

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

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