lightweight glazing and would give the impression of two stacked glass boxes and are proposed to be stepped back from the outer edge of the building on the frontage. It would also be similarly stepped back the sides. Such materials and the stepping back are considered to lessen the apparent massing and the impact of the structure on the surrounding buildings including Cinque Ports PH. However, I find that the additional floors will be visually prominent on views from the Margate Sands and at the rear of the building. There would also be views of the additional storeys along various roads including Marine Terrace, Marine Drive, Marine Gardens, Belgrave Road, Canterbury Road, Fort Hill, the Harbour Arm, Station Approach and the Margate Sands. It would be most evident on the approach of the promenade from the west, from the Margate Harbour Arm, Belgrave Road and Marine Drive.

Therefore the fact that the additional two storeys would be seen to be higher than the rest of the buildings along Marine Terrace (apart from the fin of the Dreamland Cinema) in itself would be harmful to the character of the street scene, the character and appearance of the Conservation Area and the setting of listed buildings. The additional glazed storeys would make the building appear overly large in comparison with the surrounding domestic architecture and the use of glazed materials would not in my view lessen its visual prominence. The discordant massing and height of the proposed building on the rear elevation where it would clearly be seen as bulky will exacerbate the situation would have an overpowering presence. This would be to the detriment of the setting of Dreamland Cinema building which it will try to compete with and impact the setting of the Scenic Railway. I also find that the setting of the other listed buildings in particular the Cinque Ports Public House which it would abut will have an overwhelming effect on the building affecting its appreciation as a building of special interest.

Within the street, the existing traditional designed buildings in particular the terraces are attractive by reason of their domestic architecture and features. This gives rise to a unified character and appearance in terms of scale and design in the street scene. In the case of the proposed building, in my view, the front elevation would lack finesse and visual interest and would contribute little to the character of the street and the terraces.

The applicant consider the proposed development "to be of high quality, inclusive and sustainable design". Whilst the design of the proposed hotel may not be intrinsically poor, in my view it would not integrate suitably with its context. The proposed building would appear unduly assertive in scale and form and the overall development would appear as an overbearing and discordant feature to the detriment of the Marine Terrace buildings. It would dominate the street scene and harm the character and appearance of the Conservation

Area, the setting of two Grade II\* listed buildings and Grade II listed building. It would also result to loss of non-designated heritage asset and buildings which positively contributes to the character of the locality. The National Planning Policy Framework (the NPPF) sets out that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area. The Framework also goes on to set out that so long as they fit in with the overall form and layout of their surroundings.

### *Conclusion*

Taking this into consideration of the above I have the opinion that the proposal would not preserve or enhance and would harm the character and appearance of the Margate Seafront Conservation Area and would have an adverse impact upon and harm the setting of listed buildings.

As for the existing buildings which are to be demolished have some heritage value being some of the earliest remaining development within the area. Although they have limited architectural significance and one have been altered over time, I consider that they have some historic significance, resulting from their age, status as some oldest retained buildings in the area and visibility. As such they positively contribute to the character of the area and harm would result from their loss. In this case, their demolition and replacement with the proposed building would result in significant level of harm.

### **TDC Contaminated Land** - (08 October 2018)

The submitted Desk Study (Ref: J18117, July 2018, Geotech & Environmental Associates Ltd) report concludes on the basis of the findings that there is considered to be a very low risk of there being a significant contamination linkage at this site. However, in order to safeguard the development a watching brief condition should be added.

**Environment Agency** - (24th August 2018) Due to the scale, nature and setting of this proposal and the supporting information submitted, we do not object to the proposal in principle provided conditions are imposed to ensure that there is no risk of contamination of water.

**Environmental Health** - (*final comment*) I have reviewed the new information supplied and this information would not change our comments of 22/08/18.

(*Initial comment*) My primary concerns on this application are noise and odour. The noise aspects are from the operations of the hotel including deliveries, patron noise, plant and equipment and odour is primarily from the operation of the restaurant at the site. I am also concerned by the possible amenity aspects of the construction and demolition stages.

For noise I note that the application includes a noise assessment (Clarke Saunders Acoustics - Report AS10460.180S23.NIA). The noise assessment concludes that the rooftop bar would have no adverse effect of general patron noise on surrounding properties. I am however concerned by any late night opening of the area and I note that no hours of operation have been included with the application. I would expect these to be conditioned. While the noise report directs that there will be no effect I am concerned by noise transfer. During the early hours of the morning background noise will drop off and then any noise associated with the use will become more prominent. The levels given within the report are for another rooftop bar. There is no justification on the circumstances they were taken in. To further control this issue I would certainly look for a removal of alcohol from patrons using external areas, from say midnight onwards, but this is more of a Licensing discussion rather than Planning.

The noise assessment gives guidance level for music with the internal areas of the rooftop bar. To my mind these levels restrict the use of the area for anything other than background music. While this can be covered by a premises licence application we would likely object to the inclusion of any live or recorded music in the rooftop bar that was above background music.

I note the noise assessment also mentions delivery and collection times of 07:00 to 19:00 Monday to Friday, 08:00 to 19:00 Saturday and 09:00 to 17:00 on a Sunday. We would accept these times and expect the to be conditioned.

The noise assessment mentions plant and equipment and also refers to our standard condition of 5dB below background. Given that no information is included in the application on proposed plant and equipment we would expect the condition to be added to any grant of permission.

I note that the application includes a kitchen but there is no information on extraction. I would expect a condition to be added to any grant of permission to cover this. I note that the roof plan includes a flue so this maybe the proposed termination point.

I note the inclusion of a retail unit. This will sit below residential windows. I would welcome time controls on its use to protect residential amenity. Given the expected use of the frontage for table for patrons I would also expect time controls to be placed on the A3 usage.

**Historic England** - Historic England has concerns about the proposed hotel which we think causes harm to the significance of the Margate Seafront Conservation Area and to the grade II\* listed Dreamland Cinema. We are especially concerned by the loss of two unlisted buildings which make a positive contribution to the character and appearance of the conservation area and by the scale of the building which does not respect the prevailing height of historic terracing it echoes and harms an appreciation of the prominence of the Cinema and its frontage buildings which were deliberately designed to be a focal point within the townscape.

To meet NPPF policies (Para 194) which require harm to designated heritage assets to have clear and convincing justification we think the commercial viability of the scheme should be independently assessed to help you and other stakeholders including Historic England, understand if a building of this scale and massing is required to deliver the public benefits it proposes. Once this piece of work is complete it will then also be possible to assess if there is scope to reduce the harm to heritage significance and thus it will allow you to understand if the scheme also meets the requirements of Paragraph 190.

### *Historic England Advice*

Margate is best known as one of England's first seaside resorts which developed from the 18th century onwards from a small fishing village in to a vibrant seaside resort. Attracted initially by opportunities for sea bathing and latterly by activities including the famed Dreamland amusement park Margate attracted large numbers of visitors throughout the 18th, 19th and 20th centuries. Its development can be understood from the quality and variety of the surviving historic townscape and the importance of this is recognised in a series of conservation areas and multiple listed buildings.

### *Significance of the site and its surroundings*

This application proposes a 6 storey 124 bed hotel on 43-49 Marine Terrace which lies within the Margate Seafront Conservation Area. This conservation area is principally significant for what it tells us about the 19th and 20th century expansion of the town as it continued to grow in popularity and demand for new housing and visitor attractions increased. There are three major components to the conservation area which help tell this

story; sea-fronting terraced housing, the 20th century railway station and the 20th century Dreamland Cinema. Of these, the terraced housing and the Dreamland Cinema are most relevant to an assessment of this application.

Beginning in the early 19th century terraced housing was constructed on Marine Terrace a manmade causeway built to link Margate to Westbrook. The terraced housing which was largely finished by the 1830's was built on the street's southern edge to capitalise on sea views and their proximity to the sea. It comprised mainly domestic housing of between 3 and 4 storeys though its eastern end was terminated by the Kent Hotel and its western end by the Cinque Ports Public House. While the terraces were altered in the later 20th century meaning their character as domestic housing is compromised to a degree, and some were lost to fire, the surviving buildings still tell a very tangible story about the town's development in the early 19th century. This and the scale of development which is largely three or four storeys, (some of the terraced houses had an additional storey added) creates high historical and aesthetic values which make an important contribution to the character and appearance and thus also to the significance of the Margate Seafront Conservation Area.

Following the formation of a beach to the north of Marine Terrace in the mid-19th century (after sand built up against its sea wall), the area continued to prosper well into the 20th century and the second major component of the conservation area is therefore the interwar architecture including Dreamland Cinema which illustrates the town's continuing fortunes in the period and its response to a demand for amusement and leisure facilities. The Cinema, which is grade II\* listed was designed as a focal point with a tall fin like structure on its frontage announcing its presence in long views across Margate Sands and in shorter views along Marine Terrace. The significant massing of its auditorium and the large scale eatery and bar areas at the front of the building signal its importance as a major focus for the town's leisure industry in the period. To its rear the Dreamland Amusement Park lies outside the boundary of the conservation area but forms its immediate setting and it includes the grade II\* listed scenic railway.

### *Impact of the proposal*

The application proposes the loss of two unlisted buildings on Marine Terrace and their replacement with a new 6 storey 124 bed hotel which infills the gap site to the east of these buildings. Historic England is supportive in principle of aspirations to infill the gap site which we recognise is a discordant feature in the conservation area. We also acknowledge that doing so can help your Council achieve wider regeneration objectives for this area of Margate and could be a catalyst for further change. However in our view the loss of two unlisted buildings which make a positive contribution to the character and appearance of the conservation area is highly unfortunate and harmful to its significance. We are also concerned about the scale and architectural treatment of the proposed hotel.

Turning first to the loss of unlisted buildings, No 48 survives as a remnant of Marine Terrace. It is principally significant as a record of the domestic housing which was once more extensive here and illustrates the quality of the buildings and by this the aspirations of the owners of the sea fronting terraced housing. Its loss therefore harms our understanding of the way in which this part of Margate developed in the early 19th century.

The modernist building was constructed as a restaurant and was owned by Sam Isaacs who operated a chain of restaurants which were popular across England in the early 20th century. Built in the modernist style to complement the nearby cinema, the scale of its restaurant offer alludes to the mass popularity of the resort in the interwar period and it is an accomplished piece of architecture (recent renovations have once again revealed the early form of its principal elevation) which adds to the variety and quality of the townscape as a whole. Its loss will therefore dilute an understanding of the interwar development in Margate Seafront Conservation Area which is a major component of its character. Given its

prominence in the conservation area we think the degree to which it will compromise our understanding of development of this part of the town for this period is high. We disagree with the applicant's statement in their addendum to the heritage statement that the building is "not of a traditional seafront design and is an incongruous development when compared to other seafront development in Margate" (p.9). Our view is that there is a major phase of interwar architecture in Margate which is acknowledged as an important component of the character and appearance of the conservation area and which complements the nearby highly graded Dreamland Cinema in its style.

We are also concerned about the scale of the proposed new building. At six storeys this will be significantly taller than the surrounding domestic architecture which it looks to replicate in its architectural treatment. We acknowledge the upper two storeys are set back from the building frontage thus reducing their impact, but its increased height, over and above the surviving terraced housing here will nonetheless be visible in several key views, such as from Margate Sands and from Marine Gardens, as well as other viewpoints. It would read as a discordant addition which fails to respect the prevailing scale of surrounding domestic historic townscape. While its impact in a series of key views has not been extensively tested, we also question whether the scale of the building and its resulting massing might not also compete visually with Dreamland Cinema as a focal point in long views across the sands thus causing harm to this aspect of that building's significance.

Our concerns extend to the design of the building which when combined with its scale adds to the overall level of harm. We acknowledge that the design of its lower parts reference the formal and restrained architecture of the early 19th century domestic housing on Marine Terrace by expressing a hierarchy in its fenestration and through the rhythm and spacing of these openings. However while the lower parts are divided vertically, in the way that historic terraces were often articulated (a central 9 bay parapeted section is flanked by two three bay elements with a mansard roof to achieve this) the whole does not work as the upper two storeys fail to respect this vertical division and thus look very odd. The use of large areas of glazing as a tool to help these storeys recede in views is we think unlikely to be successful. In our view the glazing, even if non-reflective will be very apparent in views towards the site and such a large area of glazing could therefore compete with the prominence of the Dreamland Cinema and particularly its frontage building thus causing some harm to this aspect of its significance. We think the elevation also lacks enough articulation in its fine detailing to have the visual interest which characterises the historic buildings it takes its cue from and that this could add to the overall harm as it would fail to positively contribute to the richness and variety of the architecture which characterises the Margate Seafront Conservation Area and thus does not meet the aspirations of NPPF Paragraph 192 (c) for new development to make a positive contribution to local character and distinctiveness.

### *Historic England Position and Policy*

The National Planning Policy Framework (NPPF) highlights that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (Para 184). It goes on to state that "when considering the impact of a proposed development to the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance" (Para 193).

The NPPF also requires an applicant to demonstrate they have avoided or minimised harm to avoid conflict between the conservation of an asset and any aspect of a proposal (Para 190) and that harm to heritage significance should require clear and convincing justification (Para 194). In this case we identify harm to designated heritage; the grade II\* listed Dreamland Cinema and to the significance of the Margate Seafront Conservation Area

arising in part from the loss of two buildings which make a positive contribution to its character and appearance as well as concerns about the scale and architectural treatment of the hotel. For such harm to be accepted it therefore has to be shown to have been minimised and clearly and convincingly justified so as to meet the requirements of the NPPF.

The applicant has looked to justify the scale of the development and the loss of unlisted buildings on Marine Terrace in an addendum to the heritage statement which notes that both a building of this scale and massing, with 124 beds is required to make the hotel scheme commercially viable (pp.7-8). We therefore suggest that in order to understand if the harm is justified and minimised in the manner suggested in Paragraphs 190 and 194, the commercial viability of the scheme should be tested. We suggest it would be sensible for this piece of work to be carried out by an independent third party with experience of assessing the commercial viability of hotel schemes.

Once viability has been tested, it will then be possible to understand if there is scope to reduce the harm identified here to the significance of the conservation area and adjacent listed buildings including the grade II\* listed Dreamland Cinema by either reducing the height of the building and/or by retaining the unlisted buildings and developing within the gap site only. Once the broad massing and scale of the development is established, it will then be possible to understand if the harm can be further reduced by design changes. It may well be that a re-distribution of massing could lead to an entirely different architectural solution and one that is more contemporary than currently proposed. We would not be opposed to exploring this.

If after the above steps you are ultimately satisfied that the harm has been minimised and that remaining harm is clearly and convincingly justified you will then need to weigh the harm against the public (including heritage) benefits of the proposal in the manner described in Paragraph 196. It is for your Council to decide how to weight the type of hotel offered in this proposal and for any other public benefits you assess that it provides. We do not currently think that the proposal offers any significant heritage benefits which are relevant to your consideration of this case. However, the applicant might choose to offer benefits which are specific to heritage and if so, we think funding for a conservation area appraisal for the Margate Seafront Conservation Area would be a positive step which can amplify our understanding of its significance and assist in planning for its future through appropriate management policies.

### *Recommendation*

Until further work is carried out to understand if the harm this proposal entails to designated heritage is clearly and convincingly justified and shown to be minimised we do not think the application can be determined as it currently does not meet the requirements of Paragraphs 190 and 194. We would be pleased to explore how this might work in practice with you and to engage in a discussion about amendment to minimise harm once an understanding of the scheme's commercial viability is better understood. If your Council ultimately decides not to test the scheme's commercial viability and thus accept the applicants' argument that a smaller building is not viable here, we still think there are changes which can reduce the harm currently proposed and would be pleased to discuss these with you and the applicants.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

**KCC Biodiversity** - No ecological information has been submitted with this planning application. To consider the potential impact associated with the proposed development we have reviewed the desktop information we have available to us and consider there to be limited potential for ecological impacts, such that no additional information regarding ecology is necessary to inform the determination of the application.

The buildings proposed for demolition appear to have potential to provide nesting opportunities for birds. We advise that, if planning permission is granted, an informative should be applied reminding the applicant of their responsibilities under the Wildlife and Countryside Act 1981

**KCC Flood and Waste Water Management** - *(Final comment)* We have reviewed the additional documents and are satisfied that runoff will be restricted with a 50% reduction from existing rates.

However, as stated in our previous response (6 September 2018) , it is shown that part of the site sits within an area at risk of surface water flooding, the Dreamland appraisal of flood risk (Aecom, June 2018) discusses various measures that were to be undertaken to reduce the overall risk of flooding from surface water. We would ask for confirmation from the applicant as to what measures have been installed (phase 1/phase 2 etc) so as to demonstrate that the risk of flooding from surface water has been diminished. Notwithstanding, should your local authority be minded to grant permission for this development, we would recommend conditions requesting details of a sustainable surface water drainage scheme and its management on the site.

*(Initial comment)* We have concerns with the proposed runoff rates for this site. We are aware that an area of the site will be discharged at an unrestricted rate. The Drainage Strategy Report (Heyne Tillett Steel, July 2018) states that for the 1 in 100 year event +40%, the runoff rate will be 41.2l/s. However, the runoff rates for other critical rainfall events have not been provided.

We would recommend that the applicant confirms discharge rates for the whole site area for each rainfall event (1, 30, 100 year) which should demonstrate a 50% reduction from existing rates.

Although only minor it is shown that part of the site sits within an area at risk of surface water flooding, the Dreamland appraisal of flood risk (Aecom, June 2018) discusses various measures that were to be undertaken to reduce the overall risk of flooding from surface water. We would ask for confirmation from the applicant as to what measures have been installed (phase 1/phase 2 etc) so as to demonstrate that the risk of flooding from surface water has been diminished.

We recommend a holding objection be put in place until the above concerns have been dealt with.

**KCC Highways** - *(Final Comment)* It is agreed that the site will generate limited additional vehicle movements in its own as many of the hotel patrons will be visiting Margate in any case. However, to ensure that the methods of travel to and from the site are effectively monitored the applicants have submitted a detailed travel plan which the HA will request as a requirement of planning.

Various highway works are proposed to help facilitate safe delivery and servicing of the hotel and retail unit, this includes a new loading bay and kerb build out on Hall By The Sea Road. The proposals have been reviewed by the HA and independently assessed through a road safety audit (RSA). The HA have reviewed both points raised by the auditor within the RSA and agree with the designers response and proposed actions. All works on the highway will

need to be carried out by the applicant under a section 278 highway works agreement with the HA.

I would raise no objection on behalf of the local highway authority subject to conditions requiring the submission of a construction management plan, ensuring that adequate visibility is provided and the proposal is carried out in accordance with the amended plans and road safety audit.

*(Initial Comment)* The highway authority (HA) do not raise any objection to the principle of a hotel in this sustainable location, but there are various elements that need to be addressed before the HA can approve the proposals. These include:

- Use of the gym and rooftop bar by non-hotel guests.
- The location and suitability of the cycle hoops in the footway on Marine Terrace.
- Doors and accesses should not open over the highway.
- Provision should be made for 12m long vehicles to use the service yard at the rear to ensure that there is no overhang of the highway.
- The use of mirrors for visibility is not acceptable and alternative arrangements should be made.
- Areas should be identified for the relocation of the taxi rank and loading areas for the proposed retail unit should be clarified.
- TDC Parking Enforcement should be consulted to ensure that proposed amendments are agreeable and can be managed.
- The proposed coach drop off bay needs to be widened to ensure that vehicles can still pass along the A28.
- Cycle vouchers or discounts should be provided to staff and travel information should be provided to guests.

**Kent Police - (Final Comment)** We have considered the amendments with Crime Prevention Through Environmental Design (CPTED) in accordance with the National Planning Policy Framework.

Having met the applicant's agent and discussed the application, we request a condition to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998 and to address our areas of concern.

*(Initial Comment)* We have considered this application in regard to Crime Prevention Through Environmental Design (CPTED), in accordance with the National Planning Policy Framework (NPPF) July 2018 Ministry of Housing, Communities and Local Government, in particular Chapter 8 paras 91b, 95a and b, Chapter 9 para 106 and 110c, Chapter 11 para 117 and U8e and Chapter 12 para 127f.

Design and Access Statements should conform to the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 and demonstrate that the design helps create an accessible and safe environment while minimising crime and disorder and fear of crime as detailed in the NPPF.

Having reviewed the on line plans and documentation, the applicant/agent has not demonstrated that they have considered crime prevention and have attempted to apply the seven attributes of CPTED in the submitted on-line plans.

To date we have had no communication from the applicant/agent and there are issues to be addressed.

If the applicant/agent fails to contact us, it may affect the development and have a knock on effect for the future services and duties of the Community Safety Unit (CSU) and local policing.

## **Natural England - (Final Comment)**

No objection subject to the appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site; and
- damage the interest features for which Thanet Coast Site of Special Scientific Interest

(SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Demolition and construction works should avoid the majority of the bird wintering season, and not start before February 2019.
- Construction noise impacts should be minimised by avoiding impact piling.
- An appropriate contribution should be made to the Thanet Coast Strategic Access Management and Monitoring (SAMM) strategy, to address recreational disturbance issues.

### *Further advice on mitigation*

In Natural England's previous letter regarding this proposal (dated 12 September 2018), we identified two potential pathways for impacts on the Thanet Coast and Sandwich Bay SPA/Ramsar. The turnstones that are a designated feature of the SPA/Ramsar are susceptible to disturbance from construction noise and recreational activity. Therefore, to avoid a likely significant effect on the SPA/Ramsar, mitigation measures are necessary.

### *Construction/demolition noise*

Natural England is satisfied that, provided the demolition/construction works are confined to February and March, adverse impacts on turnstones roosting at nearby sites will be avoided. Furthermore, the use of rotary bored or CFA piling will minimise any potential impacts, as these methods avoid the sudden, loud noises that are most disturbing to birds.

### *Recreational disturbance*

The development will result in increased recreational disturbance and that mitigation is necessary to avoid an adverse effect, in combination with other proposals, on the integrity of the Thanet Coast and Sandwich Bay SPA/Ramsar. Therefore, an appropriate financial contribution to the Thanet Coast Strategic Access Management and Monitoring (SAMM) strategy should be secured.

### *Habitats Regulations Assessment*

Your authority is aware of the ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17). Natural England's advice is that the suitability of the mitigation needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the sites in accordance with the Conservation of Habitats & Species Regulations 2017.

### *Thanet Coast SSSI*

Natural England's advice is that the mitigation measures set out above are sufficient to address potential impacts on the features for which the Thanet Coast SSSI is notified.

## *Protected Species*

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species.

*(Initial Comment)* As submitted, the application could have potential significant effects on Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar Site, and Thanet Coast Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further detail on noise impact caused by construction/demolition

Without this information, Natural England may need to object to the proposal.

## *Designated sites*

The application site is in close proximity to the Thanet Coast and Sandwich Bay Special Protection Area (SPA), Outer Thames Estuary SPA and Thanet Coast Special Area of Conservation (SAC) which are European sites (also commonly referred to as Natura 2000 sites) and therefore afforded protection under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). The site is also in close proximity to the Thanet Coast and Sandwich Bay Ramsar site and Thanet Coast Site of Special Scientific Interest (SSSI), which is a national designation.

In advising your authority on the requirements relating to Habitats Regulations Assessment (HRA), it is Natural England's advice that the proposal is not necessary for the management of the European sites. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment (AA) stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out on the following European sites:

- Thanet Coast and Sandwich Bay SPA
- Thanet Coast and Sandwich Bay Ramsar site

We have identified two pathways of potential impact: noise and recreational pressure. We recommend you obtain the following information to help undertake an HRA.

Please note that our concerns for the nationally designated Thanet Coast SSSI are the same as those highlighted for the European designations.

## *Construction/demolition noise - further information required*

It is noted that the applicant has provided a noise impact assessment for the development. Due to the protected bird features of the Thanet Coast and Sandwich Bay SPA and Ramsar site and the Thanet Coast SSSI we require further detail to determine the impact to these features. The provided noise impact assessment does not detail the impact of noise during the demolition and construction phases of the development and does not consider the impacts to the bird interest features. It also does not detail what time of year each phase of the development will occur in and only provides a baseline noise measurement during the summer months. In order to determine whether there is a likely significant effect on the European sites we would advise that you request the following from the applicant:

- A noise assessment during the winter months (October - March inclusive);
- A detailed construction plan including seasonal timelines.

### *Recreational disturbance - mitigation required*

Natural England advise that this development will result in increased recreational disturbance and we consider that without appropriate mitigation the application would have an adverse effect, in- combination, on the integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar site. The Thanet Coast Strategic Access Management and Monitoring (SAMM) plan was set up to deal strategically with these recreational disturbance impacts, primarily on over-wintering turnstone.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational pressure impacts of the development on the SPA/Ramsar site. Our advice is that following the recent People over Wind ruling this needs to be confirmed by yourselves, as the competent authority, via an AA to ensure there is no adverse effect on the integrity of the sites in accordance with the Habitats Regulations.

### *Advice on next steps*

The project should be assessed as a whole through a single HRA. As indicated, we are already clear that the recreational pressure impact pathway will result in a Likely Significant Effect, requiring mitigation, and therefore will need to be taken through to the next stage of AA. For the noise impact pathway it is not yet clear whether a significant effect is likely, hence the request for further information. We would therefore advise that you seek the additional information from the applicant and then carry out an HRA covering both pathways of impact. Depending on the further information submitted it may be possible to screen out noise impacts as not likely to have a significant effect or it may be necessary to progress this aspect to AA as well.

**Southern Water - (Final Comment)** No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.No new soakaways should be located within 5 metres of a public sewer.

All other comments in our response dated 11/09/2018 remain unchanged and valid for amended details.

Without the recommended conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### *(Initial Comment)*

The exact position of the surface water sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water.

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our initial investigations indicate that there is insufficient information currently available to confirm if surface water sewer capacity is available to serve the proposed development. Further investigation of the downstream sewerage network is required to confirm the downstream sewerage details to assess capacity.

It is the responsibility of the developer to make suitable provision for the disposal of surface water.

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.

**TDC Waste and Recycling** - Although this is not a property that the waste and recycling department would be collecting from please ensure that both the storage and collection of waste is carefully considered due to the location of this proposed development

## COMMENTS

The application has been called to planning committee by Cllr Iris Johnston, to enable members to consider the design of the proposed development and whether it would appear in keeping with the historic facade of the neighbouring properties.

## **Principle**

The site is located close to the core town centre of Margate and within an area that has an established commercial frontage at ground floor level. The site is unallocated for a specific use within the adopted plan, although Policy T7 of the Thanet Local Plan supports new amusements uses in this location (but this policy provision does not preclude alternative uses on the site).

Within the Draft Local Plan the site lies within the Margate Seafront and Harbour Arm area designated under Policy SP08, which allows for leisure and tourism uses, including retail, where the proposal will enhance the visual appeal of these areas and protect the seafront character and heritage.

The proposal consists of the demolition of the existing buildings, which currently accommodates a hot food takeaway use, drinking establishment use, office use, and 2no. residential flats. The remainder of the site is vacant of any physical development. The

proposed development is for the erection of a 124no. Bedroom hotel use, with associated restaurant and bar use, with a separate A1 unit proposed at ground floor level.

- *Loss of residential use*

The existing buildings occupy 2no. residential flats at upper level, which will be lost as a result of the proposed scheme. Policy H12 of the Thanet Local Plan states that proposals which would lead to the loss of existing residential accommodation will be permitted only where it can be demonstrated that the continuation of residential use of the premises is undesirable for reasons of incompatibility with adjacent uses, structural inconvenience, obsolescence or layout; a change of use would provide the best reasonable means of preserving a building of architectural or historic importance; it relates to the provision of community facilities, which need to be so located to benefit the community; or it relates to a proposal in the local plan.

The agent has confirmed that the existing residential units are vacant, and have been for some time, as they are not in a habitable condition. The proposal will result, however, in the loss of two residential units that have the potential to form part of the district's housing stock, and therefore their loss requires justification. Further information has been submitted by the agent confirming that the staircase serving the residential units is unsafe and not fit for purpose, and water ingress has caused the ceiling to the second floor flat to collapse, whilst also causing severe damp issues.

Policy H024 of the Draft Local Plan states that the net loss of existing residential units will only be permitted where the proposal relates to the provision of community facilities, the residential use is not appropriately located, the building is unsuitable for residential use in its present form and is not capable of being readily improved or altered to make it suitable, the proposal provides a way of protecting or utilising an important heritage asset, or where the proposal is for a tourism use that conforms with Policy E07 of the Thanet Local Plan.

The information submitted by the agent goes some way in justifying the loss of the residential units on the basis that the building is unsuitable for continued residential use, although no information has been submitted confirming that the refurbishment of these units back to a habitable state would be unviable, and therefore the loss of the residential units on this point alone would not be enough to address the policy concerns.

The proposal is for the provision of a hotel, a tourism use, along with a rooftop bar, which could be considered a community use. As such, on the basis that some information has been supplied on the poor condition of the building, which raises doubt on its ability to continue in residential use, along with the proposed uses, which are both stated within Policy HO24 as being acceptable alternative uses to residential, the loss of the residential uses in this instance are considered to be acceptable and in accordance with Policy HO24 of the Draft Thanet Local Plan.

- *New Retail Development*

The proposed retail use is independent of the proposed hotel use. The Thanet Local Plan and the NPPF require that for any new retail use, a sequential test is carried out in order to determine whether there is a sequentially preferable location to that proposed for the retail use. All new retail uses should be located within the town centre before considering edge of town centre sites. The application site falls outside of the primary and secondary retail frontage as defined within the Draft Local Plan, but the site does fall within the Margate Seafront and Harbour Arm area designated under Policy SP08 of the Draft Local Plan, which allows for leisure, tourism, and retail uses. Whilst no sequential test details have been submitted as part of this application, the proposed retail use would replace the existing hot food takeaway town centre use on the site (which has a fallback of being able to convert to

an open retail use under permitted development), and the site is located within an area that under the Draft Local Plan, permits retail uses in this location, subject to the design. Therefore no principle objection is raised to the proposed use.

- *Tourism*

The proposal is for the erection of a 124no. bedroom hotel use, with associated restaurant and bar use, with a separate A1 unit proposed at ground floor level. The style of the proposed hotel, as stated within the planning statement, is a 'lifestyle' hotel, which takes all of the popular aspects of a boutique hotel, but provided on a larger scale. The proposed rooftop bar will replace the existing rooftop bar at Ziggy's so there will be no loss of community use through the proposal.

The Council's Tourism Manager has been consulted on the proposed development, and has commented that the Isle of Thanet's latest figures (2017\*) for the visitor economy show significant growth in the sector in recent years, when compared with 2013, which confirms massive growth and renewed local confidence in the tourism sector. The provision of additional quality visitor accommodation, to increase bedroom capacity, such as that shown through this proposed development, is seen as being vital to increasing the volume of short breaks and business tourism to the area.

The widely consulted Destination Management Plan sets out a number of objectives to address the need to encourage delivery of more quality accommodation for existing markets to grow market share, plus new experiences that provide character accommodation to attract new higher spending visitors for short breaks. In addition, the area's Economic Growth Strategy recognises the importance of the tourism sector and sets out a programme to grow the sector, including the promotion of new hotel development opportunities.

Policy T1 of the Thanet Local Plan states that '*planning permission will be granted for development which would extend or upgrade the range of tourist facilities, increase the attraction of tourists to the area or extend the season*'. The proposed development would therefore comply with Policy T1 of the Thanet Local Plan, and the aspirations of the Council's Destination Management Plan and Economic Growth Strategy, by providing a new large high quality hotel use within close proximity of Margate Town Centre, Dreamland and Margate Main Sands.

Policy SP02 of the Draft Thanet Local Plan continues to support new tourism development, which would extend or upgrade the range of tourist facilities, particularly those that attract the staying visitor, increase the attraction of tourists to the area and extend the season. Policy E07 of the Draft Local Plan further permits the development of new serviced tourist accommodation where this would be well related to existing built development, and where it would be of an appropriate scale that does not impact on the surrounding area (including the road network); is in a sustainable location and accessible by a range of means of transport; and where sufficient mitigation is provided against any increase in recreational pressure on designated nature conservation sites. In terms of the location, the site is sustainably located within walking distance of public transport including bus stops and the train station, and facilities, services and attractions including Margate Town Centre, Margate Main Sands and Dreamland. The site is an infill on the seafront and is therefore well related to surrounding development, and the mitigation towards the SAMM has been agreed in principle by the agent, as discussed further within this report.

The provision of a hotel use in this location would result in economic benefits, which the agent has confirmed would include 103 direct construction jobs over 3 years, 52 indirect construction jobs across the region over 3 years, employment in the service sector with the proposed hotel providing 62 jobs, and general economic benefits for local businesses created through the additional visitors to the hotel.

As part of the submission, a Master Vision has been submitted, which highlights the hotel development as being an important element in achieving the first stage of this vision. Whilst the proposed hotel development will contribute to the continued regeneration of Margate, the regeneration of the area is not reliant upon this development, and therefore its presence within this vision is not a matter under consideration through this application.

The principle of the hotel use in this location is in accordance with Policy SP02 of the Draft Local Plan, and Policy E07 of the Draft Local Plan (subject to the proposed development being of an acceptable scale that does not impact upon the surrounding area), and therefore given the additional tourism and economic benefits that the proposed development will provide, the principle of the hotel use is considered to be acceptable and is therefore supported.

## **Character and Appearance**

The proposed hotel would infill the space between numbers 42 and 50 Marine Terrace following the demolition of number 48 and 49. The hotel would be six storeys in height with the lower four floors following the line of the terrace between numbers 42 and 50 with a white rendered frontage, and a slate tiled mansard roof adjacent to the east and west boundaries of the third floor. The fourth and fifth floors would have a modern glazed design and each is set back from the front elevation, and in from the side elevations of the floor below. The fourth floor would have a flat roof and the fifth floor would have a hipped, standing seam metal roof. The first four floors would have a similar height to the existing four storey buildings that extend to the east along Marine Terrace. The two upper floors would extend a total height of 6.2m above number 42 Marine Terrace and 9.2m above the Cinque Ports public house.

As the site is located within the Margate Conservation Area 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.' The NPPF states that permission should be refused for a development of poor design that fails to take the opportunity of improving the character and quality of the area, and that where a development leads to less than substantial harm to a heritage asset, this harm should be weighed against the public benefits of the proposal.

### *Conservation Area*

The area where the site is located is characterised by a mix of uses predominantly focused on tourism and leisure activities. A hotel with associated bars, restaurant and a retail unit is considered to contribute to the mix of leisure facilities and would be in keeping with the character of this section of the conservation area.

Development along Marine Terrace is generally of a similar height and only increases to the east of the site along Marine Gardens and Marine Drive. The Dreamland Cinema building and Arlington House to the west of the site are the most prominent buildings visible from the conservation area.

The proposed fourth and fifth floors would project significantly above the height of the existing parts of the terrace fronting Marine Terrace, with a contemporary roof extension constructed from glass and metal. Whilst the glazed construction would to a certain extent, reflect the sky, due to the metal roof, the scale of the fourth and fifth floors, and the solid appearance of the fourth floor rear elevation, would present a significant mass above the more traditionally designed lower floors.

The lower floors of the proposed hotel are considered to pay reference to the design of the wider terrace and the restrained appearance of the domestic housing that was part of the

initial development along Marine Terrace, whilst reflecting the changing nature of the uses along the road, with the ground floor containing a more commercial appearance. The use of white render, glazing, slate tiles and metal framed windows is considered appropriate in this location, however Historic England and the Council's Conservation Officer have both raised concerns regarding the appearance of the fenestration. The windows within the first, second and third floor do reflect a traditional hierarchy through the rhythm and spacing of the openings, however this proposal lacks the fine detail of the surrounding buildings such as the design of the proposed windows, or banding within the render. Alterations to the design of the facade have been requested through the application process and detailed drawings of the front elevation have been submitted including sections showing window sills, reveals and the position of Juliet balconies and canopies. The submitted elevations and details show that the proposed windows do not follow the scale or levels of the windows within either of the adjacent properties and do not contain traditional details such as glazing bars. Specific detailing of the elevations could be agreed by condition, although fundamental elements such as the locations and proportions of doors and windows cannot be amended through the condition process. The concerns of Historic England and the Conservation Officer are understood, however the modern appearance of the proposed facade does draw cues from the adjacent properties, and has regard to the rhythm and hierarchy of openings within the terrace. Given the expanse of the building within the street elevation, it is considered that the building will form its own entity within the terrace, whilst having sufficient regard to form and design of buildings in the conservation area. The proposed facade of the main 4-storey frontage is therefore not considered to appear out of keeping or unrelated to the character of the terrace within the conservation area.

The upper floors have a contemporary design and appearance with the use of large areas of glazing and a standing seam metal roof. Whilst there is no objection to the principle of a modern development, this proposal does not follow the basic hierarchical arrangement, or the vertical division shown in the lower floors. The vertical division of the third floor through the use of a mansard roof is a traditional design that is used to break up the mass of large buildings and is seen in the adjacent properties. The fourth and fifth floors are set back from the front elevation of the building, however by extending across the mansard sections of the third floor below, it creates a discordant element that does not respect the more restrained form of the lower floors or the wider conservation area.

Historic England and the Council's Conservation Officer have raised concerns regarding the loss of numbers 48 and 49 Marine Terrace as they have been considered to play a significant part in our understanding of the development of this part of Margate in the early 19th and 20th Century. Number 48, whilst recently renovated at ground floor level, retains a number of historic features and demonstrates the height and scale of the residential development that originally occupied the terrace, as well as the development of tourist and leisure attractions along the main sands. Number 49 is unique within the terrace and was not part of the original development of residential properties. This property was developed as a restaurant with the large windows designed to compliment the cinema building and provide sea views to diners. This building has also recently been restored with the early form of the principle elevation once again being revealed. Whilst this elevation is not original, it provides an insight into the development of the frontage overlooking the beach and the tourist industry in Margate.

The applicant has stated that number 48 and 49 Marine Terrace need to be demolished to create a viable and accessible development. This statement outlines the design process that explored schemes for only the vacant site and retaining number 49 Marine Terrace, however both of these schemes were dismissed on viability grounds. Number 49 has large floor to ceiling heights on its upper levels giving the scale of a four storey building, however only contains three storeys. A plan has been submitted showing the existing levels within number 49 compared to a new build hotel development occupying the remainder of the site, and

concludes that due to the difference in levels between the two buildings, the retention of the existing buildings would not allow for a fully accessible or viable scheme. It is therefore posited by the applicant that for a 124no. bed hotel to be provided, both no.48 and 49 are required to be demolished.

Whilst number 48 and 49 have been altered over the passage of time, their significance is derived from more than their physical structure, as they represent an important insight into the development of Margate as a seaside resort. It is therefore considered that the loss of these buildings would result in some harm to the significance of the conservation area.

### *Impact on Listed buildings*

The site is located within close proximity to a number of grade II and grade II\* listed buildings. Both the Dreamland Cinema Building and Scenic Railway are grade II\* listed and have significant group value with the addition of the Grade II listed Cinque Ports Public House.

The Dreamland Cinema tower and fin was designed as an advert for the entertainment and leisure complex that is located to the rear, and was intended to be one of the most prominent buildings along Margate seafront. The cinema is an early example of German cinema design, with both expressionist and Art Deco influences, and it has been noted that the tower was influential in the design of Odeon cinema buildings. The Dreamland Cinema building was listed with a grade II\* status for its national and international significance. This building is a key marker both architecturally and socially in the development of Margate as a seaside resort. Recent works to this building, including the restoration of the facade and lighting, have sought to restore this building, in particular the fin, to build on its designated status and enhance its contribution to the conservation area and Margate as a tourist destination. The setting of this building is an essential factor in understanding its significance.

The site is located in a highly prominent location and is visible from a large number of long public viewpoints around Margate. The site is widely visible from Marine Terrace, Marine Drive and Margate main sands and forms a substantial part of the terrace of buildings extending from Belgrave Road to Marine Terrace; and therefore it is important that the height, scale and design of the rear elevation is fully considered in addition to the front elevation when assessing the impact of the development upon the conservation area and the setting of the designated heritage assets.

The front elevation and fourth and fifth floors would be visible from the main sands, harbour arm, Turner Contemporary gallery and Marine Drive due to the curve of the road. From the main sands, harbour arm and Turner gallery the first four floors would be seen as a continuation of the existing terrace infilling the space between number 42 Marine Terrace and the Cinque Ports. The glazed fourth and fifth floors would be clearly visible above the main terrace in these views and would be seen in relation to the Dreamland Cinema tower which is situated to the west. Whilst these floors are set back from the front elevation and in from the side boundaries, due to their height and massing they are considered to compete with the height of the Dreamland tower and dominate its smaller massing.

Due to the curve of Marine Terrace and Marine Gardens, the front and side elevations would be visible in long views from the east of the site including as far as the High Street. In this view the lower floors would be seen as a continuation of the properties along Marine Terrace, however the glazed upper floors, in particular the flat roofed fourth floor, would be seen to infill the visible space that is currently available between the Dreamland Cinema tower and Arlington House. Arlington House is the most prominent and dominant building within the Margate conservation area, due to its height and scale. This building does detract from the setting of the Dreamland cinema building by removing its intended position as the most prominent building within the area; however in the views from the top of Marine

Gardens the visible space between the two buildings maintains a clear break between these structures, helping to retain some of the architectural and historic significance of the grade II\* listed structure. From this view the proposed fourth floor would almost entirely infill the space between the two buildings. The fifth floor, due to its larger setback would only partially infill this space, however the overall height of the proposal and its significant bulk would be apparent in relation to the neighbouring properties and the cinema tower as the side elevations of the third, fourth and fifth floor are all visible from this location.

The eastern side elevation of the Dreamland cinema tower is visible from the junction with Belgrave Road and Eaton Hill to the east of the site between the rear elevations of the properties along Marine Terrace and the main Dreamland Cinema building. Whilst in this context the cinema tower is less prominent and viewed against the rear elevations of the properties along Marine Terrace, due to the intended design as a prominent building that was intended as an advert for the wider amusement park, weight should be given to protecting this view. The submitted photos showing the proposal in its context show that the cinema tower would be entirely obstructed by the upper floors of the hotel in these views.

The height, depth and bulk of the proposed hotel would be visible from Belgrave Road and the public car park at the rear of Marine Terrace. The development extends the full depth of the site to the boundary with Hall By The Sea Road and all floors are visible from the rear. The fourth floor is constructed from glazing to the front and part of the side elevations, however the rear elevation and the rear parts of the side elevations are rendered white to match the floors below, creating a solid fourth floor. The fourth floor is not set in from the rear elevation of the lower floors as it is at the front, and therefore due to this design and use of white render, it is considered to have a large and bulky appearance that lacks articulation, and fails to follow the expected hierarchical form of buildings in this locality, whereby the rear extensions of buildings are smaller in scale than the main building form fronting Marine Terrace. The views of the rear of the site do not contribute in the same way to the significance of the Margate conservation area as those from the front, however these elevations of the proposed hotel would still be viewed against the grade II\* listed Dreamland Cinema building and would be a prominent and bulky feature within the street scene.

The applicant has argued that the proposed building would make a positive contribution to the views of the rear of the properties along Marine Terrace. The rear elevations of the properties along Marine Terrace are more varied than the front elevations and do not contribute as significantly to the value of the conservation, however a number of planning applications have recently been approved and are beginning to be developed that improve the appearance of the rear of this terrace. It is therefore considered that a similar improvement to the appearance of the rear of this terrace could be achieved through an application for a smaller building.

Western side elevations of the third, fourth and fifth floors would be visible between the rear of the Dreamland Cinema tower and the main cinema building from Buenos Ayres and the entrance to Margate railway station. These views are significant as they are often some of the first views that visitors who arrive in Margate by road and rail get of Dreamland and the Margate conservation area. When compared to the views from the east, the upper floors of the proposed hotel would be set behind the Dreamland tower rather than in front, however it has a similar effect upon the significance of the grade II\* listed building by infilling the visible space between the tower and Arlington House.

At the closest point there would be a separation distance of 25m between the fourth floor and the tower and 29m between the fifth floor and the tower. The front elevation of the fourth floor would measure 42.3m wide and the front elevation of the fifth floor would measure 33.7m wide. The applicant has argued that as the proposed building is lower in height than the Dreamland cinema building, it is a subservient form of development. The metal roof of the proposed fifth floor is 5m below the peak of the Dreamland fin and 1.7m below the main

body of the tower from the information provided; however due to the substantial width of the front elevation, and the depth of the upper floors, the proposed building intrudes into, and disrupts views of the tower. It is therefore considered that this proposal would not be a subservient form of development to the Dreamland Cinema Tower. The height of the proposed development is considered to be similar to that of the Dreamland fin, and due to the significant scale, depth and close proximity of the proposal, it would compete with the fin. The proposed building and its relationship with the Dreamland fin would be clearly visible in long views throughout the Margate conservation area. It is therefore considered that the competition between these two buildings would severely diminish the significance of this grade II\* listed structure and its contribution to the wider Margate conservation area.

The glazed design of the upper floors is intended to lighten the appearance of the floors, however as noted by Historic England, it is considered that even through the use of non-reflective glass the fourth and fifth floor would still represent a substantial mass above the wider terrace that would compete with the prominence of the Dreamland Cinema tower. Internally the subdivision of the fourth and fifth floor would reduce the permeability of these levels and at night, internal lighting would create a substantial area of illumination that is not broken up by solid walls such as the floors below and would compete with the illumination of the Dreamland tower. It is acknowledged that when directly viewing the front elevation of the development from Marine Terrace, the setback of the upper floors would limit their prominence, however as described above, it is the longer views of the site and Margate seafront that make a substantial contribution to the significance of the conservation area and the designated heritage assets, including views from the main sands.

The grade II\* listed Scenic Railway is located to the rear of the site within the Dreamland amusement park and has significant group value with the Dreamland cinema buildings and the other listed buildings within the park. There is a separation distance of approximately 56m from the rear elevation of the proposed hotel to the closest point of the Scenic Railway and there are three pitched roof buildings located between the two sites of a similar scale to the railway. Views of the rear elevation of the proposed hotel would be available from Hall By The Sea Road and the public car park behind Marine Terrace in the context of the Scenic Railway; however given the separation distance and the existing buildings between the Scenic Railway and the site, it is considered that the impact of the proposal upon the significance and the setting of the Scenic Railway is acceptable.

With regard to the impact of the development upon the grade II listed Cinque Ports public house, the design has been amended throughout the process to reduce the impact upon this designated heritage asset. The front elevation of the hotel would have a flush join with the Cinque Ports and the first four floors would have a similar height at the front elevation to the existing neighbouring property, number 49 Marine Terrace. The glazed fourth floor is set in from the boundary with the Cinque Ports by 4m at the front and 3.5m at the rear. The fifth floor is set in from this boundary by 7m at the front and 4.4m at the rear. These upper floors of the hotel would represent a significant increase in height above the grade II listed pub, however the step in of the upper floors is considered to lessen the impact upon the setting of this designated heritage asset.

### *Policy test*

Heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. Paragraph 192 of the NPPF advises that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It goes on to advise on paragraph 193 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to

substantial harm, total loss or less than substantial harm to its significance. It continues on paragraph 194 that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Under such circumstances, paragraph 196 of the framework advises that if the proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

Given the harm to the significance of the designated heritage assets outline above, the framework requires that this harm is weighed against the public benefits of the proposal in accordance with paragraph 196.

This proposal would infill a vacant space within the Margate conservation area with a commercial premises that would provide both temporary construction jobs and permanent jobs within the development. The proposed hotel and commercial unit would also serve as an attraction for both residents and visitors to the area by increasing the range of facilities within the district. Ziggy's rooftop bar at 50 Marine Terrace is an existing leisure facility in the district and whilst this facility is not fully accessible, it still adds to the variety of facilities within the area. This application would re-provide a fully accessible rooftop bar over a smaller area within the new development, and therefore this aspect of the proposal offers a neutral contribution to the range of facilities within the area.

The provision of a rooftop bar in the hotel has been argued by the applicant in a submitted statement as vital to a hotel on the extent of site proposed for the development to be successful and viable. Whilst the provision of more facilities such as a rooftop bar within a new hotel would make it more viable, the site is not allocated for a hotel of a particular size, nor is the site required to be a hotel rather than other uses. It is apparent that there are a number of variables when considering the viability of a hotel including but not limited to facilities provided, bedroom provision (in size of rooms and number), as well as the type of hotel (star rating), operator, marketing and strategy, which would determine whether it is successful in this location, and this would be dictated by market forces. Therefore whilst benefits from the provision of a hotel with the number of rooms proposed and a rooftop bar is identified and acknowledged, the weight given to the viability of this particular hotel and any stated necessity to provide a rooftop bar within it, is given minimal weight when considered against the impact of the development on the historic environment.

This scheme therefore would increase the range of tourist facilities within the area, infilling this highly prominent vacant space in the Margate conservation area, and offers both short and long term employment opportunities. Therefore potential moderate economic and some environmental benefits are provided by the development.

These public benefits, must be weighed against the harm identified to the historic environment identified above. The proposal would, by virtue of its height, scale, depth and roof design, appear unduly prominent, competing with the Grade II\* Dreamland Cinema, disrupting views within and resulting in the loss of two buildings with significance in the Margate Conservation area. Great weight is attributed to this environmental harm from the proposal. Given the level of significance assigned to the affected designated heritage assets, and the level of harm identified, it is not considered that the public benefits outweigh the severe harm to the historic environment which is considered to result from this proposal.

### **Living Conditions**

Residential properties are located both to the east and west of the site within the upper floors of the Cinque Ports and number 36-42 Marine Terrace. There are no neighbouring properties to the front or rear as the site directly fronts Margate Main Sands to the north and Dreamland Amusement Park to the south. The front elevation of the proposed building follows an angled line between the front elevations of the adjacent neighbouring buildings

with a flush join at each side boundary. Due to the line of the front elevation it is considered that there would be no significant loss of light or sense of enclosure to the windows within the front elevations of the neighbouring residential properties.

A daylight and sunlight report has been submitted by the applicant with the application assessing the impacts of the development upon daylight and sunlight to the neighbouring residential properties in relation to the guidelines set out in the 2011 Building and Research Establishment (BRE) report 'Site Layout planning for daylight and sunlight - A guide to good practice' by Paul Littlefair. This report assesses the impact of the development upon number 36-42 and 50 Marine Terrace and concludes that the development would accord with BRE guidelines.

The rear windows within the first and second floors of the Cinque Ports are currently within close proximity to the western side elevation of number 49 Marine Terrace which extends the full depth of the site, limiting outlook from these windows. On this elevation the third floor of the proposed hotel would be 0.8m above the height of the existing building and extend at this height for the full depth of the site. There is a separation distance of 2.3m to this window from the western side elevation of the proposed building. The western boundary of the site angles away from the first and second floors of the Cinque Ports and the first, second and third floors of the proposed hotel step in from the boundary at a distance of 10.4m from the rear elevation of the Cinque Ports. The fourth floor is set in by 3.5m from the third floor side elevation and the fifth floor is set in by 4.4m from the third floor side elevation. Given the existing arrangement, the modest increase in height and the stepping and set in of the hotel on this boundary, it is considered that the proposed hotel would not result in a significant sense of enclosure or loss of outlook to this property.

There are also residential doors and windows within the second and third floor rear elevation of numbers 36 to 42 Marine Terrace. Immediately adjacent to the eastern boundary of the site there is a door within the second floor and a window within the third floor. The door serves an entrance and staircase. Adjacent to this door is a window serving a bedroom. There is a separation distance of 3.7m to this window from the eastern side elevation of the proposed building. Within the third floor there are two windows serving one bedroom. There is a separation distance of 1.5m to the first window and 3.8m to the second window. The eastern side elevation of the proposed hotel would step in from the boundary with number 42 at a depth of 9.4m and then extend the full depth of the site. The fourth floor is set in by 1.7m and the fifth floor is set in by 6.2m from the eastern side boundary of the site.

The submitted rear street scene elevations show the second floor of numbers 36-42 Marine Terrace to have a canopy over the access to these properties. This canopy has not been constructed, however was approved under application reference F/TH/16/1205. This canopy would restrict light and outlook to the second floor rear windows in these properties, however this arrangement was considered acceptable in the determination of the 2016 application. This consent has been implemented and therefore this canopy could be erected at any time and forms a material consideration in the determination of this application. If the proposed canopy was constructed, vertical light and outlook would be restricted by this approved structure, and therefore only limited weight can be applied to the impact of the upper floors on this window. The second floor window is set off the eastern boundary of the site by a substantial distance and the side elevation of the proposed hotel steps away from the boundary towards the rear. Due to this arrangement it is considered that any loss of light or sense of enclosure to this window would not be significantly harmful enough to warrant refusal.

The third floor bedroom is served by two windows, one of which is in a similar location to the window in the floor below. The proposed development is likely to have a significant effect on the closest window within the third floor, however as this room is served by two windows, it is considered that the increased separation distance in combination with the stepping of the

eastern side elevation and the set in of the fourth and fifth floors, the proposed hotel would not result in a significant sense of enclosure or loss of outlook to this habitable room.

The windows within the front elevation of the proposed hotel would face towards Margate main sands where there are no residential properties. The ground floor would serve the hotels public spaces and a commercial unit, the first to fourth floors would be hotel bedrooms and the fifth floor would contain a rooftop bar with an external terrace.

The ground floor windows and doors, due to their location, are not considered to result in any significant opportunity for overlooking. Openings in the first floor would be Juliet balconies and do not provide any external space. Windows are proposed in the second and third floors and floor length windows in the fourth floor. The fifth floor has floor length doors and windows to all elevations and terraces to the front and rear.

Concern has been raised regarding the potential for overlooking from the proposed hotel towards the balconies on the first floor at the front of number 36-42 Marine Terrace. These balconies have a glass balustrade and are clearly visible from the public realm. Part of the front elevation of the proposed hotel is angled towards this neighbouring property, however due to the shallow nature of this angle, any overlooking from the Juliet balconies and windows within the first, second and third floors would be at an obscure angle and is not considered to be significantly harmful. These windows and Juliet balconies are therefore not considered to result in any significant overlooking to the neighbouring residential properties. The proposed fourth floor is set back from the front elevation by 3m and in from the side elevations of the third floor and therefore due to this setback, these windows are not considered to provide any significant opportunity for overlooking of the neighbouring properties. The proposed fifth floor with rooftop bar is set in from all elevations of the fourth floor. An external terrace would extend across the full width of the front elevation and a smaller terrace is proposed at the rear on the eastern side. The front elevation of the front terrace is set back from the main front elevation of the building by 6m and the rear terrace is set in from the rear elevation by 1.8m. Both front and rear terraces are set in from the eastern side boundary by 6.2m. Due to the set in and height of the fifth floor, the proposed windows and external terraces are not considered to result in any significant overlooking towards the neighbouring properties.

Due to the angle of number 50 Marine Terrace and the location of the doors, windows and terraces within the proposed development there is not considered to be any significant overlooking towards the front elevation of this property.

At the rear, service doors are proposed at basement level and Juliet balconies and windows are proposed in the upper floors. There are no neighbouring properties located immediately at the rear as the site shares a boundary with Hall By The Sea Road, and beyond this there is the Dreamland Amusement Park. The rear windows and balconies would face directly to the rear boundary of the site and are therefore not considered to result in any significant overlooking.

The impact upon neighbouring living amenity in terms of overlooking, loss of light and sense of enclosure is therefore considered acceptable.

- *Noise and disturbance*

A noise assessment has been submitted as part of the application and the Council's Environmental Health Department have been consulted during the application process. The site is located adjacent to a main road where there are a variety of commercial, residential and leisure uses and therefore there is likely to be a degree of noise and disturbance from these existing uses to the closest residential properties. This proposal would replace an existing roof top bar in a similar location.

The Council's Environmental Health Officer has raised no objection to the development subject to conditions to ensure that there is no significant impact upon the amenity of the neighbouring residential property occupiers by way of noise and disturbance or odour. The times of use of the A1, A3 and A5 elements of the proposal and the servicing of the building would be restricted. A development and construction environment management plan and details of the proposed extraction would be requested by condition and the level of noise from the proposed plant equipment would also be restricted.

Given the location of the site and subject to the conditions proposed, it is considered that there would be no significant harm to the neighbouring residential property occupiers by way of noise and disturbance, or odour.

## **Transportation**

The site is located on Margate seafront, just outside of the town centre. Margate train station is located approximately 320m to the west of the site, and the site is on a well used bus route, with numerous bus services stopping along Marine Terrace and within Cecil Square, approximately 370m to the east of the site. The site is therefore located within a highly sustainable location, with good access to the beach opposite and services and facilities within the town centre.

The proposal does not include any off-street parking provision, but a loading bay is provided to the rear of the site, accessed from Hall by the Sea Road. The site falls within an area designated by Policy TR16(b) of the Thanet Local Plan, which allows for development without the requirement for off-street parking provision. The proposed development would therefore comply with Policy TR16 of the Thanet Local Plan.

A Transport Statement was submitted with the application, which proposed a vehicle drop-off and coach area to the front of the site, with a reduction in the length of the pay and display area and the intention that the spaces be limited to a 20 minute maximum stay restriction; a service area to the rear of the site to accommodate a 7.5t box van, with tracking plans provided to prove maneuverability into the spaces, and a convex safety mirror installed to ensure appropriate visibility along Hall by the Sea Road; and the provision of 16no. Cycle parking spaces at basement level.

KCC Highways and Transportation have been consulted and have raised concerns. They have advised that cycle hoops should only be located within the application site and not on the highway, the service area should be designed so to accommodate vehicles of up to 12m in length, a mirror would not be acceptable and alternative arrangements should be made to provide sufficient visibility, replacement pay and display spaces need to be identified, the coach drop off bay requires widening and appropriate tracking for this demonstrated, and an understanding on the management of the coach/drop off bays is required, as the proposed restrictions would need to be agreed by and put in place by Thanet District Council.

A Transport Statement Addendum has been submitted by the applicant, which addresses the concerns raised by KCC. The 4no. cycle hoops have been relocated to the front of the retail unit (in addition to the basement cycle parking for staff and guests); a build out has been provided to the rear, to the east of the loading bay, to enable longer vehicles of upto 9m in length to be accommodated, whilst also achieving the required 2m x 43m visibility splays; the Hall by the Sea road has also been widened by up to 2.6m to allow for both passing vehicles and a loading bay area to accommodate 12m long vehicles (this has been agreed with TDC's Assets team); within Marine Terrace it is proposed to retain the pay and display parking to the south, and provide a yellow line between the pedestrian crossing and bus stop to provide a drop off area for cars and coaches, and a delivery area for the retail unit. In addition a travel plan and safety audit have been submitted, along with a plan indicating all of the amendments listed above.

In response to the submitted amendments, KCC Highways and Transportation are now satisfied that the proposed works would facilitate the safe delivery and servicing of the hotel and retail unit. The proposed development will generate limited additional vehicle movements, as hotel patrons are likely to be visiting Margate in any case, and the site is sustainably located, with good access to the train station. The submitted travel plan contains potential measures that could help to reduce vehicle movements, including cycle parking facilities and staff initiatives; a welcome pack for guests that includes information on the train/bus service, along with walking/cycle routes; and the provision of drop off points to the front of the hotel to serve coaches. On the basis of the amended plans/information, KCC Highways and Transportation raise no objections with the proposed development subject to safeguarding conditions.

Concern has been expressed by the Council's parking department regarding the new parking and display spaces on the northern side of Marine Terrace, as they do not want parking provided on this side of the road. A final amended plan has since been submitted, which shows the pay and display spaces to the northern side of Marine Terrace removed, and the area shown as double yellow lines changed to a loading bay, which could also serve coaches along with deliveries for neighbouring businesses. TDC Parking and KCC Highways and Transportation are both satisfied with the plan as amended.

The impact upon highway safety is therefore considered to be acceptable and in accordance with the NPPF.

## **Drainage and Flood Risk**

- *Flood Risk*

The site falls within Flood Zone 1, so the risk of flooding from fluvial and tidal sources is considered to be low. There is potentially some risk of flooding from Tivoli Brook; however, information has been submitted to demonstrate that the application site is located in an area not affected by these sources of flooding.

- *Surface Water Drainage*

The drainage proposed for the site consists of a blue roof system for the fourth and fifth floors, which would allow for the temporary attenuation, filtration and controlled release of stormwater. In addition, a green roof surface finish is proposed for the fifth floor blue roof. The attenuated surface water from the blue roof system is intended to drain to the public sewer, with the intention being that this would be via a gravity connection. It was originally proposed that the sixth floor could not accommodate a blue roof construction, as it is a metal standing seam roof with glass, so this area was originally shown as having unrestricted runoff.

KCC SUDs have been consulted and advised that confirmation be submitted of the discharge rates for the whole site, in order to demonstrate that they can meet a 50% reduction in runoff rates when compared to those existing, especially given the unrestricted runoff occurring at sixth floor level. Additional information has since been submitted by the agent confirming that the blue roof system design had progressed, making it feasible for the blue roof system to be used on the roof of the sixth floor. As a result the majority of the site area can now restrict surface water flow rates, resulting in a 50% betterment across all storm events.

KCC have advised that they are satisfied that runoff from the proposed development will be restricted, with a 50% reduction taking place when compared to the existing rates, and therefore subject to safeguarding conditions, the impact upon flood risk is considered to be acceptable, and in accordance with the NPPF.

- *Foul Drainage*

Foul water is proposed to discharge to the public sewer located in Hall by the Sea Road, and will either use an existing or new connection.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network; and the initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. The timing for these works will need to be agreed between Southern Water and the developer. Whilst Southern Water have advised that a condition be applied that seeks to limit occupation to phasing, this is not considered to be a reasonable request given the proposed hotel use; the occupation of which is unlikely to be phased.

The impact upon the public sewer network is therefore considered to be acceptable, subject to safeguarding conditions requiring details of the foul sewerage disposal.

## **Ecology**

No ecological information has been submitted with the application, but KCC Biodiversity have advised that they have reviewed the desktop information available to them and they consider there to be limited potential for ecological impact, and as such no additional information is required.

Natural England have been consulted in relation to the impact of the proposal upon the Thanet Coast and Sandwich Bay Special Protection Area. They have advised that further information is required on the potential noise impact to wintering birds from the construction/demolition works that are to take place on the application site.

In response to this concern, a Demolition and Construction Noise Assessment has been submitted. The assessment concludes that the majority of the demolition work will be carried out in the spring, not in the winter months when Turnstones would be mostly affected; and given the large distance between the development site and the roost sites, together with the screening provided by the neighbouring buildings to the development site, it is likely that the noise levels at the roost sites from the proposed works will fall below the existing background noise level throughout all phases of demolition and construction. In addition the assessment advises that the piling work will involve the use of either rotary bored or a continuous flight augering (CFA) method, which will minimise the potential impact upon local wildlife when compared to impact piling.

Natural England have been reconsulted and advise that provided the demolition/construction works are confined to February and March, adverse impacts on turnstones roosting at nearby sites will be avoided. Natural England also support the use of rotary bored or CFA piling, as these methods avoid sudden loud noises so it will minimise any potential impacts to birds.

Natural England have further advised that the development will result in increased recreational disturbance to the SPA, but this issue is covered within the following section of this report.

The impact upon wintering birds from the development of the site is therefore considered to be acceptable, and in accordance with the NPPF, subject to safeguarding conditions.

## **Planning Obligations**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' 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. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI.

Both the SAMM document and emerging Local Plan policy identify that it is not just C3 housing which is a concern - other types of development. Including hotels, may result in similar recreational pressure impacts, and therefore a proportionate contribution to the SAMM is the most straightforward way to address this.

Within Thanet District there is already a precedent for new hotels and tourism uses to make such a contribution, including the 89 room hotel at the Rendezvous, Margate permitted in 2014 (OL/TH/14/0536), the 117 room hotel at Hosers Corner, Cliftonville permitted in 2018 (F/TH/17/1145), and the extension of Birchington Vale Holiday Park in 2019 (F/TH/18/0432). This current application is another large, new hotel in Margate situated just off the seafront and within easy walking distance of the SPA/Ramsar site. As such, there is a need for mitigation to offset the impact upon the SPA.

The calculation for the other sites was based on their winter occupancy rates, which has been considered reasonable for linking the contribution request to occupation. The applicant has provided evidence of projected winter occupancy rates, being 58.4% in November, 56.3% in December and 47.2% in January, resulting in an average occupancy rate of 53.5%. On this basis, and given the 124no. bedrooms proposed, a calculation of 0.535 (based on the 53.5% winter occupancy rate) x £202 (the rate for a 1-bedroom unit) x 124 (number of rooms) = £13,400.68.

For this development the contribution required in order to mitigate the impact from additional recreational pressure on the SPA is therefore £13,400.68. The applicant has agreed to this contribution, and to the provision of a legal agreement that secures this payment (to be paid within 28 days of the commencement date of development) should there be a resolution to grant the planning application.

## **Other matters**

- *Crime Prevention*

The Designing out Crime team for Kent Police have been consulted, and originally raised concerns that they had received no communication from the agent, and that a number of issues need to be addressed including the recessed area, lighting, access control, glazing standards, cycle and bin storage area, external seating area when closed, and the roof terrace (hours of use, lighting, safety and security).

Since the original submission the agent has made contact with Kent Police, and has agreed to the principle of providing crime prevention measures within the development, such as CCTV, alarms, lighting, and a secure barrier, i.e. bollards, to front elevation, details of which can be submitted and agreed to through a safeguarding condition. It is therefore considered that the proposed development can be provided in a safe and accessible way, in accordance with the NPPF. ■

- *Contamination*

A desk-study report covering contamination has been submitted in support of the application. Environmental Health have been consulted and they advise that on the basis of the findings of the report, which concludes that there is a very low risk of there being significant

contamination linkage at this site, they raise no objections to the proposed development subject to a safeguarding condition requiring a watching brief.

Furthermore, the Environment Agency also raise no objections to the proposed development, subject to safeguarding conditions requiring a watching brief, and preventing the infiltration of surface water drainage and penetrative methods of piling.

The impact on groundwater is therefore considered to be acceptable and in accordance with the NPPF.

- *Competition on surrounding businesses*

Through the notification process concern has been raised regarding the potential impact the proposed restaurant/bar could have on the viability of the Dreamland restaurant. The principle of a restaurant/bar in this location has been covered within the 'principle' section of this report. Whether or not the proposed restaurant/bar would cause competition for the Dreamland restaurant, or any other nearby restaurant/bar, is a matter for the market, and does not form a material planning consideration in the determination of this application.

## **Conclusion**

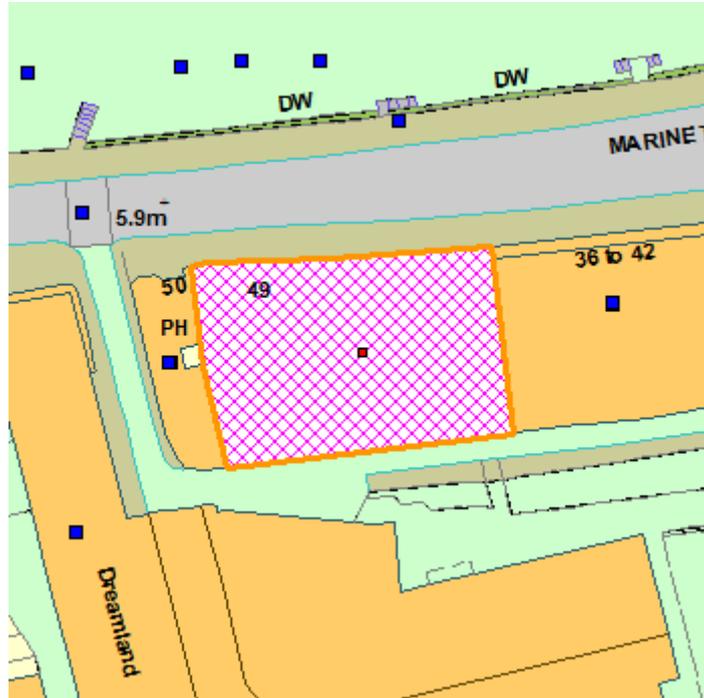
The proposed hotel use will provide highly needed good quality accommodation that will encourage and support tourism within Margate, in accordance with Policy T1 of the Thanet Local Plan and SP02 and SP08 of the Draft Thanet Local Plan. The hotel use, along with the associated bar, restaurant and retail use, will provide economic benefits for the area; not only through the jobs provided in construction, but through the jobs created from the proposed uses and the economic benefits for local businesses that result from the additional visitors using the development. The uses will also provide social benefits for the area, through the creation of accommodation choice for visitors, and community facilities for residents in the form of a bar (replacement), and restaurant use. With regards to the environmental benefits, the proposed development will infill a gap within Margate's prominent seafront terrace, which is of benefit to the surrounding conservation area, and will provide highway improvements in the form of road widening to the Hall by the Sea Road, a loading/coach bay within Marine Terrace, and cycle hoops, all of which will improve accessibility for both the site and surrounding uses and encourage sustainable forms of transport.

Unfortunately, whilst a number of economic, social and environmental benefits are offered by the scheme, the proposal, by virtue of its scale, height, depth and roof design, will block significant multiple long distance views of the landmark Grade II\* Listed Dreamland building, whilst also creating a development that appears obtrusive and unrelated to the height and scale of development within the historic seafront terrace. This impact, in conjunction with the demolition of nos. 48 and 49, which are both of historic significance, would be severely detrimental and harmful to the character and appearance of the conservation area and the setting of the listed building. It is therefore considered that, on balance, the sustainability and public benefits of the proposed development do not outweigh the severe environmental harm to the significance of the historic environment, contrary to paragraphs 127, 130, 192 and 196 of the NPPF, and Policy D1 of the Thanet Local Plan.

It is therefore recommended that members refuse the application on the grounds that the proposed development will result in severe harm to the significance of the historic environment, and the lack of a legal agreement securing the necessary mitigation to the Special Protection Area.

TITLE: F/TH/18/1053

Project 43 - 49 Marine Terrace MARGATE Kent





This application was refused on two grounds:

1 The proposed two storey extension by virtue of its design materials, form and location will result in an incongruous and discordant form of development which is architecturally unrelated to the design and form of the existing building, and will be clearly visible from adjoining roads and public footpath, significantly harmful to the character and appearance of the area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 17, 56, 58 and 60 of the National Planning Policy Framework.

2 The proposed development would create additional demand for car-parking, which could not be accommodated within the site, and overspill would then be forced onto Leigh Road, which is already heavily parked which could restrict manoeuvring of larger vehicles through the junction with Haine and Leigh Road obstructing the highway. The proposal would therefore have an unacceptable impact upon highway safety and capacity, contrary to paragraph 35 of the National Planning Policy Framework.

F/TH/14/0400 - Erection of two storey rear and single storey front extension together with area of hardstanding to rear without compliance of condition 2 attached to planning permission reference number F/TH/11/0554 for design amendments to windows position and front extension. Granted 12/06/14

F/TH/13/0407 - Erection of two storey rear and single storey front extension together with area of hardstanding to rear without compliance of condition 2 attached to planning permission reference number F/TH/11/0554 to allow changes to roof and insertion of velux windows. Granted 08/07/13

F/TH/11/0554 - Erection of two storey rear and single storey front extension together with area of hardstanding to rear. Granted 08/09/11

F/TH/08/1155 - Change of use of land to car park. Granted 08/12/08

OL/TH/05/0758 - Outline application for the erection of steel framed storage building, with access leading from Leigh Road. Granted 15/12/05

### PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a two storey flat roof extension. The extension would run parallel to the southern site boundary, creating a "U" shaped building. The proposed extension would measure 14.6m x 7.5m, in addition there would be a link extension connecting the existing building to the proposed extension measuring 2.5m x 2.6m.

The proposed extension is proposed to be constructed galvanised and coated steel sheets in beige with a galvanised and coated steel sheet roof.

Located on part of the application site is an existing portacabin, (this does not appear to benefit from planning consent) which would need to be removed.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan (2006 Saved Policies)**

- D1 - Design Principles
- D2 - Landscaping
- EC12 - Retention of Employment Sites
- TR12 - Cycling
- TR15 - Green Travel Plans
- TR16 - Car Parking Provision

## NOTIFICATIONS

Letters were sent to surrounding occupiers and a site notice posted close to the site. No third party representations have been received.

## CONSULTATIONS

**KCC Highways and Transportation: Further comments:** Following receipt of additional information provided by the applicant would concur that, if Saved Policy TR16 is the fall-back position, this would not appear to allow the provision of any additional parking for the proposed development. I also note the comments regarding existing parking restrictions in Leigh Road and it is accepted that the presence of the same enables enforcement and control of on-street parking on the highway. I understand that maintenance requirements such as refreshing road markings cannot be reasonably required as a planning obligation and would not meet the statutory tests. I therefore confirm that I would not recommend refusal of the proposals on highway grounds subject to the provision, implementation and maintenance of a Travel Plan.

**Initial comments:** Refusal recommended as the additional parking demand from the proposal is likely to exacerbate the existing situation in Leigh Road, with the potential for on-street parking closer to the junction with the A256 Haine Road which will also restrict the manoeuvring of larger vehicles through the junction and further obstruct the highway.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr Ash Ashbee if the application is recommended for refusal to consider the benefits of the scheme.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

### **Principle**

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material

considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The site is within the town of Ramsgate and within an existing industrial estate that the Local Planning Authority seek to retain for employment purposes under saved policy EC12 of the Local Plan. The site is situated within the 'retention of employment sites' designated by the Thanet Local Plan, which seeks to retain sites within Thanet for B1, B8 and sometimes B2 use. In general terms the proposed development will expand an existing business within the designated employment site, and therefore is supported in principle by the policy. More specifically the applicant's agent has provided some background information relating to the business including that Watkins has been operating for 57 years and a total of 30 years from its current site. Watkins deal with mechanical, electrical and plumbing services to the construction industry in London and the south east. It is put forward by the agent that the extension is part of the expansion plan for improvements to the operation of the business and will increase competitiveness together and there would be an overall increase in terms of desk space of 2.

The extension would extend the existing building with a two storey flat roof extension projecting out into the car parking area. The development would therefore support the growth of an existing established business within Thanet. In principle therefore the provision of additional space is considered acceptable; subject to the details of the scheme.

### **Character and Appearance**

Paragraph 80 of the NPPF places significant weight upon the need to support economic growth and productivity.

Paragraph 127 of the 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 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 place that are safe, inclusive and accessible. Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area particularly in scale, massing, rhythm and use of materials.

The design of the extension will not match or reflect the existing building, it would be a two storey flat roof addition to an existing two storey pitched roof building within an industrial estate. The extension would be constructed in galvanised and coated steel sheet in contrast to the brick used in the construction of the main building. The two storey extension is large 14.5 metres (excluding the link extension) x 7.5 metres, with the two storey link extension measures 2.5m x 2.6m. The eaves will sit in line with the eaves height of the existing. The extension would be visible from Leigh Road, Haine Road and from a public footpath that is located to the south of the site. Whilst it is appreciated that landscaping may screen parts of the site it is considered that this provides limited screening and this would only be at certain points along the Haine Road and would be more limited within the winter months when the trees have limited foliage.

The design and appearance of the extension has not altered since the previous refusal. Within the applicants Planning, Design & Access Statement it is stated that the applicant has looked at other design options to address the reason for refusal. Additional information has also been received from the applicant's agent following discussions with officers about concerns on the design of the proposed extension. They advise that the applicants are a well established business within Thanet who are well placed to help with wider housing delivery. They have confirmed that a brick built extension with a tiled roof to match the host building would be economically unviable and it is fundamental that the new extension is cost effective for the applicant to construct. They also advise that the site is within an designated employment site where extensions and new developments for business use are proactively supported by both national and local planning policies. They highlight that there are various designs and materials within the employment site and that the adjoining site has been allocated for employment but the policy is not prescriptive on design/materials for the allocated site. They note that the site beyond the allocated employment site has outline planning permission for residential development and once this is built the application site would only be visible from the employment site. They also advise that the proposal is part of a scheme of business improvements and would create 2 extra jobs.

It is recognised that policies should not be prescriptive in imposing design styles to new development it is imperative that they respond to the build which they are being attached to in order to give some visual continuity and cohesion to the result scheme. Whilst it is appreciated that the design may have been led by economic reasons this is not a planning reasons to accept an extension that would not add to the overall quality of the area or be visually attractive contrary to the aims of the NPPF and saved policy D1.

The proposal would appear clearly as an extension by virtue of its design and appearance and use of materials. Whilst seen as an extension it is considered that any addition should have some visual and design cohesion with the building to which it is attaching; it is contended that this addition does not. Whilst the industrial building to the rear of the application site utilises cladding this building has a deep brick plinth around the bottom section of the building and is not wholly clad. There have been no significant changes to the proposal or the policy context since the previous refusal. Given the topography of the site, its location adjacent a main thoroughfare, with very limited field boundaries, very close to a public right of way. The officer stance therefore remains the same that the extensions design and appearance is not appropriate to the building to which it is attached. It is considered that given the size of the extension, use of material, its prominence and visibility from the public realm would not be compliant with the aims of policy D1 or paragraphs 127 and 130 of the NPPF.

The extension would create a 'U' shape building, extending a little further back then the corresponding projection, it is however not considered to result in the loss of open space between buildings.

Whilst I note that the applicants have stated that the extension will not been seen if the site is development to the side (within the employment allocation), this is not the subject of a current applicant nor is there an extant consent in place. Its ability, therefore, to come forward is not guaranteed. It is considered that limited weight can be attached to this

argument and this is not an acceptable justification in it self, a high standard of design would need to be achieved regardless of whether this site were developed.

Overall the proposal is not considered to be appropriate in terms of its design to the existing building to which it will be attached furthermore the economic benefits; the creation of two jobs would not overcome the material harm and is therefore not in accordance with Policy D1 or the aims of the NPPF and in particular paragraphs 127 & 130.

### **Living Conditions**

Paragraph 117 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.

The proposal will not cause any significant alteration in the existing relationship between the existing office building to the east.

The application site is located a significant distance from the allocated housing land and furthermore it is separated by another parcel of land which is allocated for retention of employment within the emerging local plan

The impact upon the neighbouring and future occupiers of the development is therefore considered to be acceptable and in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

### **Highways and Transportation**

The previous application raised a highway objection and one of the reasons for refusal was formed on this basis. No additional parking is proposed as part of the development and one space would be lost through the erection of the extension.

Within the supporting statement it is confirmed that there is 29 parking spaces and based on the adopted car parking standards the existing floor area would generate a need for 12.2 car parking spaces - indicating a current over provision of 17 car parking spaces. The new extension would require 4.6 car parking spaces, giving a total required by the policy of 16.8 car parking standards. The applicant has also carried out a survey to establish how staff travel to the site. 60 employees are based at the site, 5 of which are part time and 15 are site based and on average spend 50% of their time there. The majority of the workforce drive to the site whilst 3 people car share, 3 people walk and 2 come by bike.

Initially this proposal also attracted a highway objection on the basis of the development resulting in additional on-street parking which would likely be closer to the junction with the A256 which would then restrict manoeuvring of larger vehicles through the junction and obstruct the highway. Following additional information provided by the applicants agent to demonstrate that the proposal would be in accordance with policy TR16 and that if the Traffic Regulation Order- double yellow lines close to the junction with Leigh Road and Haine Road were enforced this would remove the highway hazard. KCC Highways and Transportation have confirmed that they can remove their objection subject to the provision, implementation and maintenance of a Travel Plan.

The impact upon highway safety is therefore now considered to be acceptable subject to condition.

### **Conclusion**

This application seeks to address the reasons for refusal under planning reference number F/TH/18/0662. The proposal as such remains as previously submitted by the applicants agent has put forward justification to try address these two reasons.

It is appreciated that the applicant wishes to expand their business and the extension would provide a meeting space and archive/storage and training area for existing members of staff. In principle the Local Planning Authority are supportive of the expansion of local business, however this needs to be weighed against the other impacts of the proposal.

Following the receipt of further information KCC Highways and Transportation have confirmed that their concerns have been addressed adequately subject to a condition relating to a travel plan.

Whilst justification has been put forward for the design of the extension, officers consider that this holds limited weight to override long established planning policies and extension would not be of sufficiently high standard of design to comply with policy D1 or the requirements of the NPPF.

On balance the economic benefits however do not outweigh the significant visual harm upon the area and therefore it is recommended that the application is refused.

It is therefore recommended that Members refuse the application.

### **Case Officer**

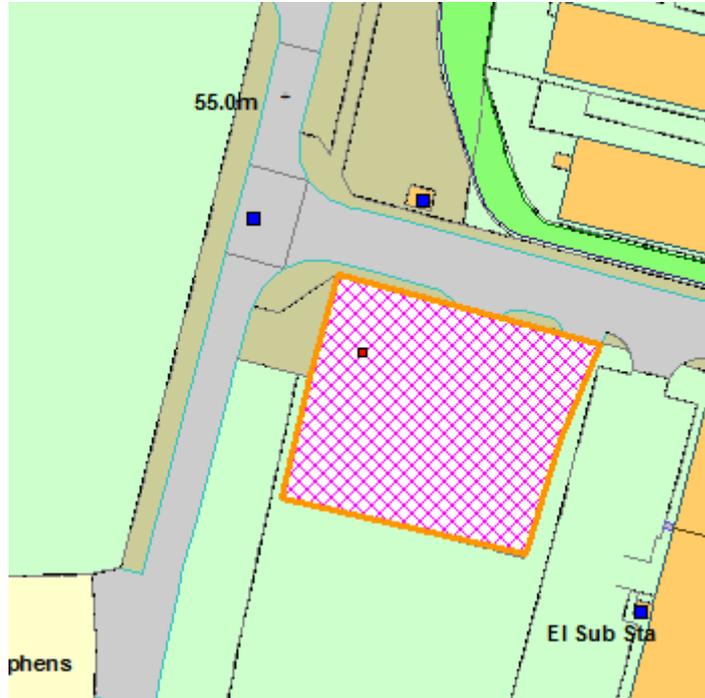
Gill Richardson

TITLE:

F/TH/18/1615

Project

C Watkins 1 Leigh Road RAMSGATE Kent CT12 5EU



## THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

### Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

### Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

### **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

### **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

## **DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY**

MEETING.....

DATE..... AGENDA ITEM .....

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....  
.....  
.....

NAME (PRINT): .....

SIGNATURE: .....

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.