

A01

F/TH/15/0466

PROPOSAL: Change of use from public house to tattoo parlour
LOCATION: The Flag And Whistle 19 Station Road MARGATE Kent
WARD: Westbrook
AGENT: No agent
APPLICANT: Mr G Vine
RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

- 2 The use of the premises hereby approved shall not be used other than between the hours of 1000 and 2300 Monday to Saturday in any week and between the hours of 1000 and 1800 on any Sunday or Bank Holiday.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

INFORMATIVE 1

The applicant is advised to consult with Thanet District Council Licensing Team and Health and Safety Team for matters such as registration/licensing documents and needle/waste disposal. Please contact Environmental Health, Thanet District Council, PO Box 9, Cecil Street, Margate, Kent, CT9 1XZ (Telephone 01843 577580) or email environmental.health@thanet.gov.uk

SITE, LOCATION AND DESCRIPTION

The site is located on the corner of Station Road, opposite the Grade II listed Margate train station, adjacent to the Margate Conservation Area and Grade II listed Buenos Ayres. The building was formerly used as the Flag and Whistle Pub and has been unused for some time.

RELEVANT PLANNING HISTORY

Application No. F/TH/07/0879
Status: DEC
Description: Erection of awnings on front elevation
Decision: Granted Dated: 06/09/2007

Application No. F/TH/11/0025
Status: DEC
Description: Change of use of first, second and third floors to 3 No. 2 bed flats, with glazed walkway at 1st floor level.
Decision: Granted Dated: 18/03/2011

PROPOSED DEVELOPMENT

Permission is sought to change the use of the building to a tattoo studio. Permission is not sought for external alterations. While the outside of the building has been painted and a new mounted sign has been placed these do not require the benefit of planning permission.

DEVELOPMENT PLAN POLICIES

D1-Design
CF1-Community facilities
TR16- Car Parking

NOTIFICATIONS

Neighbouring property occupiers were written to, a notice placed on a nearby lamp post and advertisement placed in the paper. To date two letters of support have been received outlining that bringing the empty boarded up property back into use will generate more business and be an improvement upon the unused pub.

CONSULTATIONS

Environmental Health Officer- "On reviewing the application Environmental Health have no comments to raise at this point."

Conservation Officer- "In my view I consider that the proposal will have no detrimental impact to the character and appearance of the host building and therefore it will no significant harm to the character and appearance of the conservation area and the setting of the listed buildings."

COMMENTS

The application has been called in to planning committee by Councillor Sam Bambridge to consider the impact of the proposal upon the character and appearance of the surrounding area.

Principle

Policy CF1 of the Thanet Local Plan and paragraph 70 the National Planning Policy Framework strongly support the retention of community facilities including pubs, unless there is evidence to suggest that the community use of a building is no longer required. Policy CF1 states that planning permission for the change of use or re-use of existing community facilities will only be granted if it is demonstrated that there is no longer a sufficient need for facility to warrant retention for community use or it can be demonstrated that adequate

alternative accommodation appropriate to community use, and suitably located, will be provided.

The applicant has outlined within a submitted statement that the property has not been used as a public house for seven years and marketing information including a copy of the advertisement and emails from the Pubs and Restaurants Negotiator at Christie and Co. Agents outlining how the property was marketed. This outlines that the property was marketed as a pub plus development potential from 26 January 2009 to 4 May 2010 at a price of £185,000. He outlines that 9 offers were made, four were far below the asking price, one applicant retracted due to lack of funding, two were interested in the property's development potential and two intended to change the use of the pub to retail use. The agent has opined that "the unit has been closed for such a long period of time and does not offer good location in a semi-affluent area, it would be extremely difficult to make a profitable business out of it as a public house."

Given this information I am satisfied that the property has been marketed appropriately for a period in excess of a year, an adequate time period and there was not interest to continue the use as a public house suggesting that there is not the need to warrant this community facility in this location. In view of this the principle of the change of use of this property is considered acceptable.

Character and Appearance

Cllr Bambridge has raised concerns that the use of the building as a tattoo studio would be viewed immediately by people arriving in Margate by train.

The Flag and Whistle is located directly adjacent to the Margate Conservation Area and Grade II listed no.s 1-13 Buenos Ayres. These are listed as being a mid 19th Century terrace and are largely residential with some hotel and café uses.

Paragraph 131 of The National Planning Policy Framework requires local authorities to "take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". Thanet Local Plan Policy D1 requires new development to respect or enhance the character and appearance of the surrounding area.

The application does not propose external works. Whilst some associated decoration of the property has already taken place these do not require the benefit of planning permission or advertisement consent.

The Council's Conservation Officer has raised no concerns stating "In my view I consider that the proposal will have no detrimental impact to the character and appearance of the host building and therefore it will no significant harm to the character and appearance of the conservation area and the setting of the listed buildings."

While I consider the change of use from a pub to tattoo studio would have some impact upon the character of the surrounding area, the proposal would bring this long term empty building back into use, adding some activity to this area. In my view the proposed use would not prove harmful to the character and appearance of the surrounding area. Therefore the scheme is considered to accord with the National Planning Policy Framework and Thanet Local Plan Policy D1.

Living Conditions

The applicant is proposing to use the tattoo studio between the hours of 10 am and 11pm Mondays to Saturdays and 10am to 6pm Sundays. The Council's Environmental Health Officer made no comments with regard to the proposal.

Permission was approved to convert the upper floors to flats under application reference F/TH/11/0025 which appears to have been implemented.

The previous pub use was historic with no planning conditions to control operating hours or noise. Given the previous use, which would have operated similar opening hours or more, and that the property could be returned to this use without the need for a planning application I consider the proposed use would not adversely affect the living conditions of neighbouring property occupiers.

Transportation

The site is easily accessible located within close proximity to public transport links and is adjacent to a pay and display car park which is considered to provide ample parking for the proposed use. The proposal is therefore considered to be sustainable and would not adversely affect highway safety.

Conclusion

In view of the above it is recommended that permission is approved subject to safeguarding conditions.

Case Officer
Cheryl Macer

TITLE: F/TH/15/0466

Project The Flag And Whistle 19 Station Road MARGATE Kent

