

R07

L/TH/18/1116

PROPOSAL: Application for Listed Building consent for installation of a commercial extraction unit.

LOCATION: 21 The Parade MARGATE Kent CT9 1EX

WARD: Margate Central

AGENT: No agent

APPLICANT: Mr Lee Coad

RECOMMENDATION: Refuse Permission

For the following reasons:

1. The proposed extraction unit, by reason of its size, positioning, external finish and protrusion above the ridge height would result in visual clutter and an introduction of an alien and incongruous feature to the rear of this property, visible from the public domain, to the detriment of the historic and architectural significance of this Grade II listed building, contrary to paragraph 196 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

No.21 The Parade is a four storey late Georgian or early Victorian Grade II Listed mid terraced property, located within the Margate Conservation Area. The property comprises a commercial shopfront at the ground floor, with residential accommodation above, incorporating a balcony to the first floor front elevation. The locality is characterised by predominantly three and four storey properties of a similar architectural style, with commercial units to the ground floor. This application relates to the commercial unit which occupies the ground and basement floors.

RELEVANT PLANNING HISTORY

F/TH/18/1114 Installation of a commercial extraction unit at the rear of the building. Pending consideration

L/TH/17/1536 Retrospective application for listed building consent for replacement roof to flat roof rear extension, replacement boiler and new flue to rear elevation, installation of cctv camera to rear outbuilding. Granted 19/04/18

L/TH/17/1048 Application for listed building consent for the erection and display of timber fascia sign, following removal of existing. Granted 08/09/17

L/TH/17/0791 Application for Listed Building consent for painting of exterior of shop front and internal alterations. Granted 18/07/17

F/TH/17/0086 Alterations to shopfront to provide new front entrance to flat and commercial premises, replacement of balustrading at first floor level and insertion of roof lights to rear courtyard elevation. Granted 04/04/17

L/TH/17/0060 Application for Listed Building Consent for the installation of new front entrance to flat and commercial premises, replacement of balustrade fencing with railings at first floor level and insertion of roof lights to rear courtyard elevation. Granted 15/03/17

L/TH/16/0795 Application for listed building consent for internal alterations and insertion of a timber sash window to first floor rear elevation. Granted 11/08/16

L/TH/16/0218 Application for Listed Building Consent for internal alterations, replacement of existing rear extension flat roof and the insertion of a timber sash window to first floor rear elevation. Refused 27/05/16

PROPOSED DEVELOPMENT

The proposal is for an external extraction unit in association with an existing restaurant use.

NOTIFICATIONS

Three letters of representation have been received including one of support.

The letter of support states that it is good to see independent traders investing in Margate, and the Old Town, this has made Margate the unique quarter for food and drink in the area. With key investments like this it will make the area sustainable for the future.

In terms of concerns raised these can be summarised as follows:

- * Inappropriate large flue on listed building and within a Conservation Area
- * Would be highly visible from the public car park
- * On-going noise and odour issues from the premise- abatement order served
- * Question if flue is fit for purpose
- * Will Building Control ensure that it is correctly fitted?

Margate Civic Society: "Object to the installation of a large, unsightly and unnecessary commercial extractor to the exterior of a listed building.

The property is in the heart of the Old Town Conservation Area and this should have been taken into account before the business was set up. There is no reason why noisome effluences cannot be directed up through the chimney stacks thus at least preserving the exterior aspect of the building (which would help to abate the no doubt considerable nuisance value of noisome effluences and not intrude quite so much on 'quiet enjoyment' by neighbours).

I am sure the Planning Committee is keen to preserve the character of the area for sound commercial, let alone aesthetic, reasons (though the two are inextricably intertwined) and will accordingly robustly refuse the application.”

CONSULTATIONS

TDC Conservation Officer: “No 21 The Parade display a wealth of architectural and historic features and an overall coherent and consistent style of refined architectural and historic detailing. Whilst the significance particularly arises from its frontage, the rear of the building is also an integral part of the asset and reflects a similar distinct design. Notwithstanding that the rear elevation of the listed building is less distinguished in its composition, and has been subject to alterations, it contains original window openings and other detailing, including original brick elevations, all of which complement the asset's wider architectural and historic significance.

The application is for the installation of a commercial extraction unit. The flue would be installed to the rear of the building. The flue would be higher than the ridge of the building and it would be attached to the fabric of the building. The applicant indicates in the D&A statement that the flue would be sprayed in black colour to make it in keeping with the existing pipes attached to the outside of the building.

I consider that when compared with the size and proportions of the building and in particular the rear elevation and the size of the existing pipes, the size of the proposed flue would be very bulky and would appear extremely large and dominant. In my view therefore, it would result in being out of scale with the property. The spraying in black colour would not conceal the very bulkiness of the flue on the building and would have a significant detrimental effect on the significance of the listed building, which could not be remedied with such treatment. Also, the flue would be visually prominent on views from the back of the building in particular, from the car park, and because of its appearance it would have an adverse impact on the character and appearance of the conservation area.

I acknowledge that the business requires a flue, and appreciate the applicant has invested a significant amount of time and money in creating such a successful business and this is dependent on having an effective extraction system. Having a listed building in use is advantageous, but not if it necessitates harmful alterations, as in this case.

While I consider the harm to the heritage assets is less than substantial, paragraph 196 of the National Planning Policy Framework advises 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 for the proposal including, where appropriate, securing an optimum viable use.”

COMMENTS

The application is called in at the request of Cllr Tomlinson on the basis that there are other extraction units within the area and for planning committee to consider the benefits of the existing use

The main issues in relation to the scheme will be the impact of the proposed development to the significance of the Listed Building.

Background

The premises has been used as a café/restaurant for a number of years, approximately 1 year ago the building began trading as a seafood restaurant. Whilst there is an existing extractor in situ, due to the nature of the new restaurant it does not adequately disperse cooking odours generated. Due to these issues, numerous complaints about odour and noise have been received by the Council. On this basis two abatement notices have been served by Environmental Health. This application seeks to remedy the on-going issues of noise and cooking odours generated at the premises with the installation of a commercial extraction unit.

Impact upon the Significance of the Listed Building

As the property is a Listed Building and is sited within a Conservation Area the Local Planning Authority must have regard to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when 'considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Furthermore Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.

The National Planning Policy Framework (NPPF) requires when determining applications that great weight is given to the conservation of designated heritage assets.

Paragraph 192 of the NPPF states that local planning authorities when determining application should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The proposed extractor system would be fitted externally to the rear of the building. It would exit the building just above the flat roof of a single storey element of the building, it would extend horizontally and then extend vertically (adjacent to number 22 and the existing windows) up the building terminating just above the ridge level with a black finish.

The restaurant is attractive and makes use of its location at the bottom end of the High Street and within close proximity to the Turner Centre. It is considered that weight should be added to the continued use of the listed building, however this needs to be considered against the harm of the proposed external ventilation system. It is appreciated that in order to continue operating in these premises the restaurant needs to find a way of improving the

kitchen ventilation, whilst ensuring the integrity and historic fabric of the listed building is preserved.

With respect to the proposed external flue this would project out from the rear elevation and travel a relatively short horizontal distance across before extending vertically up to the existing ridge height and terminating just above this- to meet Environmental Health requirements. Due to the overall size of the flue and its location, which will be clearly visible from both the street scene/carparking area to the rear and neighbouring properties, it would be an obtrusive feature which would appear jarring against the brick elevation and slate roof tiles of the building. It would therefore be detrimental to the appearance of the listed building, detracting from its significance as a designated heritage asset.

The harm to the heritage assets is less than substantial, but this harm should be weighed against the public benefits for the proposal including, where appropriate, securing an optimum viable use. In terms of public benefits of this proposal, the installation of the extraction unit will provide an appropriate means of extraction to deal with both noise and odour problems currently being experienced at the site. On balance, it is considered that the harm caused by the size and positioning, external finish and protrusion above the ridge height of the proposal would be greater than the public benefits.

It is also noted that there are nearby locations from where extractions can be viewed, however the proposed is considered to be more prominent.

Conclusion

It is considered that this is a balanced case as the Local Planning Authority would want to see the continued use of the building, however to continue the current operation, the applicants need a more appropriate means of extraction. In order to meet Environmental Health requirements this requires an external means of extraction which would be harmful to the historic fabric of the Grade II listed building. In this case it is considered that the harm to the significance of the listed building is greater than the public benefits and the application is recommended for refusal.

Case Officer

Gill Richardson

TITLE: L/TH/18/1116

Project 21 The Parade MARGATE Kent CT9 1EX

