

A03

PN13/TH/23/0004

PROPOSAL: Two storey extension at existing roof level to provide 6 no.flats

LOCATION: British Heart Foundation 113 - 117 High Street MARGATE Kent
CT9 1JT

WARD: Margate Central

AGENT: Mr Peter Munnelly

APPLICANT:

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the submitted drawing numbered 0543-PL_1102 received 14 February 2023 and drawings numbered 0543-PL_1104 Rev B received 9 June 2023, 0543-PL_1301 Rev B, 0543-PL_1300 Rev B, 0543-PL_1200 Rev C, 0543-PL_1103 Rev C, 543-PL 1100 Rev A and 0543-PL 1101 Rev A, received 14 July 2023.

GROUND:

To secure the proper development of the area.

3 The external materials and external finishes to be used in the development hereby approved shall be as detailed on drawing numbered 0543-PL-1200-Rev C, received 14 July 2023.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

4 The refuse storage facilities as specified upon the approved drawing numbered 0543-PL 1100 Rev A and received on 14 February 2023 shall be provided prior to the first occupation of the flats hereby approved and shall be kept available for that use at all times.

GROUND:

In the interests of the residential amenity of future occupiers of the flats in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

5 Prior to the first occupation of the flats hereby approved, the secure cycle parking facilities, as shown on approved drawing numbered 0543-PL 1101 Rev A, received 14 February 2023, shall be provided and thereafter maintained.

GROUND:

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

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

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

GROUND:

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

SITE, LOCATION AND DESCRIPTION

The site lies within the main town centre of Margate and is a two storey building built in the 1960s and currently occupied by the British Heart Foundation Furniture and Electrical store. The building covers a floor area of three single shop units and has a wide shopfront comprising 8 large display windows and two sets of double doors at ground floor level facing onto the High Street. The ground floor is used for the main display area and the first floor, accessed by a stairwell to the rear of the store, is used for the storage and display of further large furniture items and electrical goods such as washing machines and fridges. The lower ground floor provides a small basement area with a staff room, toilet facilities and a plant room. The rear elevation faces onto Herbert Place and towards the Multi Storey Car Park and comprises double doors used for collections and donations. Planning permission has recently been granted for the ground floor to be subdivided into 3 retail units and for flat accommodation at first floor level.

PLANNING HISTORY

F/TH/22/1668 - Change of use of first floor retail (Use Class E) to 3no. 2 bed flats and 1no. 1 bed flat (Use Class C3), alterations to shopfront to facilitate sub-division of ground floor into 3no. retail units, following two storey rear extension GTD 29 August 2023

F/TH/17/0333 - Alterations to shopfront GTD 19 April 2017

TH/78/0770/A - Alterations to shopfront GTD 7 April 1981

TH/78/0770 - Retention of loading dock GTD 7 February 1979

PROPOSED DEVELOPMENT

This application is for prior approval under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to erect a 2 storey extension above the existing first floor of the British Heart Foundation shop to provide 6 two bedroomed flats.

NOTIFICATIONS

Neighbours have been notified and a site notice posted and 5 representations have been received raising the following concerns:

- No precedent for this kind of development on the High Street and shops further down are listed.
- Out of character with the High Street due to its height and the imposing nature of the building being much higher than surrounding properties
- Unsightly in what is supposed to be a retail environment.
- Visually oppressive.
- Enclosing and blocking light.
- No infrastructure in this part of town for more housing.
- Will overlook existing neighbours
- Building works will be disruptive & detrimental to business and trade
- Poor access, noise and air contamination will put off customers and decline trade.
- The development will contain 10 residential flats - the area is not suitable for this density of residential units with poor pedestrian access
- Zero parking or unloading in Herbert Place.
- The construction will cause much disruptions to the already struggling High Street
- The loss of British Heart Foundation will be a major blow.
- Impact on trading and would further cause and add to the already decline of the High Street.

Following re-consultation on the amended plans one representation has been received: Following the amendment to the plans I see no reason to object and hope the owners/contractors all the best.

CONSULTATIONS

Conservation Officer - Following a history of approvals on the site I do not object to the prior notification notice.

COMMENTS

This application is reported to the Planning Committee at the request of Cllr Helen Whitehead to enable Members to consider the impact of the proposal upon the character and appearance of the area and impact upon neighbouring residential occupiers.

This application is for prior approval under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to erect a 2 storey extension above the existing first floor of the British Heart Foundation shop to provide 6 two bedroomed flats. The prior approval process for Class AB development came into force in September 2020 and provides permitted development rights to allow for upwards extensions to provide flats above existing commercial premises subject to the development meeting conditions set out in the legislation.

Provided the proposal does not fall under the 'development not permitted' within Class AB (set out within section AB.1), the development would be permitted development, subject to the conditions set out within section AB.2. The conditions require the developer to apply to the local planning authority for the prior approval (and assessment of) the transport & highways impacts, air traffic and defence asset impacts, contamination risks, flood risk, external appearance, natural light in all habitable rooms, impacts of noise from any commercial premises on the intended occupiers of the new flats, impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area, impact upon amenity space of the existing building and neighbouring ones, overlooking/privacy/loss of light, and impact on a protected view identified in the Directions Relating to Protected Vistas.

Permitted Development

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 20, Class AB permits the construction of up to two additional storeys above the topmost storey on a terraced building, for new dwellinghouses, where that building is in Class A1(Shop) use (paragraphs AB(1)(a) and AB2(a).

Note - the term 'dwellinghouses' is used in the legislation to cover units of residential accommodation such as flats.

The development complies with the requirements of AB(1)(a) and AB2(a) as the building is an existing retail shop, the building is terraced and the residential accommodation is proposed above the topmost storey of the building.

Paragraph AB(3) allows for development consisting of

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development is **not** permitted by the provisions of Class AB if the following applies:

(a) the building was constructed before 1st July 1948 or after 5th March 2018;

Complies - N/A

(b) on 5th March 2018 the building was in a use other than -

(i) a use or mixed use within paragraph AB(2)(a) or (b); or

(ii) a use falling within Class C3 of the Schedule to the Use Classes Order;

Complies - The building is in retail use and is not residential (Class C3).

(c) the additional storeys are constructed other than on the principal part of the building;

Complies - The additional storeys are on principal part of the building.

(d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

Complies - Does not exceed measurements

(e) the new dwellinghouses are not flats;

Complies - Flats are proposed.

(f) the height of the highest part of the roof of the extended building (not including plant) would be greater than 18 metres;

Complies - Does not exceed 18 metres

(g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part (not including plant, in each case);

Complies - Does not exceed height

(h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building (not including plant, in each case) by more than—

(i) 3.5 metres, where the existing building consists of one storey; or

(ii) 7 metres, where the existing building consists of more than one storey;

Complies - The building is 6 metres higher

(i) the existing building has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under this Part or otherwise;

Complies - No enlarged

(j) development under Class AB(3)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

Complies - Not proposed

(k) development under Class AB(3)(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

Complies - Not proposed

(l) in the case of Class AB(3)(b) development there is no existing plant on the building;

Complies - The development does not propose the replacement or installation of plant on the roof of the extended building

(m) in the case of Class AB(3)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

Complies - N/A

(n) development under Class AB(3)(c) would extend beyond the curtilage of the existing building;

Complies - The development would not extend beyond the curtilage of the existing building to provide a means of escape from fire via additional external doors or external staircases

(o) development under Class AB(3)(d) would—

[AB3(d) - works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.]

(i) extend beyond the curtilage of the existing building;

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

Complies - The refuse storage for the proposed flats is contained within the building to the rear

(p) the land or site on which the building is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

Complies - The site does is not located within a conservation area and none of the other criteria above apply

The proposed development meets all of the above criteria, and is therefore permitted development, subject to the prior approval of the considerations set out within section AB.2 of the 'Conditions' (as identified above).

Prior Approval Assessment

The relevant considerations for prior approval assessment for this application are the impact on the character and appearance of the area, impact on the living conditions of future and neighbouring residential occupiers and transport and highway safety. In assessing these impacts, consideration is given to the National Planning Policy Framework, rather than local plan policies.

With regards to the requirement of assessing the prior approval application there would be no impact on air traffic and defence assets, contamination or flood risk concerns.

Character and Appearance

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being.

The application proposes to extend the building upwards through the erection of two additional storeys. Concerns have been raised that the increased height of the building would appear oppressive and out of keeping with the character of the area. The design of the top floor has been amended and the front elevation of the mansard roof has been set further back from the parapet and the projecting dormers replaced with windows.

The building has a distinctly different appearance from that of the neighbouring buildings and is architecturally unrelated to any other building in this part of the High Street. The extension would increase the height of the building and its finished height would make the building one of the taller buildings at this end of the High Street. A streetscene elevation drawing has been provided showing the height relationship of the property with neighbouring buildings however in its 2D form it is not possible to easily appreciate that the uppermost floor is set back from the front edge of the property. The cross section drawings (AA and BB) more effectively show the angle of the amended mansard roof in relation to the edge of the parapet and its height and set back relationship with the taller neighbouring building (No

121) to the south. The cross section drawings also show the finished height of the building would be taller than properties directly opposite the site within the High Street.

With regards to the character and appearance of the area the development would be visible from the public realm, with the front elevation visible from the High Street and the rear elevation visible from Herbert Road and the service road to the rear of the multi-storey car park. The site is located close to the Margate Conservation Area which commences approximately 21 metres to the south beyond Covells Row, and is separated from the boundary of the conservation area to the east by the multi-storey car park. The development would introduce light grey reinforced concrete over cladding between each set of windows within the front elevation, with the windows finished with dark grey aluminium frames. The mansard roof addition would be finished in grey zinc and the flank elevation finished with facing bricks. From the High Street elevation it is considered the alterations would enhance the existing severe appearance of the building and given the variety of architectural styles within the road, it would bring a more contemporary form of architecture and add interest to this part of the High Street.

The rear elevation of the building has a functional appearance with large prominent red coloured doors providing loading and unloading access for the building at ground floor level. Herbert Road was originally provided as a service road by KCC and together with the multi-storey car park this section of highway is functional rather than attractive to the wider streetscene. The prior approval application relates only to the additional floors and in this regard the proposal would introduce additional dark grey aluminium framed windows and doors to serve the flats in addition to sections of dark grey metal balustrading. The upper floors of the development would be located towards the High Street elevation and whilst visible from longer views from the rear it would not appear overly dominant or intrusive within the streetscene and would generally improve the appearance of this elevation.

The proposed development taken as a whole would respect the alterations previously approved on the building through the full planning application (ref F/TH/22/1668), and the proposal is considered to have a positive impact on the appearance on the wider character and appearance of the area. With regards to the requirement of assessing the prior approval application the external appearance of the building is considered an enhancement to the existing building and the development would not impact on any protected views or protected vistas. The proposal is therefore considered to comply with paragraph 130 of the NPPF.

Living Conditions

Paragraph 130 of the NPPF requires that a high standard of amenity is provided for existing and future users.

Many of the commercial buildings within the High Street have residential accommodation within the upper floors and the additional accommodation proposed would be compatible with neighbouring uses and it is unlikely that increased residential use of the premises would impact on the carrying on of any trade, business or other uses of the land in the area. The accommodation would be separated from the commercial activity at ground floor level by residential flats approved at ground floor level and building control regulations would require sound insulation to be provided between flats.

In terms of the living conditions of the future occupiers of the proposed flats, the floor plans shows 6 two bedroomed flats arranged over two floors with private balcony areas to the rear. The flats meet the requirements of the National Described Space Standards which is required for all dwellings created by the permitted development order (Article 3), and each flat has a good internal layout, with adequate natural light and ventilation, providing a good standard of living accommodation for future occupiers.

The windows within the front elevation would face towards the High Street where neighbouring concerns were raised regarding overlooking and loss of privacy. The second floor windows serve the main bedroom and the windows within the mansard roof serve the main living space. Whilst the original design included large projecting windows that projected forward from the main building, the amended design shows the mansard roof set back from the front parapet and windows installed within the slope of the roof. The views from the bedroom windows are unlikely to result in unacceptable overlooking towards neighbouring properties and the windows within the mansard roof would be approximately level with the opposite roofs and given their setback location are unlikely to result in overlooking opportunities that would result in loss of privacy or unacceptable overlooking.

The windows and balconies within the rear elevation would face across the rear part of the building and towards Herbert Road and the multi-storey car park. The entrance to the flats is over the flat roof of the building. The nearest residential properties to the rear are the properties fronting Hawley Square and it is unlikely that the rearward facing windows, balconies and terraced area would result in unacceptable overlooking towards occupiers of surrounding residential properties.

Whilst there may be overlooking potential from the public car park towards the flats it is unlikely that there would be prolonged overlooking that would result in unacceptable loss of amenity for future occupiers of the flats.

The prior approval assessment does not require assessment of playspace, but each flat is provided with a small balcony that provides some external amenity space to the benefit of amenity for future occupiers.

The recycling refuse storage for the residential units is located on the ground floor and is accessible from Herbert Place. This bin storage is separate from the commercial bin storage which is accessed through a separate door adjacent to the residential storage. In accordance with the requirements of Class AB(3)(d) the provision of refuse storage does not require the building to be extended and it is contained within the building. The proposal is therefore considered to comply with paragraph 130 of the NPPF.

Highway Safety

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; and b) safe and suitable access to the site can be achieved for all users.

The site is located within the town centre of Margate and whilst no parking provision has been provided the site lies within easy reach of public transport and there are public car parks within easy walking distance of the site including the multi-storey car park to the rear. Cycle storage is available and accessible for occupiers through the approval of the development of the existing building. This facility would be available for occupiers of the flats being considered through the prior approval application.

As the High Street is a pedestrian zone and Herbert Place has double yellow lines Kent Highways have recommended a Construction Management Plan be included in order that the impact of the construction process be controlled.

Adequate pedestrian access to the site is achieved, and sustainable transport is supported. The proposed development would not have a detrimental impact on highway safety. The proposal is therefore considered to comply with paragraph 110 of the NPPF.

Unilateral Undertaking for new Residential Units

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations and an appropriate assessment has been carried out.

The development would comprise 6 two bedroomed flats and therefore a Unilateral Undertaking is required to secure the required mitigation sought from Natural England, which in this instance would be £1,920. The applicant has confirmed a willingness to enter into a Unilateral Undertaking for the required contribution and therefore subject to this being received the proposal meets the requirements of the Habitats Regulations.

Other Matters

The impact of the construction process and potential disruption on local trade is regarded as temporary in nature and noise nuisance complaints are considered through Environmental Health and would be a civil matter and is not considered to be material consideration in the determination of this prior approval planning application.

Recommendation

The proposed development falls under permitted development under Class AB of Part 20 of the GPDO. Consideration has been given to the impact of the development under the conditions set out within section AB.2 for the prior approval process, including the impact upon the external appearance, living conditions (light), and traffic/highways. In all these respects it is considered the proposed development would not result in significant harm and as such prior approval should be granted subject to reasonable safeguarding conditions.

It is therefore recommended that Members approve the prior approval application subject to the submission of a signed unilateral undertaking being received securing the SPA contribution, and safeguarding conditions.

Case Officer

Rosemary Bullivant

TITLE: PN13/TH/23/0004

Project British Heart Foundation 113 - 117 High Street MARGATE Kent CT9 1JT

Scale:

