

R12

F/TH/17/0884

PROPOSAL: Retrospective change of use from taxi office (sui generis) and retail (A1) to escape rooms (D2) and retention of external alterations for a temporary period of two and a half years.

LOCATION: 55 Athelstan Road And 65 Northdown Road MARGATE Kent

WARD: Cliftonville West

AGENT: Mr John Elvidge

APPLICANT: Mr A Hunt

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposal, by virtue of the unsympathetic and poor quality external alterations to the prominently located building, results in significant harm to the character and appearance of the designated conservation area, which is not outweighed by the public benefits of the proposal, contrary to saved policy D1 of the Thanet Local Plan and paragraphs 56, 64, 131, 132, 134 and 137 of the NPPF.

SITE, LOCATION AND DESCRIPTION

The application site is located inside the urban confines, at a prominent location at the junction of Northdown Road and Athelstan Road, Cliftonville. The site is surrounded by commercial properties at ground floor level with residential development to the upper floors.

Whilst the buildings are not listed, they lie within a conservation area. It was noted that several of the windows to the building were boarded up. The agent advised that this was due to one of the windows having been broken due to a car mounting the pavement and hitting the building whilst others had been boarded up due to the high levels of vandalism in the local area.

The Area is identified in the Council's Local Plan as falling within an area in special need of attention (saved policy H10) and is within the area covered by the Cliftonville Development Plan Document.

RELEVANT PLANNING HISTORY

55 Athelstan Road - No history

65 Northdown Road - F/TH/13/0870 Change of use to taxi office. Approved 16th December 2013.

PROPOSED DEVELOPMENT

This application seeks retrospective consent for the change of use from taxi office and retail to escape rooms (D2) and retention of external alterations to facilitate that use for a temporary period of 2 and a half years.

This proposal can essentially be split into two distinct elements - the retrospective change of use and the external alterations. As stated above each of the elements are retrospective with the agent advising that works on the proposal started in November 2016 and were completed in June 2017.

The escape room use is a physical adventure game in which players solve a series of puzzles using clues, hints and strategy to complete the objectives at hand. Players are given a set time limit to unveil the secret plot which is hidden within the rooms. Escape rooms are inspired by "escape-the-room"-style video games. Games are set in a variety of fictional locations, such as prison cells, dungeons and space stations, and are popular as team building exercises.

In order to help set the scenes for the games, maintain themes of the various rooms, keep players emerged in them and to keep the air of mystery it is usual for escape rooms to be located away from windows and outdoor views. In this instance, this has led to the boarding up of the windows in the ground floor of the buildings and themed graphics applied to the external façade mainly over the former glazed areas.

The applicant's agent has submitted information to support the proposal. This information includes user reviews from both trip advisor and Facebook, local crime statistics for December 2015 to November 2016. He refers to this additional information in a letter which is summarised below:

- O The retention of the shopfront would continue to attract crime and vandalism;
- * Works could be carried out inside the windows effectively blocking them under permitted development rights;
- * Consider the graphics and display windows add interest and vitality to the street scene;
- * Long term benefits can be achieved for both the business and the conservation area;
- * The use has brought vacant commercial property back into use. This is positive and needs to be weighed against any harm from the proposal; and
- * The new business has fast become a leader in its field.

RELEVANT PLANNING POLICIES

Thanet Local Plan 2006 - saved policies

D1 - Design Principles

H10 - Areas in Special Need of Attention

TR12 - Cycling

TR16 - Car Parking Provision

The Cliftonville Development Plan Document (adopted 2010) is also of relevance to this application.

NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice displayed near the site and the application publicised in a local newspaper.

No representations were received.

CONSULTATIONS

Environmental Health: Note that this is a retrospective application and the conversion has already been completed.

Would need to confirm if the residential use above the premises is connected to the use. If it is unconnected then a condition relating to noise transfer from the ground floor to the residential premises will be required. Given the range of uses that could be carried out under the D2 use class safeguarding of the residential premises is definitely warranted.

Have no concerns about the hours applied for, but given the uses that could be carried out under the D2 use class it is considered that these hours should be conditioned to prevent future escalation.

Kent Police: The applicant has not demonstrated that they have considered crime prevention and to date we have not had any communication with the applicant or the agent for the application. Have sought further clarification from the applicant and have no further comments to make at this time.

Conservation Officer: I consider the external alterations to the shop front in the form of timber boarding with applied graphics to glazed areas completely obscure the shop front from view producing an unsightly and deadening appearance. In addition the unattractive timber cladding to stall risers and parts of the walls, the associated black paint to the walls and fascia not in-keeping with the street scene and the murals are disfiguring and unattractive elements to the host building. The murals also results in a cluttered appearance within the street scene. The mural boards to the shop front windows glazing and the timber cladding are also poorly installed adding to the clumsiness appearance of the shop front.

I acknowledge that due to the nature of the use of the premises, the applicant require to conceal the interior of the shop, but I am not convinced that there are no better or sympathetic ways of achieving that internally whilst not obliterating the external appearance of the shop front.

Section 72 of the P(LB&CA) Act 1990 requires LPA when considering applications in conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF paragraph 131 advice that: In determining planning applications, local planning authorities should take account of:

- . the 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.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. And paragraph 137 adds that local planning authorities should look for opportunities for new development within Conservation Areas..... to enhance or better reveal their significance. Proposals that preserve or better reveal the significance of the asset should be treated favourably.

In my view the alterations carried out are contrary to the above requirements and advice and detract from the character and appearance of the building and also do not preserve or enhance the character or appearance of the Northdown Road Conservation Area.

COMMENTS

This application is reported to committee at the request of Cllr Dellar to allow Members to assess the impact of the proposal on the character and appearance of the area.

Principle of Development

The site lies within the defined settlement of Margate in an area characterised by retail/commercial uses to the ground floors of properties with residential units in the upper floors.

The conversion of the ground floor of the application site to an escape room/leisure use is acceptable and compatible with others uses in the area. It is also noted that the ground floor of number 65 Northdown Road has been empty for a period of time and this proposal would bring this back into an active use, albeit for a temporary period. This is considered to be in line with the objectives of saved policy H10 of the Local Plan and the general aims and objectives of the Cliftonville Development Plan Document.

There are no in principle objections to the external works to facilitate the escape room use.

It, therefore, falls to consider the details of the proposal.

Character and Appearance

Whilst it is acknowledge that the site is located as within in an area in need of special attention and the area covered by the Cliftonville Development Plan Document, this does not mean development within such areas should receive blanket approval. The impact of the development must be assessed as with all other planning applications and the development made in accordance with the development plan unless there are material circumstances that indicate otherwise.

The preamble to saved policy H10 of the Local Plan advises that within areas in need of special attention the refurbishment of existing housing and other appropriate uses together with environmental improvements are promoted together with the reuse of vacant and under used property and land.

The Cliftonville Development Plan Document was adopted as a Development Plan Document (DPD) by the Council in 2010 as a means of concentrating on the particular issues within this area of the district. The DPD set out a number of objectives including:

- o Ensuring that new development is of high quality, good design and of an appropriate scale and character;
- o Improving the urban fabric, streetscene and environment within the area;
- o Ensuring a high standard of refurbishment or redevelopment of obsolete and neglected properties for the benefit of the area and incorporating high quality and inclusive design;
- o Encouraging and supporting existing and new businesses, employment and leisure opportunities in Cliftonville; and
- o Providing employment opportunities in locations where there is no conflict with residential amenity.

Saved policy D1 of the Local Plan sets out the Council's design principles. It states that all new development is required to provide high quality and inclusive design, layout and materials and that it should respect or enhance the character or appearance of the surrounding area.

The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

The application buildings are not listed, but the application site is in a prominent location within a conservation area (a designated heritage asset).

Section 72 of the Planning(Listed Building & Conservation Area) Act 1990 requires LPA when considering applications in conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Guidance within the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 132).

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134).

It is considered that the works that have taken place completely obscure the shop front from view producing an unsightly and deadening appearance in this prominent part of the conservation area. In addition the timber cladding to stall risers and parts of the walls, the associated black paint to the walls and fascia are not in-keeping with the street scene and the murals are disfiguring and unattractive elements to the host building. The murals also results in a cluttered appearance within the vernacular materials in street scene given their design (multiple clock faces). The mural boards to the shop front windows glazing and the timber cladding are also poorly installed adding to the untidy appearance of the shop front. It is, therefore, considered that the external changes cause harm to the designated heritage asset, albeit that this is less than significant harm and the application is only seeking a temporary consent for two and a half years.

Whilst it was acknowledged that the escape room use requires much of the interior of the building to be concealed it is considered that there are better and more sympathetic ways of achieving this which would enhance the character and appearance of the conservation area. One way would be for the windows to be reinstated and the murals applied internally. This has been discussed with the agent, but he has confirmed that his client does not wish to pursue the option at this stage given the temporary nature of the proposal before potentially establishing plans for the permanent use of the buildings.

In weighing up the public benefits of the scheme (the reuse of the ground floors of redundant buildings together with the economic and social benefits of a new business within an area designated as being in need of special attention) against the harm to the character and appearance of the designated heritage asset - the conservation area - it is not considered that the benefits outweigh the harm as there is a viable alternative which would enhance the character and appearance of the heritage asset whilst allowing the existing business to continue to operate and attract customers. This application is, therefore, considered to be contrary to the saved policy D1 of the Local Plan, the objectives of securing quality design and enhancements to the streetscene and the environment as set out in the Cliftonville Development Plan Document and paragraphs 56, 64, 131, 132, 134 and 137 of the NPPF.

The points raised in the letter from the agent are noted and have been considered when weighing up the benefits of the proposal against the harm to the designated heritage asset, but are considered not to warrant a different outcome of that balancing process.

Living Conditions

It is not considered that the use generates more noise than the former use of the building as a taxi office although Environmental Health have recommended that if the application is granted that a condition is imposed to minimise noise transfer from the ground floor to the upper floor.

The applicant's agent has submitted some information showing that some noise insulation works have been carried between the floors. But no formal confirmation/details have been received to confirm that these meet any specific standard. It is, however, noted that Environmental Health have not received any complaints in relation to noise from the use since it has been in operation. Environmental Health have reviewed this additional

information, but have advised that they would still require the condition to be added to any grant of consent.

Highways

It is not considered that the use would generate a significant amount of traffic/parking and it is in a sustainable location within walking distance of many facilities and services and on a bus route.

Conclusion

The change of use from taxi office to leisure room is considered acceptable and does not result in any adverse highway impact or impact on the residential amenity of occupiers of the upper stories of the buildings or the surrounding buildings which could not be mitigated by applying appropriate safeguarding conditions.

It is noted that the escape room use requires that the interior of the building is kept dark, but it is noted that in this instance the manner in which external alterations have been carried out is poor and the fact that the works have obliterated the features of the elevations of these prominent buildings causing harm (albeit less than substantial) to the character and appearance of the designated heritage asset - conservation area - is considered unacceptable. It is also noted that there are other ways that the desired effect could be achieved which could preserve/enhance the designated heritage asset.

Whilst there would be public benefits to the reuse of the change of use of the vacant buildings to escape rooms bringing back into an active use and contributing to the economic and social vitality of the area, given that the applicants are only seeking a temporary two year consent, it is not considered that these benefits outweigh the harm to the character and appearance of the designated heritage asset. Therefore the application is recommended for refusal.

Case Officer

Annabel Hemmings

TITLE: F/TH/17/0884

Project 55 Athelstan Road And 65 Northdown Road MARGATE Kent

Scale:

