

SECTION C MINERALS AND WASTE DISPOSAL

Background Documents – the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item C1

Concrete plinth and kiosk, Public Open Space, Cliff Terrace, Margate.

A report by Head of Planning Applications Group to Planning Applications Committee on 15 January 2008.

Application by Southern Water Services Limited for a concrete plinth and kiosk to house the motor control centre, including electrical equipment used to control a wastewater pumping station on public open space to the north of Cliff Terrace, Margate (Ref:TH/07/1441)

Recommendation: permission be granted, subject to conditions

Local Member(s): Mr C Hart, Mr C Wells

Classification: Unrestricted

Background

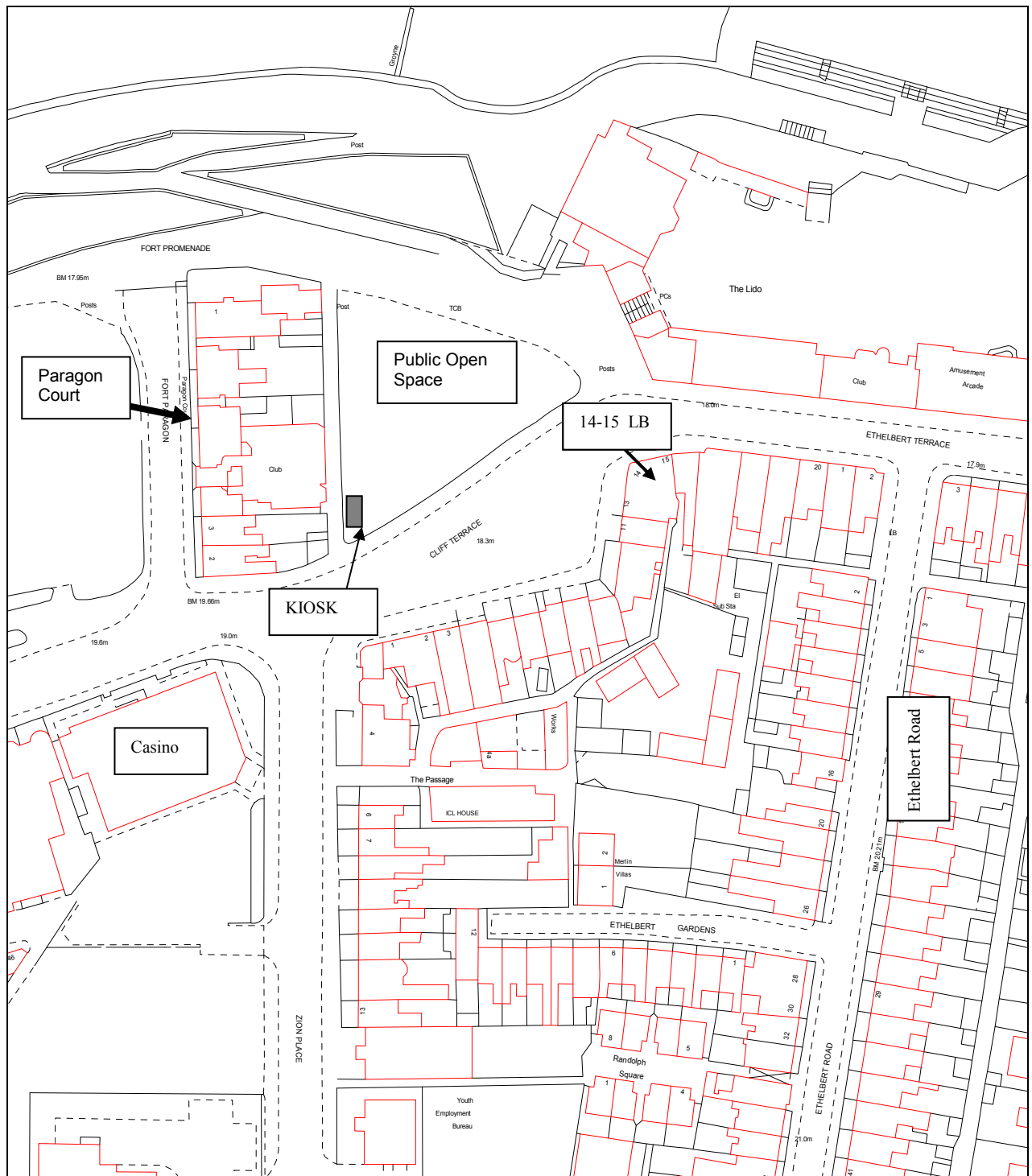
1. The existing Ethelbert Road Combined Sewer Overflow (CSO) runs into a blind, unlined chalk shaft approximately 13m deep with 2 tunnels. It has the potential to pollute groundwater. Such overflows are not covered by regulations and it is not monitored. Consequently, the Environment Agency requires the sewer overflow to be closed. As a result, Southern Water Services are installing a new gravity sewer and parallel pumped sewer between the Ethelbert Road CSO and a new underground storm storage shaft and the pumping station. This installation is to be located under an area of public open space to the north of Cliff Terrace owned by Thanet District Council. Most of the works are underground and therefore benefit from permitted development rights, pursuant to Part 16 Class A of the General Permitted Development Order. A related kiosk which is intended to be above ground requires planning permission and is the subject of the application before you.
2. This area of Margate has been subject to flooding with raw sewage after heavy rainfall. The aim of the new waste water works is that during heavy rainfall the untreated sewage will be diverted via a new gravity sewer to the storage shaft. Once the storm event is over, the flows will be pumped back into the sewerage system and will flow to the Margate Headworks and then onto the new Weatherless Wastewater Treatment Works for full treatment.

Proposal

3. In addition to the installation of the underground storm shaft and pumping station, it is necessary to build a kiosk/cabinet, which would house a motor control centre (MCC) associated with the management of the underground wastewater. This kiosk needs to be sited near the underground pumping station. The proposed building would be made from steel on a concrete base with a dark green finish. It would measure 3.2m x 0.6m and be 1.65m in height. Because it would be above the ground, this element of the scheme is not permitted under the General Permitted Development Order. For this reason, a separate planning application has been submitted and is the subject of this report.

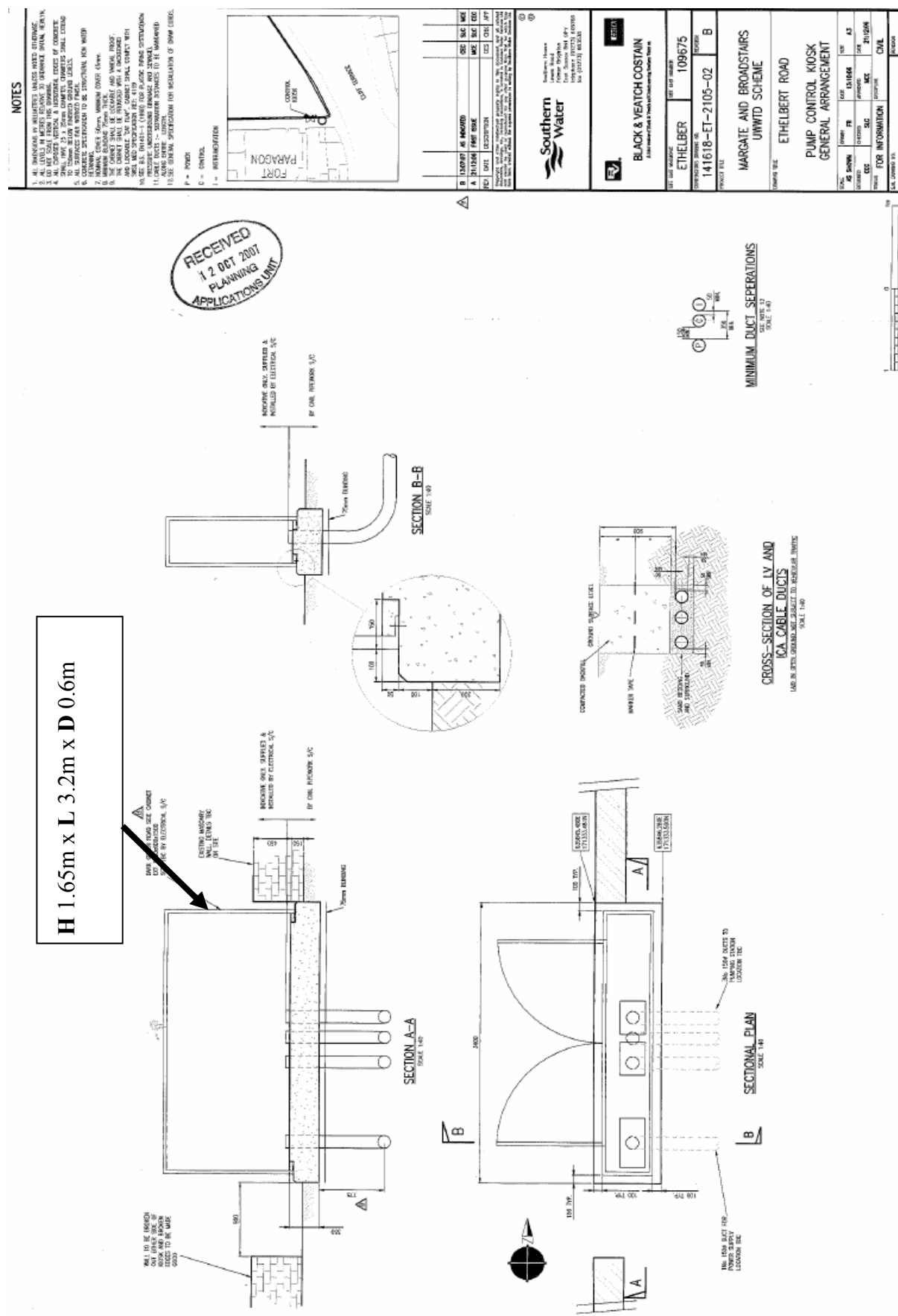
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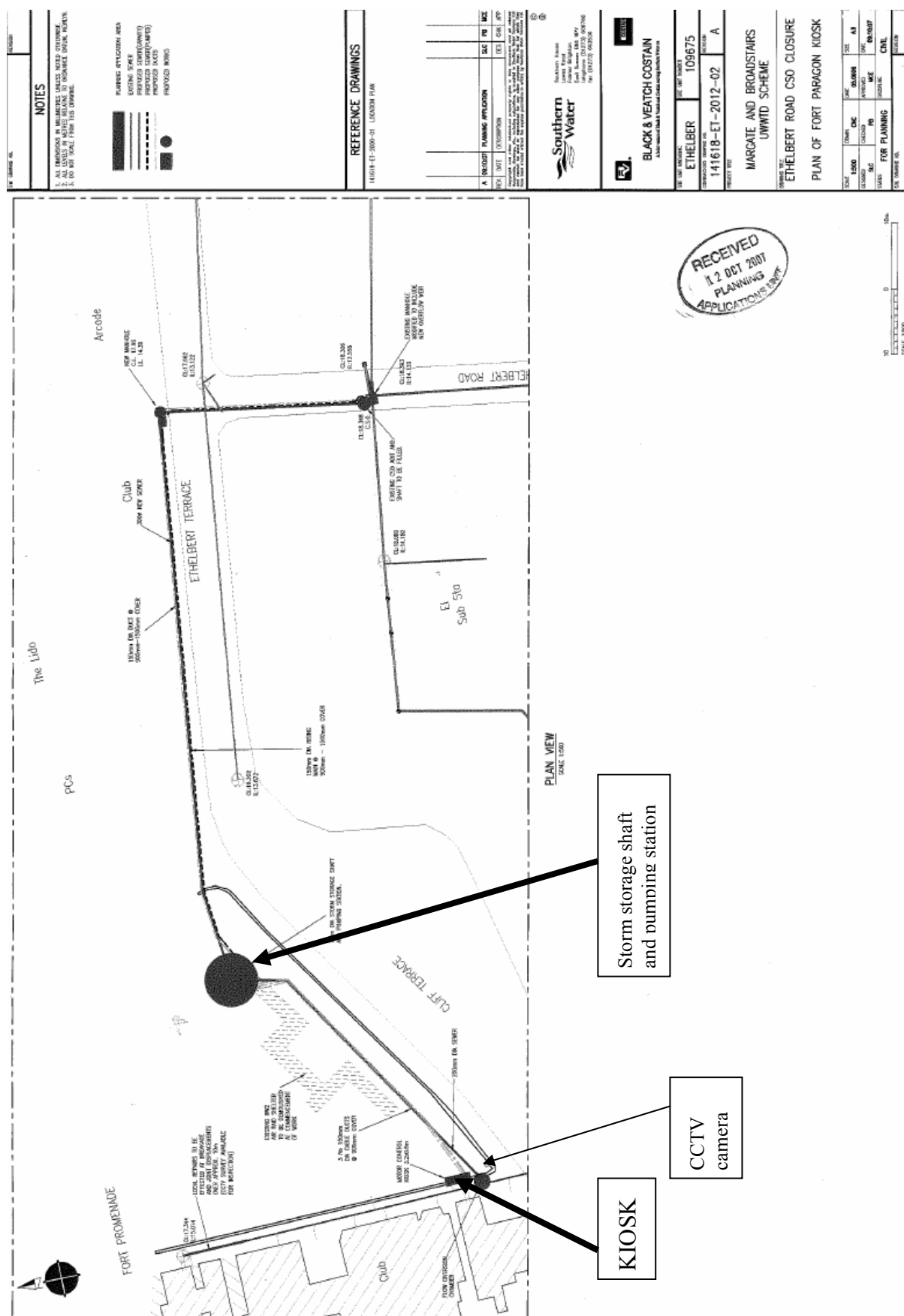


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The Site

4. The kiosk is proposed to be located on the south west corner of the public open space, north of Cliff Terrace in Margate (refer to the location plan). To the west of the site there is Fort Paragon, a 4-storey terrace running perpendicular to the seafront with the front elevation facing west. Fort Paragon is of Georgian architecture dating circa 1830. This building is Grade II-listed. To the rear of the terrace there are single storey flat roof outbuildings, currently used as a nightclub. Along the rear boundary of the terrace there is an access road separating it from the public open space. On the terrace side of the access road there is a 2m high wall and on the public open space side there is a knee-high wall, along which the kiosk is proposed. To the south east of the proposed kiosk site there is an L-shape terrace with 3 storey houses and shops on the ground floor. The space to the front of this terrace is used as a car park. The corner 14-15 Cliff Terrace is grade II listed building of Georgian style rebuilt in the mid 19th Century. The reason for designation 14-15 Cliff Terrace is its red brick elevations with classical detailing and large sash windows maximising sea views. The terrace has group value with the Grade II-listed Fort Paragon. The whole site is within Margate Conservation Area.

Planning Policy

5. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) The Kent & Medway Structure Plan 2006:

Policy SS6	Seeks to improve the built and natural environment, functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs.
Policy TH1	Development in Thanet must address the long standing economic and social problems of the area by strengthening and diversifying the local economy and employment base. The policy also supports the regeneration of the seafront areas of Margate.
Policy NR9	Development of new water supply or wastewater facilities will be required and supported where there is a demonstrable need to serve existing and/or proposed development, this represents the best environmental option, and land use and environmental impacts are minimised through appropriate mitigation.
Policy QL1	Seeks to ensure that all development is well designed and of high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area will not be permitted.
Policy QL6	Development within Conservation Areas should preserve or enhance their special character or appearance. Development which would harm the character or appearance of a Conservation Area will not be permitted.

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Policy QL8 Listed buildings will be preserved and their architectural and historic integrity and the character of their settings will be protected and enhanced. Development which will adversely affect them will not be permitted.

(ii) Thanet Local Plan 2006:

Policy D1 Sets out design principles for new developments, which should respect or enhance the character or appearance of the surrounding area, is compatible with neighbouring buildings and spaces, retains open spaces, provides safe access and incorporates sustainable drainage systems.

Policy HE1 Seeks to safeguard listed buildings from development likely to adversely affect their special character or setting

Policy HE4 Seeks to preserve or enhance the character or appearance of the Conservation Area.

Policy SR10 Seeks to protect Public Open Spaces

Policy H10 Area in Need of Special Action – part of Margate's regeneration strategy. One of the objectives of this designation is to support refurbishment of property together with environmental improvements.

(iii) Kent Waste Plan 1998

The Plan does not include any specific policies in relation to wastewater treatment or sewers.

Consultations**6. Thanet District Council:** raises **objection** to the proposal on grounds as following:

"The site lies within the Margate Conservation Area in which it is the duty of the Council, as Local Planning Authority to pay special attention to the desirability of preserving or enhancing its character or appearance, and in the Council's opinion the proposed development by virtue of its siting, scale, materials and design would detract from the special character of the Conservation Area, contrary to Thanet Local Plan Policy HE4.

The proposed development, by reason of its siting, design and materials would detract from the setting of the adjacent listed buildings and prove severely detrimental to the character and appearance of the properties as Grade II listed buildings of architectural and historic interest, contrary to Thanet Local Plan Policy HE1".

Divisional Transportation Manager: raises no objection to the proposal, subject to the condition that no part of the kiosk would open out into, encroach or overhang the public highway.

The Environment Agency: raises no objection to the proposal.

County Conservation Architect: Initially raised some concerns and sought clarification on potential alternative solutions. Following this further information he raises no objection.

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Local Members

7. The local Members, Mr. Clive Hart and Mr. Chris Wells were notified of the application on the 6th November 2007. No comments received.

Publicity

8. The application was publicised by the posting an advert in a local newspaper, posting a site notice on the site boundary and individual notification of 46 nearby properties.

Representations

9. No letters of representation were received.

Discussion*Introduction*

10. The application seeks permission for a small concrete plinth and kiosk in association with permitted development works for the installation of an underground storm shaft and pumping station. The kiosk would house a motor control centre for the management of underground wastewater and is proposed to be located on the edge of the public open space, adjacent to a low level wall and CCTV camera post, which is to the north of Cliff Terrace in Margate (refer to site plan C1.4).
11. The application is required to be determined in accordance with the relevant Development Plan Policies, unless other material considerations are of overriding importance. The site on which the development is proposed is designated as Margate Conservation Area, Public Open Space and Area of Special Action. Also, the site is in close proximity to grade II listed buildings. The policy designations have to be balanced against the need for improvements to the sewerage infrastructure in the area and its importance in the overall regeneration strategy for Margate. In conjunction with these and other relevant policies, these issues are considered and discussed below.

Conservation Area and Listed Buildings

12. The Policies QL6, QL8 of the Kent and Medway Structure Plan and HE1 and HE4 of the Thanet Local Plan aim to ensure protection of architectural and historic interest against harmful development within the Conservation Area and/or against development which would harm the setting of a listed building.
13. Thanet District Council has objected to the development by virtue of its siting, scale, materials and design which would detract from the special character of the Conservation Area, and therefore in its view would be contrary to Thanet Local Plan Policy HE4. In addition, it considers that the development would detract from the setting of the adjacent listed buildings and be detrimental to the character and appearance of neighbouring Grade II listed buildings. Initially the County's own Conservation Architect raised conservation concerns regarding the proposal. In light of these comments, discussions took place with the applicant to explore ways to address the concerns raised. In particular, the applicant was asked to consider whether it was feasible to reduce the size of the kiosk, to sink it into the ground or locate it further away from the road.
14. Following consideration, the applicant has confirmed that it is not feasible to locate the kiosk below ground due to technical constraints. The applicant explained that in order to provide a suitable environment for the control panel, Southern Water would need to construct a water tight basement, large enough to accommodate the control panel,

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space for personnel to work and access arrangements. The basement would also need heating and ventilation to meet Health and Safety requirements. Not only would this sterilise a greater area of land (albeit underground), it would still require an above ground ventilation stack.

15. Southern Water Services considered placing the panel in the pumping station shaft above the wet well (refer to drawing C1.3). However, the risk of flooding of the panel from the wet well below was considered to be unacceptable. It also raised logistical problems in terms of the space available and need for heating and air handling requirements. The applicant also considered placing the control panel below ground and using a system of counter weights to lift it to ground level for the purposes of maintenance etc. This option was dismissed on practicality grounds. Furthermore, the operation and maintenance of such a system would present unacceptable technical and health and safety considerations to operational staff.
16. The size of the kiosk is at its minimum. It has been designed to have minimal negative impacts on the amenity of the area in terms of its siting and choice of materials and colour scheme. The exact siting of the kiosk in the south west corner of the open space was chosen to ensure that it does not obstruct views of the coastline from surrounding properties, the open space or public walkways. The choice of dark green colour is thought to be the least intrusive in amenity terms and the most appropriate considering the location within public open space.
17. In light of the further consideration of design options, the Council's Conservation Officer has reconsidered the proposal and raises no objection. Thanet DC has informally reconsidered the proposal and maintains its objection, but *'appreciates that the applicant has looked into ways that the impacts of the scheme can be reduced and has addressed these issues to some extent'*.
18. The proposed kiosk is likely to have some impact on the character of the Margate Conservation Area and setting of the listed buildings. It is proposed in an area of mainly Georgian terraces, which have a special group value. The terraces benefit from uninterrupted sea views. In preference such an installation should be located underground to be less visible in the street scene. However, this is not practicable in this case for the reasons set out above. I therefore accept the necessity of siting it above ground. Given the nature of the works, it is important that the motor control centre is sited near the new sewerage facilities. This severely limits the options available for the kiosk. The chosen location for the kiosk on the edge of the open space is screened from the west by an approximately 2m rendered high wall and is further separated from Paragon Court by an access road and knee high wall. It is some 50m from 14-15 Cliff Terrace and separated by the public highway and a parking area. The kiosk has been lowered down into the ground as much as possible and lined up with the knee high wall marking the boundary of the open space to minimise the impact. The dark green finish has also been chosen to minimise the visual intrusion in the street scene.
19. Whilst I acknowledge the introduction of modern infrastructure equipment is not desirable in such a location, the benefits of the improved wastewater treatment must be balanced against such impacts. I am satisfied that the Applicant has demonstrated that no other reasonable alternative solution exists and that the proposed solution has sought to minimise its impact.

Flooding

20. Policy NR9 in the Kent and Medway Structure Plan requires support for development that would reduce the risk from flooding, including flooding from surface run-off. Moreover, Margate is identified in the Waste Local Plan as one of the catchment areas for which new or enhanced sewerage works would be necessary.

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21. The planning application for the kiosk is part of a bigger scheme, which seeks to enhance the quality of the environment and reduce the risk of flash flooding and pollution of groundwater. The kiosk is an important component of the wastewater infrastructure scheme, which is required to prevent the uncontrolled flow of wastewater from the Ethelbert Road CSO. Flooding can have far reaching effects on people by damaging property and restricting the potential and success of regeneration of the area.
22. The proposed area is designated in the Thanet Local Plan as an Area Of Special Action Policy H10, which is part of the wider Margate regeneration strategy. One of the objectives of this designation is to support refurbishment of property together with environmental improvements. It is considered that the improvements to the sewerage system in the area are extremely important in achieving these and the wider regeneration objectives for Margate.

Public Open Space

23. Whilst, the proposed development is on public open space protected by Policy SR10, due to its limited size, siting on the edge of the open space and sympathetic dark green finish it is considered that the development would not significantly compromise the principle of the openness of the space

Access

24. The Divisional Transportation Manager raised a concern about infringing upon the public highway. The applicant confirmed that no part of the proposal would overhang the public highway. The kiosk opens onto the area of grassy public open space. Should members be minded to permit this development, I would suggest securing that detail by a condition to make sure that the building does not open onto, encroach or overhang the public highway.

Conclusion

25. This area of Margate has been subject to a number of properties being flooded in the event of heavy rainfall. It is also an area covered by Policy H10 of the Local Plan, which seeks the regeneration and improvement of this part of Margate. In order to bring investment into such areas the repeat flooding events need to be addressed. The infrastructure improvements, which result in the need for a small roadside kiosk, are designed to prevent such events happening in the future.
26. There is a limited scope for repositioning the kiosk and it needs to be placed where the services are most needed. Under the above circumstances, I consider that significant weight should be given to the primary need to protect public health and support the regeneration of Margate. Any potential harm to the special character and appearance of the historic environment has been minimised by way of siting and the external finish of the kiosk.
27. The resulting kiosk has to be accessible and cannot for the reasons explained above be located underground. I am satisfied that the alternative options for the kiosk have been appropriately considered. I accept that the siting of the kiosk is within the Conservation Area and that there are a number of listed buildings in the vicinity. However, on balance I am satisfied that the need to address flooding and potential water pollution issues and the benefits and contribution to the regeneration of the area outweighs the minor impact upon the Conservation Area and Listed Buildings.

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28. Subject to any further views received by the Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- Standard time condition for it to be implemented
- No part of the building should open onto, encroach or overhang the public highway
- The development to be carried out in accordance with the permitted details

Case Officer –Anna Michalska-Dober

01622 696979

Background documents –See section heading
