

Planning Application F/TH/22/1057 – Unit 1 and 2 Belgrave Road Margate

Planning Committee – 15th March 2023

Report Author: Duncan Fitt, Planning Officer

Planning Reference: F/TH/22/1057

Site Address: Unit 1 and 2 Belgrave Road Margate

Applicant: Mr Jamie Coupland

Status: For Decision

Classification: Unrestricted

Previously Considered by: Planning Committee 15 February 2023

Ward: Margate Central

Executive Summary:

This report concerns a planning application for the change of use of commercial units to provide a mixed use (residential and commercial) development consisting of 3No commercial units (Use Class E) and parking at ground floor and erection of a three storey extension to provide 6No 2-bed and 4No 3-bed self contained flats together with associated parking.

The application was reported to the Planning Committee on the 15th February following a call in by Cllr Reece Pugh to consider the benefits of additional housing in the town centre and that the development would provide a better use of the site. At this meeting members raised concerns about the impact of the development on the character and appearance of the area, specifically regarding the height of the building, design of the rear elevation, proposed materials, signage at roof level and overlooking resulting from the development. Members agreed to defer the application back to Officers to seek amendments to the application.

Following February's Planning Committee meeting, amended plans have been submitted altering the design of the rear elevation, changing the colour of the building and altering the arrangement of the balconies at the northern end of the building. No alterations have been made to the height of the building and no legal agreement or heads of terms have been provided to secure the required KCC, CCG or SAMM contributions.

The application is reported back to the Planning Committee for determination.

Recommendation:

Members refuse the application for planning permission under reference F/TH/22/1057 for the following reasons:

1. The proposed three storey extension by virtue of its height, scale, design, proximity to and relationship with the buildings fronting Marine Gardens and Marine Terrace would result in a incongruous, dominant and overbearing form of development that competes with and detracts from the significance of the listed buildings fronting Marine Gardens and the buildings fronting Marine Terrace in the Margate Seafront Conservation Area resulting in significant harm to its special character, appearance and historic interest of these designated buildings and area, which is not outweighed by the public benefits of the proposal, contrary to policies HE02, HE03 and QD02 of the Thanet Local Plan and paragraphs 130, 199, 200 and 202 of the National Planning Policy Framework.
2. The applicant has failed to enter into a legal agreement to secure the delivery of the necessary planning obligations required in order to mitigate the impacts of the proposed development on the local infrastructure and make the development acceptable in all other respects. The application is, therefore, contrary to policy SP41 of the Thanet Local Plan, and paragraphs 55, 57 and 58 of the National Planning Policy Framework.
3. The proposed development will result in additional 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 policy SP29 of the Thanet Local Plan and paragraph 182 of the National Planning Policy Framework.

CORPORATE IMPLICATIONS

Financial and Value for Money	<p>The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.</p> <p>The advice from the Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.</p>
Legal	<p>The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p>
Corporate	<p>The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods</p>

	ensuring local residents have access to good quality housing, and promoting inward investment through setting planning strategies and policies that support growth of the economy.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

1.0 Background

- 1.1 Members considered this application under planning reference F/TH/22/1057 for the change of use of commercial units to provide a mixed use (residential and commercial) development consisting of 3No commercial units (Use Class E) and parking at ground floor and erection of a three storey extension to provide 6No 2-bed and 4No 3-bed self contained flats together with associated parking.
- 1.2 The application was brought before members of the Planning Committee on the 15th February 2023 with a recommendation of refusal. Members considered the application and determined to defer the application back to Officers to seek amendments to address their concerns regarding the height of the building, design of the rear elevation, proposed materials and signage, and overlooking resulting from the development, and the provision of a legal agreement to secure the required KCC, CCG and SAMM contributions.

2.0 Analysis

- 2.1 Amended plans were submitted by the applicant's agent on the 24th February 2023 altering the arrangement of the balconies at the northern end of the property, the colour of the materials proposed, removed the signage on the roof of the building, and the design of the rear elevation.
- 2.2 The applicant's agent indicated that privacy screens could be added to the northern ends of the balconies at first, second and third floor levels to prevent overlooking to the northern neighbours, however these have not been included on the amended plans. On the front elevation the amended plan has reduced the length of the proposed balcony at second floor level by 7.7m, increasing the separation distance of the balcony to the northern boundary of the site at this level. At first and third floor levels no alteration has been made to the overall size of the balconies, however a low level wall has been added to the floor plan 8.4m from the northern end of the balcony at first floor level and 2.5m from the northern end of the balcony at third floor level restricting access to the northern section of the balcony at these levels. An external store has also been added to the northern end of the third floor balcony

removing the proposed rooflight and the floor plans indicate that the remaining area at these levels would be for maintenance access only. The amended plans also note that all of the glazing to the proposed stair core would be obscured glass.

- 2.3 The reduction in the length of the balcony at second floor level is considered to reduce the opportunity for overlooking towards the properties from this flat to a level where it is not considered to result in significant harm through overlooking and loss of privacy.
- 2.4 The setback of the walls restricting access to the northern ends of the balconies at first and third floor levels would provide sufficient distance from the properties on Marine Gardens to prevent any significant overlooking from those areas formally shown as balconies. Details of the openings proposed for the window at first floor level facing the area beyond this wall could be secured by condition to ensure that access to this area is restricted. The proposed walls would be 1.1m in height to match the balustrading at the front and sides of the balcony and no openings are proposed in the walls from the remaining section of balcony. However given the limited height of these walls, and that these areas would offer the best views towards Margate Beach and the sea, there are reservations that the areas could still be accessed and used by the future occupants as a balcony, bringing activity closer to habitable room windows in the neighbouring property. The use of a planning condition to restrict the use of these areas to maintenance only is not considered to meet the test of enforceability, and whilst a condition could require the walls to be erected and thereafter maintained, the wall is not considered a sufficient constraint to stop the areas in question being used. The applicant's agent has stated that they would accept a condition requiring privacy screens to be erected adjacent to the boundary of the balconies, with details submitted prior to occupation of the development. Whilst this is not ideal, this amended arrangement, including a privacy screen condition is, on balance, not considered to result in a significant increase in overlooking and loss of privacy to the neighbouring properties on Marine Gardens, in accordance with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.
- 2.5 The original submission proposed a variety of materials around the building including unpainted brick gables, yellow glazed brick cladding and orange vertical metal cladding to the front and side elevations and metal cross braces, mesh and timber cladding to the rear elevation. The amended plans retain the same materials to the front and side elevations but alter the colours. The paint would be removed from the ground floor front elevation and the red brickwork below would be restored with the architectural features and signage areas painted black. The metal cladding would now be terracotta in colour (rather than orange) and the yellow brick cladding is toned down in brightness. At the rear the metal cross braces, mesh and timber cladding have been replaced with dark yellow render, yellow metal cladding balustrades and yellow framed metal and louvred screens.
- 2.6 The alteration to the colour and tone of the materials has reduced the brightness which would to a degree reduce the prominence of the building. These alterations are however considered to result in a building that is now no longer a bold statement piece of architecture that seeks to contrast with the historical host building and reflect the bright seafront buildings or an extension to the existing building that takes cues from the surrounding environment and aims to blend in with the neighbouring development.
- 2.7 The removal of the mesh and the cross braces to the rear elevation has created large open walkways enclosed by metal balustrading and screens to the rear of the

property that would be visible from Eaton Hill and Grosvenor Place. The previous arrangement also included a high degree of permeability, although this amended design is considered to be more open than previously proposed. This change is still considered to result in a large and bulky appearance to the property that would form a dominant, incongruous and overbearing form of development in the area.

- 2.8 The amended arrangement of the rear elevation would still allow for light and outlook to the habitable rooms at the rear of the proposed building and is not considered to result in a significant degree of overlooking to the existing neighbouring properties or the nearby allocated sites to warrant refusal on living amenity grounds.
- 2.9 The sites allocated for housing at the rear of numbers 7-10 Marine Gardens and fronting Eaton Hill does not include the existing warehouse building immediately adjacent to the rear of the site and there are no extant planning permissions for development on these sites. Given the arrangement of the openings, the proposed screens, the existing overlooking from neighbouring properties and the building separating the site from the allocated site, this proposal is not considered to compromise the future development of the allocated site for housing.
- 2.10 The amended plans have made no changes to the height or overall scale of the building and the changes to the materials, arrangement of the balconies and the design of the rear elevation are not considered to address the bulky and dominant appearance of the resulting building, that would compete with and have an overbearing impact resulting in harm to the significance of the adjacent listed buildings, the surrounding conservation area and the other neighbouring buildings contrary to policies HE02, HE03 and QD02 of the Thanet Local Plan and paragraphs 130, 199, 200 and 202 of the National Planning Policy Framework.
- 2.11 The applicant has indicated that they are willing to provide the contributions requested by KCC and the CCG and the SAMM contribution, however no heads or terms or legal agreement has been provided by the applicant to address these reasons for refusal. The impacts of the development upon community services, healthcare and the special protection area have not been mitigated and this proposal would be contrary to policies SP29 and SP41 of the Thanet Local Plan and paragraphs 55, 57, 58 and 182 of the National Planning Policy Framework.

3.0 Conclusion

- 3.1 The previous plans proposed a bold and prominent building that could have been considered a statement form of architecture. The amended plans and muted colour scheme make no alterations to the height or scale of the building, and are considered to result in an extension that is neither a bold and unique form of architecture nor a seamless addition to the existing building. Consequently the amended plan is still considered to result in a incongruous, dominant and overbearing form of development that competes with and detracts from the significance of the listed buildings fronting Marine Gardens and the buildings fronting Marine Terrace in the Margate Seafront Conservation Area resulting in significant harm to its special character, appearance and historic interest of these designated buildings and area.
- 3.2 The alteration to the arrangement of the balconies is considered to have addressed the potential for overlooking from the units at second floor level, and the arrangement proposed with additional privacy screens are considered sufficient to prevent significant overlooking from the new development at first and third floor levels towards the properties on Marine Gardens.

- 3.3. The applicant has indicated that they would be willing to provide the required contributions, however no legal agreement has been submitted to secure this required mitigation.
- 3.4 This proposal would still result in a modest contribution to the district's housing supply through the provision of 10 additional dwellings in a sustainable location and some short term economic benefits during construction. The reconfiguration of the commercial units is still however considered to result in a neutral benefit to the area as no further justification has been provided for this change.
- 3.5 The significant identified harm to the character and appearance of the listed buildings and conservation area, the significant overlooking and the lack of mitigation to prevent significant harm to community and health services and the special protection area is considered to outweigh the modest benefits of the application and the application is recommended for refusal.

4.0 Options

- 4.1 Members refuse the application in accordance with the officer recommendation.
- 4.2 Members propose an alternative motion.

5.0 Recommendations

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

Contact Officer:	<i>Duncan Fitt, Planning Officer</i>
Reporting to:	<i>Annabel Hemmings, Principal Planning Officer</i>

Background Papers

Annex 1	Committee Report F/TH/22/1057
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