

A01

F/TH/16/0346

PROPOSAL: Change of use from post office to restaurant
LOCATION: 22 - 23 Cecil Square MARGATE Kent CT9 1AA
WARD: Margate Central
AGENT: Mrs Sarah Hagues
APPLICANT: Mrs Sarah Hagues
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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered;

GA001 Rev B received 14/06/16;

GA010 Rev A received 14/06/16;

GA011 Rev B received 13/07/16;

GA002 Rev B received 14/06/16;

GA021 Rev A received 14/06/16;

SU000 Rev A received 14/06/16;

SU001 Rev B received 14/06/16; and

Proposed Kitchen Ventilation Report Author S Maybourne from Ventserv Dated 13th July 2016

GROUND:

To secure the proper development of the area

3 The refuse storage facilities as specified upon the approved drawing numbered GA001 Rev B (received 14/06/16) shall be provided prior to the first use of the restaurant hereby approved and shall be kept available for that use at all times.

GROUND:

To secure a satisfactory standard of development an in the interests of the amenities of the area, in accordance with policy D1 of the Thanet Local Plan.

4 The ventilation system as shown on drawing numbered GA011 Rev B (received 13/07/16) and detailed within the submitted report titled Proposed Kitchen Ventilation Report Author S Maybourne from Ventserv Dated 13th July 2016 shall be fully installed before the use hereby permitted commences and thereafter shall be permanently retained.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with policy D1 of the Thanet Local Plan.

5 Prior to the first use of the restaurant hereby approved, details of the appearance, surface finish and fixing methods of the proposed ventilation grilles, as shown on drawing numbered GA011 Rev B (received 13/07/16) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the property as a Listed Building in accordance with advice contained within the NPPF.

6 No development shall take place until an assessment on the potential for noise from the planned use affecting residential or commercial properties in the area has been submitted to and been approved in writing by the Local Planning Authority.

The assessment shall include (but not limited to) noise from: planned and current fixed plant, music and patron noise.

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

The noise mitigation measures shall be designed so that there is no effect on residential amenity to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Sound Insulation and Noise Insulation for Buildings - Code of Practice.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with policy D1 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The former Post Office building is located fronting Cecil Square and a cross roads with Hawley Street, Cecil Street and Union Crescent, built in 1910 in a Neo-Classical style. The building itself is 4 storeys and a basement level. At the time of a site inspection the ground floor was vacant; this was formerly used by the post office and is accessed from Hawley Street. Above this are residential units accessed via an entrance on Union Crescent. The building is a Grade II Listed building, and is also located within the Margate Conservation Area.

In terms of surrounding buildings the Al-Birr Community Centre and Mosque is located to its south and east side. Union Church is to the east of the site on the opposite side of Pump Street.

RELEVANT PLANNING HISTORY

L/TH/16/0347 Current - Application for Listed Building consent for internal alterations to create toilets and kitchen area at ground floor

L/TH/15/0241 Granted 15/05/15 - Application for Listed Building Consent to remove war memorial from building

L/TH/11/1053 Granted 23/07/12 - Application for Listed Building consent for internal alterations to facilitate a change of use from offices to 2no. 3-bed flats and 6no. 2-bed flats

F/TH/11/1052 Granted 27/04/12 - Change of use from offices to 2no. 3-bed flats, and 6no. 2-bed flats, demolition of rear extension to provide associated amenity space and parking, and creation of vehicular access onto Pump Lane

Rear of 22-23 Cecil Square, Margate

F/TH/16/0832 Current - Erection of 5no. residential units to rear

PROPOSED DEVELOPMENT

The application seeks consent for a change of use of part of the ground and basement to restaurant and associated facilities. Internal alterations are proposed, which are to be considered under the corresponding listed building application.

The restaurant/deli and bar would be at ground floor with pedestrian access through the existing Post Office door. At basement level is the kitchen area and staff toilets. The awnings and tables and chairs on Cecil Square, which were shown on the original plans for this proposal have been removed, but additional details of the ventilation system on the rear elevation have now been included.

No patron car parking is provided for the site.

Bin storage is shown to the rear of the premises.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 (Saved Policies)

D1- Design Principles

TR16- Car Parking Provision

NOTIFICATIONS

TEN representations have been received, this includes **TWO** letters of support. The key objections to the scheme are:

- o Concern about noise, particularly into the evening from patrons and also equipment
- o Smells and pollution
- o No bin storage area shown
- o Loss of parking spaces
- o The building currently suffers from infestations of flies and moths- proposal can only add to the issues
- o Odours associated with the proposed use
- o Concern about privacy and security of occupiers of the flats above
- o Use us not needed; should be offices
- o Pavements not wide enough for the external seating areas
- o External appearance of the building would be adversely altered

CONSULTATIONS

Conservation Officer: Initial comments The building has a pleasing front elevations and balanced fenestration. I have reservations about the installation of the awnings. Standing on a prominent location, the proposed awnings may impinge upon the qualities of the front elevation of the building. It is unlikely that the awning together with the operational requirements needed for it to be installed without disruption or damage to the architectural details of the windows which are a distinctive and significant to the building's character. As shown the installation in my view would detract from the special interest of the listed building.

I am also not sure the appropriateness of the awnings in this location which a busy pedestrian walkway and their appearance when viewed along the street and the square. If the principle of the development together with the seating area on the frontage here is considered acceptable and if details can be provided to show exactly how the awnings could be accommodated against and within the top of the window without damage, then further consideration might be possible.

I have no objection to the overall internal alterations.

Further comments: I understand that in order to continue operating in these premises the restaurant needs to find a way of improving the kitchen ventilation. I am however a little bit concerned with the number of the flues on the rear elevation at the back of the PO. I would

also if possible, suggest that the flues be fixed behind the metal bars of the windows to reduce their prominence on the elevation. Details of the appearance, surface finish and fixing methods of the proposed flues together with any vents should be submitted.

Environmental Health: NO OBJECTION subject to conditions relating to the installation of the ventilation system for the extraction and dispersal of cooking smells/fumes and a scheme for noise mitigation measures.

Environmental Health have confirmed that if a complaint was received at a later date concerning odour it could be dealt with at a later stage under their legislation.

COMMENTS

This application is brought to the Planning Committee, at the request of Cllr. Johnston on the grounds on noise and odour nuisance and impact upon the listed building. The key planning considerations relevant to the determination of this application are, principle of development, the impact upon designated heritage assets and neighbour amenity.

Principle

The NPPF expresses a general presumption in favour of sustainable development. It sets out a commitment to a strong, competitive economy at Section 1 and to ensuring the vitality of town centres at section 2. Section 2 states that 'main town centre uses' such as leisure uses should be located in town centres.

In terms of conserving and enhancing the historic environment the NPPF states that in determining planning applications account should be taken of:

- * Desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- * the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

The site is outside of the area covered by policy TC7 (Margate, Ramsgate and Broadstairs Core Centre). This policy details that the Council's aim is to adopt a stronger role in leisure, culture, heritage and tourism, as part of holistic approach to regeneration. New development or change of use that supports this aim will be permitted subject to satisfactory design, access and where appropriate, parking and servicing arrangements.

The Draft Local Plan (January 2015), policy SP08 indicates that this site is just outside of the secondary frontage where retail development is proposed to be focused. It is appreciated that only limited weight can be attached to this policy at this stage.

The site is located on the edge of the town centre of Margate. The site occupies a prominent position within Cecil Square and is currently vacant. Furthermore the building is Grade II listed weight has to be attached to its preservation and getting the lower floors of the building back in use. Whilst the proposal is for a main town centre uses outside policy TC7 boundaries it is considered that the site is strategically located adjacent to the defined town

centre and weight is attached to its former commercial use and the continued use of the building would assist in the wider objective of the regeneration and enhancement of the area, as a Conservation Area and also of the listed building. The principle of development for a restaurant use is therefore supported.

Character and Appearance

There is a corresponding listed building application associated with this proposal, issues relating specifically to the listed building will be dealt with within this application.

The Post Office building is a designated heritage asset as described in Section 12 of the NPPF; Grade II listed. Accordingly the Local Planning Authority (LPA) in its decision making "shall have special regard to the desirability of preserving the building or its setting". In addition in terms of the Conservation Areas, LPA's are to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining applications affecting buildings or land within the Conservation or its setting.

The Conservation Officer initially raised concerns about the installation of awnings to the front elevation; these have since been removed. No objections were raised in terms of the internal alterations. In terms of the additional information submitted in terms of the new ventilation grilles, he has raised concerns about the number on the rear elevation. It is suggested that they be fixed behind the metal bars of the windows to reduce their prominence on the elevation.

Due to the topography around the site, the ventilations grilles would not be clearly visible. Pump Lane to the rear of the site has a significantly drop in levels, so much so that they would only be visible from a short section of road. It is not considered that these alterations would cause harm to the Conservation Area.

Given the above, the proposal is not considered to cause harm, either substantial or less than substantial to the designated heritage assets indeed any negative impact is outweighed by the potential that the proposal offers for bringing the building back into use.

Living Conditions

This site is on the edge of the town centre and was previously in commercial use, a certain level of activity and noise is therefore to be expected.

Given, however the site is in close proximity to other residential users including directly above the proposed use, it is recommended that that conditions be attached to the permission, if granted, in order to minimise any adverse impact on neighbouring occupiers. These relate to the installation of the ventilation system and the submission of a noise report and scheme for mitigation measures if the proposal is likely to affect neighbouring properties. If alcohol is served at the premises a licence will be required from the Council, it is likely that this would have conditions attached to it including hours of use. It is not considered necessary to attach a condition as this would be covered by other legislation. It is considered this prevents noise and disturbance from occurring during the hours of night, and

therefore this will limit disturbance to neighbouring residential properties to an acceptable level.

There are no set facilities for smokers, and therefore they would likely stand close to the entrance of the premises. Given the location adjacent to a busy road which is heavily used by traffic it is not considered that noise generated would be unacceptable.

The proposed ventilation grilles are located on the rear elevation of the building, with termination points at basement and ground levels. The plans together with the accompanying report are considered acceptable and sufficient to protect residents from noise and odour nuisance. It is confirmed the Council's Environmental Health team have no outstanding issues relating to the proposal. It is considered that the use of conditions are necessary and will protect residential amenity.

Transportation

The site does not have off-street parking facilities for patrons, but given the close proximity of the site to existing public car parking and public transport links it is not considered that this arrangement would be unacceptable and accordingly is acceptable in terms of policy TR16 of the Thanet Local Plan.

Other matters

A third party has raised issues in terms of security and privacy issues of the occupiers of the flats, it is confirmed that there is no access from the public areas of the restaurant to the residential units above.

A further concern raised relates to infestation of flies and moths, this would largely be a management issue. The owners would need to ensure that food waste would be collected regularly from the premises.

The submitted plans indicate a bin storage area to the rear of the premises. The area in total measures approximately 1.7m x 0.5m which is considered adequate for the proposal. These bins are likely to be rolled top, which would also limit flies.

An external seating area was shown on the original plans which was to be considered as part of the scheme, these have however been removed from the scheme.

Conclusion

The building is currently vacant, if the building is to remain in good condition it requires a new use at ground floor, its listed status, existing form and character and location undoubtedly combine to limit the available options.

A change of use to a restaurant at the lower floors can be achieved with minimal impact to the original structure of the historic building and neighbour amenity can be secured.

Third party comments are noted and have been weighed against the planning policy requirements and other material considerations.

In this case the proposed development responds well to the local character and adequately reflects the identity of local surroundings. It is not considered the proposal would have a harmful impact upon the heritage assets of the Conservation Area. Conditions will protect residential amenity. There are no outstanding issues raised by consultees.

To summarise, the proposed development is considered to comply with advice within the NPPF, Local Plan policy, on this basis the application is recommended for approval.

Case Officer

Gill Richardson

TITLE: F/TH/16/0346

Project 22 - 23 Cecil Square MARGATE Kent CT9 1AA

Scale:

