



Appeal Decision

Site visit made on 5 June 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/Z2260/W/19/3223966

382 & 392 Northdown Road, Margate CT9 3PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kentish Projects Ltd against the decision of Thanet District Council.
 - The application Ref F/TH/18/0145, dated 25 January 2018, was refused by notice dated 11 January 2019.
 - The development proposed is erection of a part 3, part 4 storey building comprising 26 No 2 bed and 9 No 1 bed flats and micro-pub together with 3 No detached dwellings with associated parking and landscaping following demolition of existing fire damaged remains of the Holly Tree PH (No 382) and The Old Coach House (No 392).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part 3, part 4 storey building comprising 26 No 2 bed and 9 No 1 bed flats and micro-pub together with 3 No detached dwellings with associated parking and landscaping at 382 & 392 Northdown Road, Margate CT9 3PG in accordance with the terms of the application, Ref F/TH/18/0145, dated 25 January 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of the development is taken from the appeal form as amended plans were submitted during the consideration of the application reducing the number of dwellings proposed.
3. The site has been cleared of both the remains of the fire damaged public house and of the Old Coach House. Whilst the Council had regarded the public house as a non-designated heritage asset, it has subsequently granted consent for its demolition.
4. The Council has no objection to the predominantly residential redevelopment of the site, but the proposal includes a micro-pub to address the Council's concerns about the loss of a community facility in respect of the Holly Tree PH.
5. The appellant has submitted a planning obligation in relation to matters raised in the Council's second and third refusal reasons relating to contributions towards affordable housing and local infrastructure and the impact on Special Protection Areas.
6. The Council has not raised an objection to the 3 detached dwellings that would be erected at the eastern end of the site.

Main Issue

7. The main issue therefore is the impact of the proposed part 3, part 4 storey building on the character and appearance of the area.

Reasons

8. The appeal relates to a roughly rectangular site, about 0.32 hectare in size, located at the junction of Northdown Road with Holly Lane. Land levels rise gently from the road junction in both directions along Northdown Road and more steeply along Holly Lane. The surrounding area is predominantly residential in character comprising a mixture of detached and semi-detached two storey houses of varying size and design with some single storey bungalows. To the west there is a parade of shops set within two storey buildings fronting Northdown Road.
9. The micro-pub would be located in the site's north-western corner fronting both roads. The flats would be arranged in a crescent shape fronting Northdown Road with returns at either side enclosing a communal garden. The top (third) floor would be limited to the parts of the site closest to the road junction and would be set behind the line of lower floors. A parking area would be provided between the flats building and the 3 houses with access on to Northdown Road.
10. The former Holly Tree Public House was a substantial landmark building on the corner of Northdown Road with Holly Lane. Whilst predominantly arranged over two floors there were dormers to second floor rooms and a steeply pitched roof with chimney stacks set above this. The proposed building would be of comparable height to the pub's ridge and chimneys, but its mass to both road frontages would be considerably greater. However, the recessed nature of the top floor would reduce the perception of the building's height, particularly from close quarters. The full height of the building would be perceived from locations to the east and west along Northdown Road and to the south on Holly Lane, but due to the location of the site on relatively low ground, its height would be comparable to that of the roofs to many houses near to the site.
11. The shops to the west of the site are set well back from the Northdown Road frontage such that the proposed building would be a prominent feature when viewed from this direction. It would form a new landmark building that would contrast with the predominant two storey character of the area. Yet the corner element above the micro-pub would only comprise 3 storeys and would not be an unduly dominant feature. Northdown Road is a wide road and there would be reasonable separation to the nearest buildings along both roads. As such, the proposed building would be seen as a distinctive feature, higher and of greater mass than neighbouring buildings, but without crowding on the space around them. Although the area is mainly characterised by 2 storey domestic buildings, this is not a consistent pattern. It is punctuated by buildings of a different scale and nature. The former public house was one such example and another is the Kent Tec building at 351 Northdown Road, the 3 storey form of which forms a skyline feature by the bend in the road to the west of the site.
12. The Council point out that the proposal's high density at about 119 dwellings per hectare would not respect the lower density of the surrounding residential area, but it does not have a policy that expressly constrains density. The flat roof and extensive massing to the proposed building would contrast with the rhythm of smaller pitched roof buildings with spaces between that typify the

area. But the proposed use of alternating facing materials would help to break up its mass and enhance the building's appearance.

13. The Council considers that the proposal would be at variance with Paragraphs 122, 127 and 130 of the National Planning Policy Framework (the Framework) that refer to the desirability of maintaining an area's prevailing character and setting and to the refusal of development of poor design. But these paragraphs also emphasise that development should make efficient use of land, taking into account the identified need for different types of housing, and be sympathetic to local character while not preventing or discouraging appropriate innovation or change such as increased densities.
14. My findings are that notwithstanding the building's contrasting mass and height compared to nearby buildings that its design would be attractive and appropriate to the site's corner setting. The building would be in accordance with the provisions in Section 12 of the Framework in achieving well-designed places and would be broadly sympathetic to local character in this context. There would not be substantive conflict with the checklist of design considerations in Saved Policy D1 of the Thanet Local Plan (2006) (TLP) which in any case pre-dates the Framework's stipulations on making effective use of land and in achieving well-designed places.

Planning Obligation

15. The appellant's planning obligation undertakes to provide 11 dwellings as affordable housing with 100% of affordable rental units to be let to persons nominated by the Council. This would be in accordance with the requirements of Saved Policy H14 of the TLP.
16. The obligation includes financial contributions for additional book stocks for Cliftonville Library and towards the extension of the Limes Surgery in Margate. These payments would be in response to the requirements of Saved Policy CF2 of the TLP in relation to upgrading community facilities.
17. The site is within the 6km catchment area of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) which would be likely to attract additional recreational pressures as a result of the development. Natural England have reviewed the appropriate assessment for the development and concur with the Council that the proposal would not have an adverse effect on the integrity of the SPA subject to appropriate payment in relation to the Council's Strategic Access and Monitoring Plan (SAMP). The planning obligation includes a contribution agreed with the Council.
18. I am satisfied that the obligation is necessary to make the development acceptable in planning terms, that it is directly related to the development and that it is fairly and reasonably related in scale and kind to the development. It would thereby satisfy the requirements of Regulation 122 of the Community Infrastructure Regulations (2010). The obligation is complete in that it is dated, signed and provides details of the registration of the land and parties with an interest in the land.

Other Matters

19. Several local residents have raised objections to the proposal both at application and appeal stages. Many points relate to the scale and design of the building of flats, matters I have already addressed. Another major issue of

concern is that the proposal would include insufficient parking and that residents would be inconvenienced by overflow parking from the site, particularly following works by Kent County Council to move a bus stop, introduce a pedestrian crossing and restrict on street parking through provision of new yellow lines. Criticism is also levied at the appellant's parking surveys which indicate that there is capacity for on street parking. I note that on site parking provision increased with the submission of amended plans and that Kent County Council as the local highway authority are now satisfied with the level of on site parking. They also consider that there would be satisfactory visibility at the access to Northdown Road and have not objected to the proposal in relation to traffic generation or highway safety. I have no reason to disagree with these findings.

20. Some residents have objected in relation to the impact on living conditions, particularly through overlooking and loss of privacy. The principal windows to the flats would face either one of the two road frontages or the open courtyard but not the houses to the rear of the site. Moreover, the separation distances to the nearest dwellings on the opposite side of Northdown Road or to those in Holly Lane backing on to the site would be sufficient to not result in material overlooking or overshadowing.

Planning Balance

21. The Council cannot currently demonstrate a 5 year supply of housing land and the Housing Delivery Test measurements indicate that Thanet's delivery of housing has been below the required level over the past three years. The Council point out that it is likely to be able to demonstrate a 5 year supply of housing land with adoption of its emerging local plan. However, this is still at a draft stage and attracts only limited weight.
22. In these circumstances, Paragraph 11 of the Framework is triggered and there is a presumption in favour of sustainable development. The proposal would result in 38 additional dwellings on a brownfield site in a sustainable location within Margate close to public transport. In my judgement it would make a significant contribution towards addressing the present shortfall in local housing provision. Any harm arising from the height and massing of the flats building in relation to the predominant local pattern of two storey housing would not significantly and demonstrably outweigh the benefits arising from the proposal when assessed against the policies in the Framework taken as a whole.

Conclusion and Conditions

23. My conclusion is that the proposed part 3, part 4 storey building would not have a material adverse effect on the character and appearance of the area, and that the proposal would be in accordance with the policies in the Framework. For the reasons given, and having regard to all other matters raised, the appeal is allowed.
24. I have examined the Council's suggested list of conditions in the event of the appeal being allowed and have made changes having regard to advice in Planning Practice Guidance. In addition to the statutory condition to limit the commencement period for the development, a condition is necessary to list the plan numbers in the interests of certainty and to enable submission of minor material amendments.

25. A pre-commencement condition to approve drainage arrangements is necessary as this would involve ground works ahead of development commencing. A pre-commencement condition is also necessary to approve a Construction Method Statement in the interests of highway safety and to safeguard the living conditions of nearby occupiers.
26. A Grampian style condition is required to constrain on street parking in accordance with a Traffic Regulation Order. The Council has suggested other highway related conditions concerning the provision of the parking spaces and cycle storage as shown on the plans, the retention of visibility splays, the closure of an existing access and to prevent the flow of surface water on to the highway; these are necessary in the interests of the efficient operation of the site and highway safety. Conditions to approve details of any external lighting and boundary enclosures are also necessary to ensure a satisfactory appearance to the site and to safeguard the living conditions of adjoining occupiers.
27. In relation to the possible discovery of contamination at the site a condition is necessary to instigate appropriate mitigation. Conditions are necessary to approve the external materials for the buildings and landscape measures for the site to ensure a satisfactory appearance to the development. Finally, to protect the living conditions of residents at and close to the site, conditions are needed to limit the servicing hours for the micro-pub, to approve the location and details of any external lighting to the development and to provide screens to particular balconies.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
145_TPP_1001 Rev 2, 145_TPP_1011 Rev 2, 145_TPP_1021 Rev 2, 145_TPP_1031 Rev 2, 145_TPP_1041 Rev 2, 145_TPP_1051 Rev 2, 145_TPP_1061 Rev 2, 145_TPP_1071 Rev 2, 145_TPP_1081 Rev 2, 145_TPP_1091 Rev 2, 145_TPP_1101 Rev 2, 145_TPP_1111 Rev 2, 145_TPP_1121 Rev 2, 145_TPP_1131 Rev 2, 145_TPP_1141 Rev 2, 145_TPP_2001 Rev 2, 145_TPP_2011 Rev 2, 145_TPP_2021 Rev 2, 145_TPP_2031 Rev 2, 145_TPP_2041 Rev 2, 145_TPP_2051 Rev 2, 145_TPP_2061 Rev 2, 145_TPP_3001 Rev 2, 145_TPP_3011 Rev 2, 145_TPP_3021 Rev 2, 145_TPP_3031 Rev 2, 145_TPP_0013 Rev 4, 2018-3379-002 Rev A and 2018-3379-002 Rev B.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) the parking and turning areas for construction and delivery vehicles and for site operatives and visitors;
- ii) storage of plant and materials used in constructing the development;
- iii) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- iv) wheel washing facilities;
- v) measures to control noise and the emission of dust and dirt during construction;
- vi) delivery, demolition and construction working hours, and
- vii) temporary traffic management signage.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until details of the means of foul and surface water drainage works shall have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall 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.

The development shall be carried out in accordance with approved details and thereafter maintained.

- 5) No development shall take place until the applicant/developer has entered into a Section 278 agreement with the highway authority to secure a Traffic Regulation Order prohibiting on-street parking in accordance with the works shown on drawing ref.2018-3379-002 Rev B. The agreed works as shown on the drawing shall be completed and in operation prior to the first occupation of any dwelling in the approved development, unless otherwise agreed in writing with the local planning authority.
- 6) The development hereby permitted shall not be occupied until the car parking spaces and secure cycle parking facilities shall have been constructed in accordance with details shown on the approved plans.

- 7) Prior to first occupation of the development hereby approved visibility splays of 2 metres by 2 metres behind the footway on both sides of the Northdown Road accesses with no obstruction over 0.6m above footway level shall be provided and thereafter maintained.
- 8) Prior to first occupation of the development hereby approved, the existing access shall be closed up and the footpath reinstated.
- 9) The construction of the development hereby approved shall incorporate measures to prevent the discharge of surface water on to the highway.
- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out within a timetable agreed with the local planning authority. A verification report shall be submitted to the local planning authority for approval prior to first occupation of the development.
- 11) Prior to the construction of the external surfaces of the development hereby permitted, samples of the materials to be used shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 12) Prior to first occupation of the development hereby approved, full details of a scheme of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The scheme shall include measures to protect retained and boundary planting throughout the course of development, the surface treatment for all hard surfaced areas and walls, fences or other means of enclosure.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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 similar size and species.
- 14) Deliveries to and collection from the micro-pub and the loading and unloading of goods associated with the servicing of the site shall only take place between the hours of 09:00 and 18:00 on Mondays to Saturdays and not at any time on Sundays or on Bank or Public Holidays.
- 15) Details of any external lighting including fittings, illumination levels and spread of light shall be submitted to and approved in writing by the local planning authority prior to installation. Development shall be carried out in accordance with the approved details.
- 16) Prior to the first occupation of flats 16 and 17 (drawing 145_TPP_1011 Rev 2) their balcony areas shall be enclosed by a solid structure not less than 1.25m high which shall thereafter be permanently retained.