

D09

F/TH/23/0945

PROPOSAL: Change of use and conversion of public house into 4No. 3 bed flats, erection of part single and two storey rear extension together with external alterations to fenestration and roof

LOCATION: The Britannia Fort Hill Margate Kent CT9 1HH

WARD: Margate Central

AGENT: Mr I Barber

APPLICANT: Miss Otilie Godfrey

RECOMMENDATION: Defer & Delegate

Defer and delegate the application for approval, subject to the submission of a signed unilateral undertaking within 6 months securing the SAMM contribution and the following safeguarding conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 2418/07b (received 14/02/24), 2418/08, 2418/09a (received 14/02/24), 2418/10, 2418/11a, 2418/12.

GROUND

To secure the proper development of the area.

3 The external materials and external finishes to be used in the extensions hereby approved shall be of the same colour, finish and texture as those on the existing property.

GROUND

In the interests of visual amenity in accordance with Policies QD02 and HE02 of the Thanet Local Plan

4 The area shown on the approved plan numbered 2418/07b for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

5 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND

In the interests of highway safety, in accordance with the advice contained within the NPPF.

6 The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

GROUND

In the interests of highway safety, in accordance with the advice contained within the NPPF.

7 Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be in the form of one active charging point per allocated parking space, and one active charging point per ten unallocated parking spaces. The electric vehicle charging points shall be provided prior to the first occupation of the development and thereafter maintained.

GROUND

To protect air quality, in accordance with Policy of the Thanet Local Plan and the advice as contained within the NPPF

8 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing No 2418/07b 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.

9 Prior to the first occupation of the development hereby permitted the refuse storage areas shown on the approved plan shall be provided and thereafter retained.

GROUND

In the interests of visual amenity and highway safety in accordance with Policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

10 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway

o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

11 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

12 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

GROUND

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

13 Within 3 months of works commencing an ecological enhancement plan must be submitted to the Local Planning Authority for written approval. The plan must demonstrate that ecological enhancement features will be integrated into the buildings and within the site boundaries. The approved details will be implemented and thereafter retained.

GROUND

To enhance biodiversity in accordance with policy SP30 of the Thanet Local Plan

14 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

15 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

GROUND

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

16 The extension hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

GROUND

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

17 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

GROUND

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110 litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The application relates to the former Britannia Public House which is located on the southern side of Fort Hill, Margate. To the south of the site is Margate Police Station. To the north and east of the site are residential properties, separated by rear alleyways. The property is Grade II listed and is located within the Margate Conservation Area.

The building is two storey in height and basement level. The building has a slate roof and castellated parapet and a small single storey projection at the front. The building is part rendered at the front with a glazed area and fascia sign indicating its last use as a public house. To the rear the building is constructed in yellow/brown bricks and is enclosed by a brick and flint wall to the boundaries.

The site lies within the urban confines, inside the Margate Conservation Area in a sustainable location, and currently comprises a Public House- although not operating at the time of a site visit. It fronts Fort Hill with hard surfacing to the front for vehicle parking and to the rear the former pub garden.

RELEVANT PLANNING HISTORY

The site has had numerous applications over the years, however, none are directly relevant to this application with the exception of the application below..

L/TH/23/1080 - Application for listed building consent for conversion of former public house into 4No 3 bed flats erection of part single and two storey rear extension together with external alterations to fenestration and roof and internal alterations. Current

PROPOSED DEVELOPMENT

Since the application was submitted the cottages to the rear of the site, within the public house gardens have been removed due to concerns raised by officers.

The 4no 3 bed flats would be contained over the two floors and basement level. Flat 1 would have its entrance from the front of the building, having its living room, snug and store at

basement level (a larger window created to the front and a new window to the rear to serve the basement), at ground floor level there would be a kitchen, family/dining area family bathroom, three bedrooms one with an ensuite. Flat 2 would have its own access to the site of the building leading directly into the open plan kitchen/dining and living area, in addition there is a family bathroom and three bedrooms one having an en suite. At first floor level, accessed via the front entrance; also serving flat 1 are two further three bedroom flats.

The development also includes the erection of part single and two storey rear extension (basically 'squaring off' the rear - extending bedroom 3 of flat 1 (ground floor) and at first floor the removal of the shower room and W.C projecting and the erection of a first floor that would create the rear living section of flat 4; 3 bedrooms, family bathroom, -W.C and kitchen having a pitched roof over. In addition there would be external alterations to fenestration and roof and internal alterations.

REPRESENTATIONS

Letters were sent to the occupiers of adjoining properties, a site notice posted close to the site and the application advertised in a local newspaper.

12 representations have been received, this includes 3 objections and 9 letters of support.

- The concerns can be summarised as follows:
- Outlook will be impacted
- Overdevelopment of site
- Rubbish issue will get worse
- Converting the listed building should be enough
- Access will be blocked
- Limited parking in the area
- Loss of mature trees in the garden
- Do not need small flats and cottages in this area
- Loss of light
- Loss of sea views
- Overlooking
- Cottages dominate
- No shadow analysis
- Loss of trees
- A biodiversity net gain is required
- Concerns about construction work - noise, dust, time taken
- Concern about chimneys in the cottages and potential for pollution
- Concern about fire escape
- Concern about the size of the cottages
- Does not meet secured by design standards

The supporting representations can be summarised as follows:

- Seen as an improvement for an unused building
- Design is in keeping with the area

- Owner/tenant tried to keep the pub going but was not feasible
- Pub was too big
- Poor state of repair and this is a sensible option
- Beer garden is sufficient to accommodate two cottages

Margate Civic Society: We have no objection to the conversion of the building into flats, however, in order to achieve this, we would object most strongly to any efforts to demolish or change any part of the existing structure owing to its historical importance and value.

Furthermore, owing to this historical importance of the site formerly in use as Cobbs Brewery, we would like to see a full and impartial archaeological survey being carried out prior to any development taking place.

Finally, with regard to the green space to the rear, we object to any attempt to compromise this by the construction of two additional dwellings. We believe this space should be protected, valued as it is as a buffer between this site and the surrounding existing developments.

DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy Housing
 SP13 - Housing Provision
 SP14 - General Housing Policy
 SP29 - Strategic Access Management and Monitoring Plan (SAMM)
 SP35 - Quality Development
 SP36 - Conservation and Enhancement of Thanet's Historic Environment
 SP37 - Climate Change
 SP43 - Safe and Sustainable Travel
 SP44 - Accessible Locations
 H01 - Housing Development
 GI04 - Amenity Green Space and Equipped Play Areas
 QD01 - Sustainable Design
 QD02 - General Design Principles
 QD03 - Living Conditions
 QD04 - Technical Standards
 HE02 - Development in Conservation Areas
 HE03 - Heritage Assets
 CC02 - Surface Water Management
 CM02 - Protection of Existing Community Facilities
 TP02 - Walking
 TP03 - Cycling
 TP06 - Car Parking

CONSULTATIONS

Natural England: Designated sites (European) - No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

Southern Water: Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

KCC Biodiversity: We have reviewed the submitted information and we are satisfied with the conclusions of the ecological report that no specific species surveys are required.

The report has detailed that there is potential for breeding birds and it's our view that foraging/commuting bats may be present within or adjacent to the site.

Due to the potential for breeding birds to be present we recommend that the following Breeding Bird informative is included if planning permission is granted.

Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by a suitably

qualified and experienced ecologist immediately prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.

Lighting

Lighting can have a negative impact on bats and other nocturnal animals. Therefore to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23 Bats and Artificial Lighting at Night'¹ should be consulted in the lighting design of the development.

We recommend that if planning permission is granted a lighting condition is included and it has the following requirements:

- o Follows the recommendations within Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
- o Submission of a plan showing the location of the lights
- o All lights must be downward facing
- o Lights are on a motion sensor

Ecological Enhancement

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise the following condition is included if planning permission is granted:

Within 3 months of works commencing an ecological enhancement plan must be submitted to the LPA for written approval. The plan must demonstrate that ecological enhancement features will be integrated into the buildings and within the site boundaries. The plan must be implemented as approved.

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide

¹ 'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

KCC Highways: *Further comment:* Amended plans submitted inclusive of vehicle parking dimensions appear to now have only 8 parking spaces, a reduction from the initial 12. This reflects a change in description of proposals reducing the proposed dwellings to 4 no. 3

bedroom flats only. As per IGN3 and TDC local plan, any edge of centre site such as this requires 2 parking spaces per unit and an additional 0.2 visitor parking space. Although the 1 visitor parking space has not been provided, the wider network is subject to on street parking restrictions and I am content that no on street parking would be encouraged by these proposals.

The layout is acceptable in regard to parking dimensions, however dwellings with unallocated communal parking should have electric vehicle charging provisions of 10% Active Charging Spaces and 100% Passive Charging Spaces. I am content that this provision can be secured by way of condition.

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

Provision of measures to prevent the discharge of surface water onto the highway.

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans (Drawing No. 2418/07b) prior to the use of the site commencing.

For unallocated communal parking, Electric Vehicle Charging should be provided at 10% Active Charging Spaces and 100% Passive Charging Spaces. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Provision and permanent retention of the cycle parking facilities shown on the submitted plans (Drawing No. 2418/07b) prior to the use of the site commencing.

Initial comments: This application seeks to change a public house into 6 residential dwellings inclusive of flats and cottages, and I am satisfied that the existing access would not be subject to increased associated movements due to this development. There is also a proposed provision of 12 parking bays, which exceeds requirements for resident and visitor parking as per Kent Parking Standards.

However, the following matters require further information or resolution:-

Dwellings with unallocated communal parking should have electric vehicle charging provisions of 10% Active Charging Spaces and 100% Passive Charging Spaces. These provisions should be shown on submitted plans.

Parking bays should be a minimum of 2.5m wide by 5m in length which is noted within the Design and Access Statement submitted however on plans the bays do not appear to meet these requirements (This width should be increased to 2.7m if the bay is constrained on one side by a hard boundary). Therefore, I am unable to properly assess the aisle for manoeuvre which should be a minimum of 6m to allow a vehicle to turn and egress in a forward gear.

In addition to the above matter, it should be considered that a designated disabled bay should be provided measuring 5.5m in length by 3.7m in width.

I would advise that Thanet District Council Waste and Recycling Team are consulted regarding refuse collection strategy. Drag distances should not exceed 55m total for residents and collectors, which appears to be exceeded by the rear cottages.

TDC Tree Consultant: The tree report submitted with the application records the presence of eleven existing trees, eight Leyland Cypress and three Sycamore, in the rear garden of the former Britannia Inn. They are growing within an enclosed courtyard, surrounded by buildings, and are not visible from the public realm.

Although they may be visible from immediately adjacent properties, and may make a local contribution to the character and setting of these properties, they are considered to be of low amenity value to the wider area.

Three trees are classified under the BS5837 tree quality assessment as Category "C" - Trees of low quality, with the remaining eight as Category "U" - Unsuitable for retention. The majority of the trees are described as either predominantly dead or with dieback throughout the canopies. The condition of the trees is confirmed by photographs in the report. The trees are growing immediately adjacent to boundary walls with the potential, if retained, to cause damage.

None of these trees are suitable for retention and they should not be considered a constraint on development.

TDC Conservation Officer: Final comment - Following a review of the amendments to the scheme and the removal of the additional properties to the rear of the site I do not object to the conversion of the listed property.

I would suggest conditions covering proposed landscaping, hardstanding and fences, joinery conditions of proposed windows and doors and rainwater goods.

Initial comments - The Britannia Fort Hill Margate is a Grade II listed building located adjacent to Margate Conservation Area in a prominent location, highly visible from the surrounding area.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.'

As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area.

New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.' NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2 it states In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that when determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

This application comprises two distinct elements: the conversion of the existing building and the construction of semi-detached properties within its grounds. Prior to submitting this formal application, pre-application advice was sought, during which concerns were raised regarding the proposed development within the grounds of the listed property. These concerns revolve around the potential harm this development could inflict on the overall setting and appearance of the site.

At the pre-application stage, the properties were initially designed with a taller scale, but these plans have since been revised, resulting in a reduction in height. However, the fundamental concern persists due to the implications of the proposed development on the setting and appearance of the listed property. It is important to note that the proposed development fills a substantial portion of the space surrounding the site, thereby bringing about irreversible alterations to its layout and perception. These changes impact not only the view from within the site but also from the opposing conservation area. The placement of gardens at the forefront of the Britannia, which deviates from typical layouts, underscores the perceived congestion of the site.

While it is acknowledged that the layout of the grounds has evolved over time, as has the pub itself, there is no historical record of a structure of this form or scale within its grounds. Consequently, this proposal is deemed to cause a significant amount of harm.

Regarding the conversion of the existing building, there are no objections in principle. The proposal aligns largely with appropriate and sympathetic measures, as outlined in the design and access statement and heritage statement. Particular attention has been given to the octagonal room, which has been preserved in its current form with minimal changes. Some harm is anticipated due to the rear extension and general room rearrangement; however, these issues are outweighed by the benefits associated with maintaining the building's use and converting it into a solely residential property which will ultimately ensure its sustained use and condition.

The primary significance of the building lies in its retained internal details and its overall setting and appearance, which positively influence the surrounding environment and the nearby conservation area. Altering this rear outlook in a significant manner would have

detrimental effects on both the listed property itself and the adjacent conservation area. As such, it cannot be supported. While some external changes to the main property are expected, they are within reasonable bounds, unlike the extensive scheme proposed for the rear of the site.

In conclusion, it is believed that the successful conversion of the Britannia is feasible with an acceptable level of harm to the Grade II listed property. However, the separate development, in terms of its scale and form, is deemed inappropriate, as it ultimately causes harm to the primary listed property. Therefore, it should be excluded from the scheme. Consequently, we cannot endorse the proposed application, as it does not align with the applicable legislation.

TDC Waste Manager: It appears that bin storage and collection will be from the front of properties accessed via Fort Hill, if this is the case we have no issues.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr. Bambridge due to concerns about the development representing an over development of the site and loss of a community asset.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact upon the designated heritage assets, sustainability of the site, character and appearance of the proposed development and highway safety.

The site lies within the urban confines, inside the Conservation Area in a sustainable location, and currently comprises a Public House- although not operating at the time of a site visit. It fronts Fort Hill with hard surfacing to the front for vehicle parking and to the rear the former pub garden. The site, therefore, comprises part previously developed land and part non developed land.

Policy SP01 of the Thanet Local Plan sets out the spatial strategy for the district and states that the primary focus for new housing development in Thanet is the urban area as identified on the Policies Map. Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The application site is located within the urban confines of Margate and would therefore accord with Policies SP01 and HO1.

Paragraph 97 of the NPPF states that planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting

places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

A public house is considered to be a community facility and policy CM02 of the Local Plan seeks to protect against the loss of existing community facilities. The preamble to the policy states that to:

"To assess applications for the change of use or redevelopment of existing community facilities, the Council will require a thorough analysis of the existing operation and attempts made to secure the future viability of the community use. In all cases, the applicant must demonstrate that: the need for the existing or alternative community facilities has been researched and that there is insufficient viable demand; opportunities to support the facility by the introduction of other services have been explored, where the dual use of premises for a number of community functions may help support the viability of facilities; efforts have been undertaken to secure the viability of the facility through applications for grant aid, business advice and discussions with community groups, parish Councils, Thanet District Council, Kent County Council and other national or local bodies with a direct interest in service provision; and the site has been actively marketed for its existing use and alternative community uses, at a realistic price and for a reasonable period of time of at least a year, proportionate to the type and scale of the facility."

The policy itself then goes on to state that proposals which would result in the loss of a community facility will not be permitted unless it can be demonstrated:

- 1) there is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs; or
- 2) every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities; or
- 3) alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community.

The supporting statement gives some information to demonstrate that the loss of the community facility can be supported. This states *"The site is in a sustainable location, being within the urban confines of Margate and is within easy walking distance of shops, other community facilities and cultural buildings such as the museum and The Turner, cafes, and restaurants - although pubs are rapidly declining and a further pub has closed off The Parade and Market Place, together with open spaces and sports venues close by. Certainly, due to the proximity of most of the cafes, shops and community facilities around The Parade and Market Place areas, the additional walk, up Fort Hill to the Britannia, is now very really taken. Certainly, the decline of the Pub as a community facility is highlighted that another local pub has closed, together with many other pubs within the area, most due to the non-viability of running them.*

There is availability at local community centres which are not yet at capacity, such as the Al-Birr community centre, the Salvation Army church and community, St. John's Church Hall and Cliftonville community Centre, so any slack can be taken from the loss of the Public House. As the pub has been shut for a lengthy period now, any requirement for a community use has already been redirected to other local facilities, which have

shown that there is still capacity available."

Having regard specifically to the three criteria in relation to the protection of existing community facilities; as detailed above. This policy does not require all three criteria to be met but requires at least one of them to be.

1) there is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs - The applicants have investigated public houses, cafes and restaurants close to the application site. These include Fort Road Hotel bar on Fort Road, Northern Belle on Maison Street; The Little Price in the arcade off The Parade; Barnacles on the corner of The Parade and King Street, The George and Heart on the corner of Hawley Square and King Street; The Wig and Pen on the corner of Market Place and Lombard Street; The Bulls Head on the corner of Market Place and Market Street; the Lifeboat on the corner of Market Street and Newby's Place and the Two Halves on Marine Drive and also the Harbour Arms and Lighthouse Bar on the pier. In terms of restaurants Fort Road Restaurant in the hotel, Mamma Mia Pizzeria off the Parade, Olby's Soul Cafe on King Street, The Harbour Cafe, Peters Fish Bar, Wine Shed, Margate's Cafe Shed, Charlies, No15 and The Med.

On this basis, it can be considered that there is alternative local provision of similar uses and the loss of The Wheatsheaf as a public house is unlikely to undermine the ability of the community to meet its day to day needs.

2) every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities - The supporting document details that the use of the building as a public house has declined as a community facility and highlighted that another local pub has closed mostly due to their non viability. However, the supporting documents do not give evidence of what other community uses the property has been marketed for.

3) alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community - The applicants are not proposing any alternative provision of a community facility. They advise that there is no need for any alternative/additional community facilities to be provided in the area given the number of facilities in the area (they have listed restaurants and cafes, art galleries and various community centres (although it is considered by officers that not all of the uses they have looked at would be considered community uses).

Given the above, it is not considered that the loss of the public house; community use would conflict with the aims of policy CM02 of the Local Plan and paragraph 97 of the National Planning Policy Framework, due to sufficient information being submitted when judged against the relevant policy criteria.

Character and Appearance

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on Local Planning Authorities 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. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Paragraph 203 of the National Planning Policy Framework (NPPF) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF requires that where a development causes substantial harm, or less than substantial harm but where the harm is not outweighed by public benefit, permission should be refused.

Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets.

Policy HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

Paragraph 135 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD01 relates to sustainable design and sets out that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate. Policy QD02 is a general design policy and sets out that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

This application has been amended since its submission due to officer concerns. It originally proposed 2, two storey three bedroom semi-detached cottages within the public house garden. These dwellings do not now form part of this application in front of Members.

This application seeks permission for a part single and two storey rear extension, together with alterations to the fenestration and roof to facilitate the conversion of the former public house into 4 three bed flats.

The extensions and roof alterations proposed to the building would be seen against the host building and would not themselves be readily viewed from public vantage points, only from

the rear alleyways connecting Fort Hill to Trinity Square and providing rear access to the occupiers of Fort Crescent. Whilst the extensions upper portions and roofs would be visible above the flint wall enclosing the rear amenity space, they have been designed to appear subservient to the building as whole and providing a more cohesive appearance compared to the existing, utilising materials already found within the building and matching window details.

It is also noted that the building appears to have been amended over the years and these extensions now proposed will be seen as the next step in its development and a way to facilitate bringing it back into active use.

The proposal does include works to the main elevation of the public house - fronting the Fort Hill - these include the reinstatement of a door and window, changes to the fenestration across the public house frontage to including glazing bars and a widow built into an existing door opening with panelling below.

The reintroduction of the windows and doors is welcomed as well as the breaking up of the amount of glazing to the front pub frontage. It is considered that the building would externally retain its present form from public vantage points and the changes made would not be visually harmful to the area or Conservation Area.

The Council's Conservation Officer raises no objection as the proposal aligns largely with appropriate and sympathetic measures for its conversion. Although she does acknowledge that there is some harm due to the rear extension and general room rearrangement; but advises that these issues are outweighed by the benefits of maintaining the building's use and converting it into a solely residential property which will ultimately ensure its sustained use and condition.

On the basis of the changes to the exterior of the building and rear extensions I acknowledge that there will be a small level of harm, however this will be outweighed by the creation of four residential units and the continued use of this prominent building within the conservation area to avoid its deterioration through not being used.

As such, it is considered that there would be some harm to the character or appearance of the Conservation Area from the proposed development, however, this would be outweighed by the benefits of the conversion and use.

Given the above, it is considered that the proposed development accords with Policies SP36, HE02, HE03 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03

(Living Conditions) states that All new development should:

1) Be compatible with

neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.

3)

Residential development should include the provision of private or shared external amenity space/play space, where possible.

4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The development also includes the erection of part single and two storey rear extension (basically 'squaring off' the rear - extending bedroom 3 of flat 1 (ground floor) and at first floor the removal of the shower room and W.C projecting and the erection of a first floor that would create the rear living section of flat 4; 3 bedrooms, family bathroom, -W.C and kitchen having a pitched roof over. In addition there would be external alterations to fenestration and roof and internal alterations. The two storey extension would measure approximately 5.8m deep and a width of 11.4m with a varying height the lower section having an eaves height of 4.6m and ridge height of 6.9m and the higher section (nearest Fort Crescent properties) being 5.5m to the eaves and 7.5m to the ridge.

To the north of the site are properties that front Fort Crescent which are in residential use. These properties are separated by an existing alleyway. There would be a distance of some 10 metres between the proposed extension and rear of these buildings, at the closest point. This is a similar distance of separation between the existing building and these properties. The extension would be to the south of those properties that front Fort Crescent. Given the position and relationship between the extension and these properties, there would be some loss of sunlight during the middle section of the day, but not dissimilar to that relationship with 1-4 Fort Crescent currently.

To the south of the application property lies Margate Police Station. The main building that occupies this site extends back beyond The Britannia by some distance and also extends further forward. The height of the building does drop- being the highest at the front reducing to two storey and then the very rear section being single storey. A degree of separation is maintained from the extension and the shared boundary of approximately 3m. This distance of separation, the formation of buildings within the Police Station site and orientation would mean that there would be no material harm resulting from the extension.

To the south of the site there are numbers 1 & 2 Albion Place that front the rear alleyway and face the rear of the building facing Fort Crescent. There would be a distance from the rear of the extension and the side wall of these properties of approximately 20 metres away; it is noted that these are in residential use. Given this distance of separation no material harm is envisaged from the proposed conversion.

Whilst concerns have been raised about windows overlooking the rear of properties in Fort Crescent, officers are mindful of the fall-back position. There are currently first floor windows of the public house, which has a flat above. The windows within this first floor side windows, facing Fort Crescent are bedrooms. As such it is not considered that the proposed development will not make overlooking worse. There is one additional window and this serves a W.C to flat 4 and as such would be a non habitable room. Accordingly officers consider that an objection could not be sustained on this basis.

The means of enclosure and hard and soft landscaping to secure privacy of the proposed amenity space and secure a more verdant feel to the site at the front could be secured by a planning condition.

In terms of the living conditions for the future occupants, it is noted that all flats would meet the nationally described space standards and it is considered that the flats on the basement, ground, and first floors would benefit from natural light and ventilation. It is noted that there would be less natural light and ventilation to the basement rooms, however, it is considered that with the light wells and fenestration arrangements proposed that its future occupiers would enjoy an acceptable standard of light and ventilation.

Thanet Local Plan Policy GI04 expects doorstep play space which is immediately adjacent to, and easily accessible from the proposed site for units of accommodation with 2 or more bedrooms. The application property is sited within the high density urban environment of the Margate and is bounded to the side and rear by existing buildings. The scheme however does achieve a private amenity space for each unit. There would also be a storage area for waste and recycling within the front forecourt/parking area. This would accord with the Waste Managers requirements. In this case, given the location and constraints of this site, the provision proposed is considered to be acceptable in this instance.

The proposed development is, therefore, considered to be acceptable in terms of the residential amenity of the adjacent neighbouring properties and the future occupiers of the proposed residential units, in accordance with Policies QD03, QD04 and GI04 of the Thanet Local Plan and the National Planning Policy Framework.

Highways

Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

The application property is located close to the town centre of Margate, within a sustainable location and does provide parking provision for the flats. This would equate to two spaces per unit. This is considered to be an ample amount of parking per residential unit in this location.

Each of the four units would have its own small enclosed amenity space that could be used for cycle storage and all flats could accommodate cycle storage within them; sheds are shown. It is, therefore, considered that sufficient cycle storage, in accordance with Policy TP03, can be provided within the proposed development.

Given the above and the sustainable location of the site, it is not considered that there would be an adverse impact from the proposed development on highway safety or parking in the area.

Trees

Within the rear garden there are a number of trees around the perimeter. They are afforded protection due to their location within the Conservation Area.

The tree report submitted with the application records the presence of eleven existing trees, eight Leyland Cypress and three Sycamore, in the rear garden of the former Britannia Inn.

Three trees are classified under the BS5837 tree quality assessment as Category "C" - Trees of low quality, with the remaining eight as Category "U" - Unsuitable for retention. The majority of the trees are described as either predominantly dead or with dieback throughout the canopies. The Tree Consultant confirms that the condition of the trees is confirmed by photographs in the report. The trees are growing immediately adjacent to boundary walls with the potential, if retained, to cause damage.

The Tree Consultant concludes that none of the trees are suitable for retention and they should not be considered a constraint on development.

Officers consider that the trees make a local contribution to the character and setting of these properties, however, given their location they are considered to be of low amenity value to the wider area. Given the distance away from the physical works of the extension there would be no significant impact directly if the trees are retained. The agent has confirmed that these trees will be retained. The Tree Constraints Plan shows the root protection areas.

Contributions

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 means that the Council accords with the Habitat Regulations and an appropriate assessment has been undertaken.

This application would need to provide a valid Unilateral Undertaking to provide the required financial contribution of £1.696 for the four residential units to mitigate the additional recreational pressure upon the SPA area. It is noted that there is an existing residential flat associated with the flat, so there would be a net gain of three residential units and as such a contribution would be sought for three, three bed units on this occasion - £1272 and the associated monitoring fee rate of £150 for this number of units in order that it would accord with Policy SP29. The agent has confirmed the applicant's acceptance of this if Members resolve to approve the application.

Conclusion

This application seeks planning permission for the change of use of a public house with associated residential accommodation to four three bedroom flats (C3).

Whilst the application would see the loss of a community facility it is considered that there are other a number of other public houses and community facilities in the local area not to undermine the ability of the community to meet its day to day needs. Whilst there will be some harm to the listed building and wider Conservation through the erection of the extension the benefits of getting the building back into active use offset this harm. The development would also contribute to the housing supply within the district.

There are no issues in terms of highway safety or parking or an adverse impact on the residential amenities of adjoining occupiers. The flats are considered to provide a good standard of accommodation for future occupiers.

On this basis it is recommended that Members resolve to defer the application for approve subject to the receipt of a valid Unilateral Undertaking to secure the SAMM contribution within 6 months of the resolution.

Case Officer

Gillian Daws

TITLE:

F/TH/23/0945

Project

The Britannia Fort Hill Margate Kent CT9 1HH

Scale:

