

A03

F/TH/17/1605

PROPOSAL: Erection of a 4 storey building to facilitate the creation of 4No 1 bedroom and 1No 2 bedroom flats along with 1no commercial unit on the ground floor

LOCATION: Land On The South Side Of Duke Street MARGATE Kent

WARD: Margate Central

AGENT: Mr Kevin Matthews

APPLICANT: Mr Michael Martins

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 P200, P201, P202, P100, P101 and P203 all received 01/05/18.

GROUND:

To secure the proper development of the area.

3 Prior 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:

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 All new window and door openings shall be set within a reveal of not less than 100mm

GROUND:

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

5 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.

6 Windows at first and second floor of the building hereby approved shall be glazed with triple glazing and have acoustically treated trickle vents which shall be maintained for the lifetime of the development.

GROUND:

In the interests of residential amenity and in pursuance of policy D1 of the Thanet Local Plan

7 The rear bedroom window of flat 1 on the first floor shown on plan numbered P100 received 1st May 2018 shall be fixed non-opening windows. The flat shall include mechanical ventilation to allow for adequate ventilation, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of flat 1. The development shall be carried out in accordance with the approved details.

GROUND;

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy D1 of the Thanet Local Plan.

8 Prior to the first occupation of the site, the external doors to the bin store shall be fitted with slow closure devices. The slow closure devices shall thereafter be retained

GROUND;

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy D1 of the Thanet Local Plan.

9 The retail unit (Use Class A1) on the ground floor shall only operate between the hours of 0900-1800 hours Monday to Saturday and 1000-1700 hours on a Sunday.

GROUND;

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy D1 of the Thanet Local Plan.

10 Prior to the commencement of the development hereby approved, details of the construction of the ceilings and floors that separate the first floor residential and ground floor commercial unit shall be submitted to and approved in writing by the Local Planning Authority. The ceilings and floors shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014 Acoustics. Field measurement of sound insulation in

buildings and of building elements. Airbourne sound insulation. The work shall be carried out in accordance with the approved details prior to occupation of the premises and be retained therefore.

GROUND;

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy D1 of the Thanet Local Plan.

11 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) 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.

12 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. P100 shall be provided and thereafter maintained.

GROUND;

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

13 No doors to the bin storage area shall open outwards over the highway.

GROUND;

In the interests of highway safety.

14 No development shall commence on site until a detailed scheme for the provision and implementation of flood risk protection measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any part of the development hereby permitted is brought into use.

GROUND;

In order to prevent an increased risk of flooding in accordance with the principles of the NPPF.

INFORMATIVES

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

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

SITE, LOCATION AND DESCRIPTION

The site occupies a prominent position with Margate's Old Town and its Conservation Area. The site is fronted by Duke Street to the north; positioned between no. 3 Duke Street and a vehicular access to the eastern side of no. 7 Duke Street. The frontage to Duke Street is vacant, the site is currently under-utilised, and is used as a pedestrian route between Market Street and Duke Street, and as a parking area.

Within Duke Street there are both residential and commercial properties, giving the area a mixed character, many of which consist of Grade II Listed Buildings.

RELEVANT PLANNING HISTORY

R/TH/07/1038 Application for the approval of external appearance, siting, landscaping and design for the erection of a mixed use development of three and four storey building accommodating 24no. flats, 9no. retail units and 1no. cafe/bar/restaurant (use classes A1-A5), pursuant to outline application OL/TH/06/0550. Granted 25/009/07

C/TH/07/1004 Demolition and partial demolition of existing structures. Granted 19/09/07

OL/TH/06/0550 Mixed residential and retail development including means of access following demolition of garden walls. Granted 28/11/06

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a four storey building containing one retail unit (24m²) at ground floor and on the upper floors four one bedroom units and one two bedroom unit occupying the upper floor.

The proposed retail unit would be accessed from an access onto Duke Street in a corner location. At ground floor there would also be within the building a bicycle store and secure bin store. An entrance off the vehicular access to the west of the site, would serve the proposed flats on the upper floors. The one bedroom units would have a total area of approximately 45m² and the two bedrooms flat a floor area of approximately 67m². As the site is a constrained town centre site, there is no external space provided for the development.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 Saved Policies

D1 - Design Principles

D2 - Landscaping

EC10 - Margate Old Town and Harbour

H1 - Residential Development Sites

H10 - Areas in Special Need of Attention

HE11 - Archaeological Assessment

HE12 - Archaeological Sites and Preservation

TR12 - Cycling

TR16 - Car Parking Provision

SR5 - Play Space

NOTIFICATIONS

Neighbouring occupiers were notified of the initial proposal for 7no. 1 bedroom flats and commercial unit at ground floor. Thirty seven third party representations were received. The concerns can be summarised as follows:

- * Proposed building is unattractive in design and materials
- * Not in keeping or complimentary to the character of the area/location
- * Overlooking from proposed side windows into nos.7, 6A, 6B Duke Street and Royal York Mansions
- * Block light out to side windows of no.7 Duke Street; particularly ground floor kitchen window nos.6A, 6B Duke Street and Royal York Mansions
- * Overdevelopment with so many 1 bed flats
- * Building is too tall
- * Concern about ground movement, access, noise and dust during construction
- * Concern about security and hygiene issues from cycle and bin store
- * Question if the commercial use will be retail
- * No information given regarding parking facilities
- * Negatively impact upon traffic and parking in the area
- * Flat are clearly buy-to-let which will not benefit Margate
- * One bedroom flats are not supported by the Local Plan
- * Tree on site
- * Effect on local ecology
- * Proposal contradicts key objectives of the Townscape Heritage Initiative (THI) grant which was granted
- * Ground floor flats on a shopping street is inappropriate
- * Flats do not comply with the Flat Conversion Guidelines
- * Allow whole of the ground floor to be commercial
- * Windows and balconies seem in keeping with a modern development in London Olympic Park rather than a historical port town

Following receipt of amended plans third parties were re-notified and three representations were received. The concerns can be summarised as follows:

- * Building is still poorly designed and inappropriate for the location
- * Question if the window frames should be timber

- * Overlooking from side windows to No. 7 Duke Street
- * Block light out to No. 7 Duke Street
- * Concern about ground movement, access, noise and dust during construction
- * Concern about security and hygiene issues from cycle and bin store
- * Doubt developer will be respectful during the build as the site has been neglected and is an eyesore
- * Question if it would be safe to have pedestrian stepping out of the building onto the road

CONSULTATIONS

KCC Highways and Transportation: I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Submission of a Construction Management Plan before development on site to include the following:

- (a) Routing of construction and delivery vehicles to I from site
- (b) Parking arrangements for delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Temporary traffic management / signage

Provision and permanent retention of the cycle parking facilities shown on the submitted plan (drawing no. P100) prior to the use of the site commencing.

The doors to the bin storage area shown on the submitted plan (drawing no. P100) should open inwards only so as not to cause an obstruction to the strip of highway land (Queen's Arms Yard) to the west of the site.

Initial comments: 1) It is noted that the proposed development is situated in a highly sustainable location within Margate town centre and as such, the nil provision of vehicle parking is considered acceptable.

2) Accessibility to the rear bin/cycle storage area appears to be of some concern; this access way to Queen's Arms Yard is confirmed highway boundary, which appears from historical street-view imagery to be blocked by vehicle parking. This encourages vehicles to seek access via the designated exit onto Market Street and would also obstruct access to bins and cycles for the residents of the proposed scheme. I would recommend that some form of parking restriction be placed to keep this access way clear.

3) The proposed bin/cycle storage area does not appear to give suitable space for the convenient access of the required seven cycle parking spaces as the plans appear to show an unsuitable stacking arrangement. I would welcome further details on how the cycles are to be stored in a manner that allows easy access for all residents in order to encourage their use.

TDC Conservation Officer: In my view the revised design is an improvement on that previously submitted in respect to detailing. It now does overcome my objection to the previous proposed scheme in this location and its impact on the adjacent listed buildings and the effect on the character and appearance of the Conservation Area.

The proposed building would be different in its detailed appearance to the existing buildings on Duke Street, but in my view the revised drawings would be sufficiently reflective of their general scale and style as to preserve the essential qualities of the street scene. The differences would not be so great as to be visually jarring, particularly with the context that the height of the adjacent building and the conservation area as a whole.

The proposed building would in its scale, bulk and massing is broadly comparable with the adjacent building. Detailed features of the proposed building would also serve to integrate it with the existing appearance of the street scene. These would include the continuation of the building lines and details of the elevations such as the string courses, upper floor behind parapets and shop fronts to ground floor. Recommend approval of the revised scheme.

Initial Comments:

I support the redevelopment of the site to make more efficient use of land in such a sustainable location but in my view the proposed scheme makes no concession to the existing urban grain and falls short of the architectural quality expected for this prominent historic town centre site. In my view, the proposed development will fail to enhance or preserve the character of the area or contribute to local identity.

The architectural context of neighbouring buildings and the broader townscape would be substantially harmed by the architectural arrangement of the proposed building. The shape and form as well as roof scape of the proposed building is unsympathetic and will fail to present a visually organised scheme that provides visual interest to the street scene.

Although the horizontal hierarchy of the floors to some extent follows the street's visual logic, the design of the proposed building will produce rows of standard windows set in an elevation without a coherent vertical hierarchy as provided by adjacent buildings. Furthermore, apart from the proposed roof form recently becoming fashionable in the UK its use in a conservation context like this would likely introduce a discordant element to the skyline.

The design of the proposed building also appears to underplay the contribution that shop fronts and entrances make to the street characteristics. Providing the proposed building with identifiable shop front design and setting back the entrances on ground floor to Duke Street would offer some level of interest from the street scene.

Whilst the scheme is intended to be contemporary and not to incorporate any elements of buildings within the locality, to achieve a design that contributes positively to such area's character and distinctiveness requires a high degree of architectural creativeness. Unfortunately, in my view I consider that the proposed building will represent, with elevations immediately facing the assets, is architecturally arbitrary and of an un-contextual materiality and fail to achieve the necessary standard. Such modish architectural design detailing should be avoided in this historic context although I still feel that there is greater scope for a scheme that compliments to the grain and character of the locality.

The proposal site is within the immediate setting of several listed buildings and while the proposal endeavours to create a building of its own character, I do not consider the

proposed building would preserve that setting and I have concerns on the subsequent negative impact of the proposed building on the setting of listed buildings within the locality. The proposed building would appear in marked contrast to the character of the Duke Street and will fail to respond to old town centre context as such the proposals would represent a substantial harm to the setting of the listed buildings and the Conservation Area. The design of the proposed building would also harm the character and appearance of the Conservation Area.

The NPPF and NPPG identify good design as a key aspect of sustainable development and establish the importance of local distinctiveness. Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

The P(LB &CA) Act 1990 sections 66 (1) and section 71 (1) and Sections; 60, 61, 65, 131 - 134 of the NPPF apply.

TDC Environmental Health: I have been asked to comment on the above application on behalf of Environmental Health. I note that I objected to a previous version of the application.

On reviewing the amended application I note the removal of the balconies and the ground floor flat. The issues highlighted in the previous application still remain in part but can now be conditioned rather than objected to.

Environmental Health request the following conditions are added to the application:

- 1) All external windows at 151 and 200 floor levels on all facades shall be glazed with triple glazing. All rooms that have triple glazed windows shall also include acoustically treated trickle vents. These windows and vents shall remain for the life of the development. If windows or vents are replaced due to damage or wear and tear they shall be replaced with a like-for-like replacement or appropriate equivalent.
- 2) All external facing windows of flats 1 & 2 on the first floor (as per drawing from GDM Architects, Oct 17, Project Number 3855 drawing number P100) shall be fixed non-opening windows. The flats shall include mechanical ventilation to allow for adequate ventilation due to the fixed windows.
- 3) Prior to first occupation of the site the external doors to the planned bin store on the ground floor shall be fitted with slow closure devices. The slow closure devices shall be maintained as working for the life of the development.
- 4) The A1 commercial unit on the ground floor shall only operate between the hours of 09:00am and 18:00pm Monday to Saturday and 10:00am and 17:00pm on a Sunday.
- 5) Prior to the commencement of the development hereby approved, details of the construction of the ceilings and floors that separate the (1st floor residential and ground floor commercial unit) shall be submitted to and approved by the Local Planning Authority. The ceilings and floors shall resist the transmission of airborne sound such that the weighted

standardised difference (DnT, W + etr) shall not be less than 53 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, etr, is quoted according to BS EN ISO 16283- 1 :2014 Acoustics. Field measurement of sound insulation in buildings and of building elements. Airborne sound insulation. The work shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Initial comments:

The application is for the erection of a four-storey building to encompass 7 single bedroom flats and a commercial unit. This new development will be positioned on a piece of scrub land that sits between Duke Street and the rear car park areas of The Parade and Market Street Margate. Adjoining the site is a building that houses an A3 premises (American Dinner) with an A4 premises in the basement (The Underground Bar). Opposite is the side entrance to an A4 premises (former Ruby Lounge). Also opposite is a take away restaurant operating at A3 with possible takeaway options (Masala Gate). To the rear of the development is an area used for communal parking. There is also a fan extraction point for the adjoining A3 premises. This was granted under planning because of the separation distance to nearby residential.

I note following a review of the plans supplied with the application that the development will have a flat at ground floor level which will adjoin the entrance to the basement A4 premises. The A4 premise has a closure time of 02:00am on Thursday to Saturday. We have a history of complaint concerning noise generated by patrons entering, exiting and congregating at the premises.

I note that the kitchen extraction point for the A3 premises will sit adjoining the rear bedroom window of the proposed Ground floor and 1st Floor flats.

I note that the bedroom windows to the ground floor flats will face onto parking bays of the communal parking area to the rear. There are no times restrictions or other controls on this parking area and when vehicle approach at night the ground floor bedroom will receive light ingress from headlights and possible undue noise.

I note from the plans that the 1st and 2nd floor flats will have balconies that overlook the roadway. These will look down upon the entrance area to the A3 and A4 premises adjoining and the entrance to the A3 and A4 premises opposite. This is a likely source of undue noise.

The National Planning Policy Framework section 11 (Conserving and enhancing the natural environment) states:

Section 109 - The planning system should contribute to and enhance the natural and local environment by:

preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Based on the observations above it is my opinion that the development as it stands will open the new occupants up to unacceptable levels of noise and possibly odour. Based on this opinion Environmental Health would object to the application in its current form.

KCC Ecological Advice Service: No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that the proposed development has limited potential to result in ecological impacts.

We are satisfied that no ecological survey is required to be submitted as part of this planning application.

There is one tree present within the site and it may be utilised by breeding birds and we advise that any removal is undertaken outside of the bird breeding season. We recommend that the following informative is included with any approval.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife and we recommend that bird nesting and bat roosting features are incorporated in to this building if planning permission is granted.

This is in accordance with Paragraph 118 of the NPPF "opportunities to incorporate biodiversity in and around developments should be encouraged.

Environment Agency: Development is covered by our Flood Risk Standing Advice.

KCC Flood and Water Management: The application falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Southern Water: Informative is requested in relation to connection to the public sewerage system.

Recycling and Waste Manager: Looks acceptable as long as the bicycle and bin store are clearly defined areas and separated and there is enough capacity for waste and recycling bins to be stored.

KCC Archaeology: I note that the proposal involves a new build on a vacant but prior developed site in Margate old Town. Given the proximity of the Iron Age remains known on Fort Hill and the potential for earlier town remains of local interest on the site. Would recommend a condition for a programme of archaeological work.

COMMENTS

The application has been brought to Committee by Cllr. Johnston for Members to discuss the design of the proposal and availability of parking and open space.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications

must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

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

Principle

Thanet Local Plan Policy EC10 (Margate Old Town and Harbour) encourages a variety of uses including cultural based industries, art and craft retailing, artist studios and associated uses, media and hi-tech centres and offices, food and drink uses, residential, hotels and casinos.

Policy H10 of the Thanet Local Plan designates this area as an Area in need of Special Action, this policy is supportive of the regeneration of this area detailing the Council will permit appropriate redevelopment to accommodate residential and other appropriate uses and support refurbishment of property together with environmental improvements.

Policy H1 of the Thanet Local Plan only makes for provision of new residential development on previously developed land.

However, the Council does not currently have a five-year supply of deliverable housing sites, housing applications such as this, should be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development.

This is because local policies relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case the application site lies within a residential area of Margate Old Town, at the current time the site is devoid of buildings but enclosed by kick rail type fencing on two sides, one side being enclosed by the adjacent building and partially enclosed to the rear by a brick wall. The site is located within the established limits of development for Margate and the principle of new dwellings and sustainable forms of development are supported.

Taking into account the policy constraints the principle the proposed use of a mixed commercial/residential would be acceptable on this parcel of land; however, the detail of the proposal needs to be assessed.

Character and Appearance

Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 states that the LPA has a general duty, in the exercise of planning decisions in respect to any buildings or

other land in a Conservation Area, to give special attention to the desirability of preserving or enhancing the character or appearance of that area.

At the current time the site represents an open gap within the Conservation Area. The proposal would result in the loss of this gap. From a site visit it is clear that historically there appears to have been a building on site in the past. Furthermore an outline and subsequent reserved matters application was submitted and approved approximately ten years ago. In my view therefore this is not an important gap within the Conservation Area and therefore development of this site would be acceptable in general terms in relation to the Conservation Area.

In relation to the visual amenity of the area, the existing land is in generally poor condition, and does not enhance the character of the area. The site is largely vacant within a relatively dense urban fabric, and I am of the opinion that the proposed mixed use residential development to infill this site would be consistent with the surrounding pattern of development and land uses.

Since the submission of the application, following concerns raised by officers the scheme has been substantially amended to reduce the number of commercial and residential units as well as alterations to the design and appearance of the building.

A four-storey building is proposed on the corner with Duke Street, reflecting the height of surrounding buildings. The building is different in its detailed appearance, however there is no requirement to replicate what is in the vicinity, however any new development needs to be reflective and sensitive to the sites context, in this case it is considered that the amended scheme does achieve this. Moreover the proposed scale, massing and siting of the development is considered appropriate in terms of the character of the area.

It is considered that the development would enhance views towards the site and the development could act as a catalyst to facilitate further enhancement of the site to the rear.

The proposed building is proposed to be constructed using facing brickwork, with zinc style cladding to the third floor. The window and door frames will be grey in colour. Precise details of the materials can be conditioned to ensure high quality materials that will enhance the character of the conservation area and provides a flagship development for the regeneration of Margate Old Town.

The Conservation Officer has carefully appraised this planning proposal in terms of considering the effects it would have on adjacent listed buildings and the Conservation Area and considers the scheme to be acceptable.

In summary officers consider that the proposal represents a reasonable and proportionate amount of new development for this sensitive site within the Margate Conservation Area. As such the proposal is considered to be in accordance with policy D1 of the Local Plan, paragraph 131 NPPF and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990.

Should Members be minded to support this application, planning conditions are recommended in terms of materials and fenestration of the building.

Living Conditions

The scheme proposes a four storey building that would fill the application site. The building would abut number 3 Duke Street which houses a restaurant and a bar within the basement, the restaurant is served by a fan extraction point to the rear of the building. It is noted that its wall facing the application site has no openings. To the rear is Queens Arms Yard which is used for car parking and to the other side is a vehicular access which separates the site from existing properties. Windows within the proposed building are on three sides, these serve both habitable and non-habitable windows.

Number 7 Duke Street is a 3 storey building with accommodation in the roof space. There are three windows within the main side elevation facing the site; at ground and first floor levels. Taking into account the positions/levels of the windows within No.7 and those proposed within the scheme I consider that there would be no direct overlooking from rooms that would make the scheme unacceptable. Residential units that front The Parade have a greater degree of separation and are not directly aligned within the site, I therefore consider this impact to be acceptable.

In terms of loss of sunlight and outlook given the orientation, to the east of No.7 Duke Street I consider that any impacts would be limited and not warrant a recommendation of refusal. Officers are also appreciative of the old town context whereby a denser development and reduced separation distance between buildings combine to form the existing character of the old town. On balance, I consider that this kind of relationship is commonplace in a town centre location where higher density developments are encouraged, and is therefore acceptable.

The flats are generously sized and appropriate levels of waste and recycling storage would be provided to serve both the flats and the ground floor retail unit. The proposal does not provide any on site amenity/doorstep play space which is contrary to policy SR5 which requires the provision of doorstep play space for two bed units or greater. This is not, however, considered uncommon in town centre locations such as this and application site is within walking distance of parks and play areas as well as Margate main sands. Clothes drying facilities are not shown on the plans, but this can be secured by condition.

The concerns in relation to impact of noise on the residential amenities of the future occupiers of the flats from the Council's Environmental Health Team are noted. It is, however recognised that the site is in a town centre location with a mix of uses where noise and disturbance above that experienced in more/purely residential areas is to be expected. It is, therefore, considered that the request for triple glazing of windows is considered acceptable and a condition imposed to that effect. It is not, however, considered appropriate to condition that all the windows in flats 1 and 2 should be fixed shut as this is considered overly onerous in a town centre and likely to lead to a poor standard of accommodation for the future occupiers of these flats who would not benefit from natural ventilation. There is, however, the potential for users of the rear bedroom of within flat 1, given their close proximity to the extraction point serving at no. 3 Duke Street, be at risk of significant noise,

odour and disturbance, it is considered appropriate for these windows to be non openable and for these rooms to be served by mechanical ventilation. This would be secured via condition. The suggested conditions in relation to the proposed hours of opening for the retail unit, insulation between floors and slow closing devices for the bin store doors are considered acceptable. With these safeguards in place, it is considered that the proposed development would provide an acceptable standard of accommodation for future residents of the proposed flats.

Transportation

Decision makers must be mindful of the NPPF paragraph 32 which states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. Saved Policy TR16 (B) states that within the town centre of Margate, new development proposals will not be required or expected to provide on-site car parking spaces.

In this instance, the proposed development is in the heart of the old town of Margate, within the defined area for Policy TR16B and a short walking distance from the main heart of the town and its wider range of facilities, amenities and services. In addition there are good public transport routes; bus and rail connections within easy walking distance.

Under this application five residential units and one retail unit would be provided in a highly sustainable location. It is considered that give this there is no requirement for off-street parking for vehicles. Furthermore it is confirmed that KCC Highways and Transportation have no objection to the scheme, therefore the development is not considered to result in any transportation or highways safety issues.

Flood Risk

Having regard to the Environmental Agency flood risk maps the site is within flood zone 2 and therefore at risk of flood. A Flood Risk Assessment (FRA) has been submitted with the application which states that the development as previously proposed (one residential unit at ground floor and all others above first) would be acceptable, and safe internal refuge would be provided at first floor or above for the ground floor residential unit. Since the scheme was submitted the ground floor residential unit has been removed and only a commercial use is proposed at ground floor, which as a use is classed as less vulnerable; residential being more vulnerable.

The Environment Agency have not raised any concerns regarding flood risk. However, the National Planning Policy Framework seeks to steer new development to areas with the lowest probability of flooding by applying a Sequential Test.

Paragraph 102 of the Framework sets out that, following the application of the sequential test, if it is not possible for the development to be located in zones with a lower probability of flooding that an exception test be applied. There are two elements to this test. Firstly it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and, secondly, it must be demonstrated through the site specific flood risk assessment that the development will be safe for its lifetime.

It is acknowledged that there are sites within Margate at a lesser risk of flooding than the application site. The exception test must then be applied. In terms of sustainability benefits it is considered that this proposal will permit the development of this prominent site within the Old Town and Conservation Area, and would bring about benefits to the locality by utilising the site in a positive manner. A FRA has been submitted in conjunction with the original plans, the revised plans don't include a ground floor flat, and therefore no sleeping accommodation would be provided at ground floor. An informative would be placed to encourage flood resilient measures being incorporated into the scheme as per the recommendation in the FRA. Therefore the proposal would not increase the risk of flooding and the development will be safe for its lifetime taking into account the vulnerability of its users.

Other matters

The application site has an existing tree in situ, as the site is within a Conservation Area the tree is afforded some protection. The proposal will clearly lead to the loss of this tree. In making a decision about whether trees should be felled local authorities are legally bound to pay special attention to the desirability of preserving or enhancing the character or appearance of a particular conservation area (sec 72. of the Planning (Listed Buildings and Conservation Areas) Act 1990). It is considered that the tree has some amenity value, however, it is also appreciated that within the previous consented scheme the tree would also have been lost. In this case, whilst it is regrettable that the tree would be lost as part of this proposal, it would be very difficult to develop the site and retain the tree. Given the sites prominent location within the Conservation Area, greater weight is placed on utilising this site in a positive manner rather than retaining the empty gap within the Conservation Area which does not enhance or preserve its special character.

With regard to archaeology, it is confirmed that KCC have recommended a condition for a programme of archaeological works, which is considered reasonable to attach given the identified archaeological potential for this part of Margate.

There are no outstanding ecology issues, although KCC request a condition that an informative is attached in relation to bird nesting and bat roosting features.

Conclusion

The Council supports in principle the reuse of vacant previously developed land within the Margate urban area and, more particularly, the Old Town. The proposed development would introduce a mixed use scheme with A1 retail unit on the ground floor and residential above in the. The existing vacant site is not considered to represent an important gap site within the Conservation Area. The site is considered to be sustainable in its location. The redevelopment of the site for mixed use is considered acceptable in principle.

The density is considered to be appropriate within this location. Furthermore the scale and design are considered to be compatible and of satisfactory quality within the existing street scene. Overall the design is acceptable.

The proposed accommodation is considered to be acceptable. Whilst there are some impact on the adjoining properties, officers considered that there are not significant to warrant refusal.

Given the good transport access and sustainable location of the development there is no requirement for car parking and accordingly the proposed development is not considered to have a significant impact on the local highway in terms of parking.

Issues pertaining to flood risk, archaeology and ecology can be satisfactorily dealt with by planning conditions or informative.

Case Officer

Gill Richardson

TITLE:

F/TH/17/1605

Project

Land On The South Side Of Duke Street MARGATE Kent

Scale:

