

A01

F/TH/21/0148

PROPOSAL: Change of use of Microbrewery to flexible use comprising Education Facility F1(a), Medical Facility E(e) and Public House and Microbrewery (Sui Generis)

LOCATION:

3 The Knot 20 Beach Road Westgate On Sea Kent CT8 8AD

WARD: Westgate-on-Sea

AGENT: Mr Alex Richards

APPLICANT: Pinnacle Leisure Limited

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 and the approved drawings numbered 23106A_511 Revision P1 (23/03/21), and 23106A/11 Revision C.

GROUND

To secure the proper development of the area.

3 No seating (tables, chairs or benches) associated with the Public House and Microbrewery premises shall be placed on the forecourt area to the front of the licensed premises at any time.

GROUND

In the interests of residential amenity in accordance with policy QD03 of the Thanet Local Plan.

4 No deliveries to the site associated with the Public House and Microbrewery premises shall be received outside of 09:00am to 17:00pm Monday to Friday.

GROUND

In the interests of residential amenity in accordance with policy QD03 of the Thanet Local Plan.

5 Prior to installation of any new plant and equipment associated with the brewing of alcohol in the basement of the sui generis use (drinking establishments), the occupant or operator shall provide the local planning authority with an operational plan. No installation of new plant and equipment shall commence until the operational plan has been agreed in writing by the local planning authority. The operational plan shall include information (but not limited to):

- a. A plan of the basement area with plant and equipment position shown
- b. List of equipment to be used in the brewing process and its sound power level.
- c. A noise management plan for plant and equipment. This is to include planned mitigation if it is identified as required.
- d. An odour management plan for the brewing equipment and process. This is to include planned mitigation if it is identified as required.

The development shall be carried out in full accordance with the agreed details:

GROUND

In the interests of residential amenity in accordance with policy QD03 of the Thanet Local Plan.

6 Prior to the commencement of the sui generis use hereby approved, a noise protection scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained at all times thereafter.

GROUND

To minimise the disturbance of noise that could be caused to incoming occupiers of unit 4 from the adjoining 'Micro-pub' in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

7 The use of the premises hereby approved shall not be used other than between the hours of 8am until Midnight Monday to Saturday and 10 am until 22.30pm on a Sunday.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

8 The area shown on the approved plan numbered 23106A_511 Rev P1 for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

9 Prior to the first use of the development, the secure cycle parking facilities, as shown on approved drawing no. 23106A_511 Rev P1 shall be provided and thereafter maintained.

GROUND

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

INFORMATIVES

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

Within one month of the commencement of the use of the basement and ground floor hereby permitted, the Local Planning Authority shall be informed of the use class being utilised for each of the units.

SITE, LOCATION AND DESCRIPTION

The application site comprises the former The Knot Public House/Restaurant/B&B Hotel- which has now been converted into residential apartments and a micro pub and brewery in part of the ground and basement of the building. The latter uses have never been implemented.

The building itself comprises a two and a half storey building with semi-basement level. The building is constructed in brick, which has been painted white and black. The site is located in the Westgate Conservation Area.

The site is bounded on three sides by roads; Beach Road, Beach Rise and Old Boundary Road. The surrounding area is predominantly residential in character; to the north, west and south. To the east of the site are tennis courts and Old Boundary Road leads to a car park owned by Thanet District Council, both are outside the Conservation Area.

RELEVANT PLANNING HISTORY

F/TH/18/1529 Part retrospective change of use from Public House and the erection of a three storey extension to rear to facilitate conversion into 4No. 1-bed flats, 3No. 2-bed flats, 1No 3-bed flat and 2No 2-bed maisonettes with associated parking, bin and cycle stores. Refused - Appeal dismissed

F/TH/17/1729 Variation of conditions 2 and 14 of planning permission F/TH/16/0423 'Change of use from Public House to 4No. 1-bed flats, 3No. 2-bed flats and 3 letting rooms with associated parking, bin and cycle stores, together with micro pub on ground floor and the erection of a first floor extension and erection of 3no. town houses with associated gardens and parking' to allow alterations to materials, access arrangements parking and bin storage Granted 01/02/2018

F/TH/17/0899 Change of use from Public House to 4No 1 bedroom flats, 3No 2 bedroom flats, 1No 3 bedroom flat and 3 letting rooms with associated parking, bin and cycle stores, together with micro pub on the ground floor and the erection of 2 and 3 storey rear extensions and alterations to the existing roof. Granted 05/09/2017

F/TH/16/0423 Change of use from Public House to 4No. 1-bed flats, 3No. 2-bed flats and 3 letting rooms with associated parking, bin and cycle stores, together with micro pub on ground floor and the erection of a first floor extension and erection of 3no. town houses with associated gardens and parking. Granted 21/06/2016

PROPOSED DEVELOPMENT

Full planning consent is sought for the change of use to flexible use comprising Education Facility F1(a), Medical Facility E(e) and Public House and Microbrewery (Sui Generis).

The supporting statement details that it is proposed to maintain the existing brewery use as one of the uses. It is proposed that the site could accommodate a doctors surgery or dentist which would have an additional health care facility which would benefit the local community and in addition an education facility for young people. These are examples of uses suggested by the applicant.

The application is for the change of use only and no external alterations are proposed.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

- SP38 - Healthy and Inclusive Communities
- SP43 - Safe and Sustainable Travel
- SP44 - Accessible locations
- QD02 - General Design Principles
- QD03 - Living Conditions
- CM01 - Provision of New Community Facilities
- CM02 - Protection of Existing Community Facilities

HE02 - Development in Conservation Areas
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

Three representations were received (including two letters from the same person). The concerns can be summarised as follows:

- Close to adjoining properties
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of parking
- Loss of privacy
- Noise nuisance
- Over development
- Strain on existing community facilities
- Traffic or Highways
- Codicil on land stating that there must be a hostelry on the site
- Should be residential

Westgate Town Council: Objection with the following material planning considerations:- highway issues; incompatible or unacceptable uses and general over development. It does not comply with the Local Plan CM02 policy.

CONSULTATIONS

KCC Highways : I am satisfied that the additional information provided addresses the concerns raised in my previous response.

Consequently, I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans (ref 23106A_511 Rev P) prior to the use of the site commencing.

Provision and permanent retention of the cycle parking facilities shown on the submitted plans (ref 23106A_511 Rev P) prior to the use of the site commencing.

INFORMATIVE: Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all

necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

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Initial comment - Requested more information in respect of each use to enable a full assessment to be made.

TDC Conservation Officer: No objections.

TDC Environmental Health: I note that conditions were added to the most recent consent F/TH/17/0899 and the following conditions should be transferred to any consent:

Condition 7 - Tables, chairs, benches

Condition 8 - Deliveries

Condition 9 - Plant and equipment

Condition 10 - Noise Protection scheme

The proposed mixed use of this facility makes it difficult to anticipate environmental issues, particularly around possible noise. I would suggest that opening times are conditioned and I would suggest that these be 8am until Midnight Monday to Saturday and 10 am until 22.30pm on a Sunday. This would tie in with the microbrewery which I believe would constitute the biggest concern.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Sam Bambridge to consider the acceptability of the proposed uses (particularly in relation to policy CM02) and whether they are compatible and highway issues.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The application site lies within the urban area of Westgate, and is considered to be sustainably located within the district.

The proposal seeks to change the use of a micro pub and brewery to a flexible use including education centre, medical facility and microbrewery.

Policy SP38 details proposals will be supported that:

- 1) bring forward accessible community services and facilities, including new health facilities;
- 2) safeguard existing community services and facilities;
- 3) safeguard or provide open space, sport and recreation;
- 4) promote healthier options for transport including cycling and walking;
- 5) improve or increase access to a healthy food supply such as allotments, farmers' markets and farm shops;
- 6) create social interaction and safe environments through mixed uses and the design and layout of development;
- 7) create greener neighbourhoods and improve biodiversity and access to nature

Policy CM01 relates to the provision of new community facilities this details new, or extensions of, or improvements to existing community facilities will be permitted provided they meet a number of criteria.

Policy CM02 relates to the Protection of Existing Community Facilities and it is considered that a micro pub would be classed as a community facility. This policy states:

Proposals which would result in the loss of a community facility will not be permitted unless it can be demonstrated:

- 1) There is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs; or
- 2) Every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities;
- 3) Alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community.

The proposal is for a flexible use comprising Education Facility F1(a), Medical Facility E(e) and Public House and Microbrewery (Sui Generis). The premises could therefore operate within any of these uses.

The preamble to policy CM01 - provision of new community facilities- defines community facilities, at paragraph 17.5. This states these can be local and village shops, meeting places, sports venues, nurseries, cultural buildings, public houses, places of worship, public rights of way, other local services including those for education and medical purposes, which enhance the sustainability of communities and residential environments”.

The uses proposed would therefore fall within this definition and thus the community use of part of this building will be retained. Accordingly it is considered that the proposal would be in accordance with policy CM01 and CM02 of the Local Plan, retaining community uses on site.

Character and Appearance

The impact the proposed scheme may have upon the character and appearance of the area and in particular the Westgate Conservation Area as designated heritage assets falls to be assessed.

The National Planning Policy Framework (NPPF) also 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF goes on to state that where a development proposal would 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 where appropriate, securing its optimum viable use.

Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE02 relates specifically to new developments in conservation areas. It states that within conservation areas, development proposals which preserve or enhance the character or appearance of the area will be permitted and when relating to proposals to extend existing buildings within the conservation area that the character, scale and plan form of the original building are respected and the extension is subordinate to it and does not dominate principal elevations and appropriate materials and detailing are proposed and the extension would not result in the loss of features that contribute to the character or appearance of the conservation area.

In terms of the use, at present the approved use is that of a micropub/brewery and, as such, there would potentially be visiting members of the public during the day and evening hours. The proposed uses would also see visiting members of the public - albeit the medical and educational uses would likely be during daytime hours. Due to the nature of these uses, they are likely to have users arriving at set times- booked appointments and lessons times. Whilst this use, particularly in relation to the educational use would see a number of users arriving at the same time it is not considered to alter the character of the arriving through the activity on site.

The property is a traditional building, within the setting of the Westgate Conservation Areas. No external alterations are proposed through this application. The Conservation Officer has confirmed that the change of use is unlikely to have an impact on the nearby conservation area.

Given the above, it is not considered that the proposal would have an adverse impact on the character or appearance of the host building, its conservation area setting or the wider surrounding area.

Living Conditions

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Policy QD03 states all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.
- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.
- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The site is within a predominantly residential area, and the site is within an existing building that is used for residential with the exception of this unit. The proposed use could have an impact upon residential amenity.

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, odour and general disturbance.

Condition 7, 8, 9, 10 of the 2017 application; planning reference F/TH/17/0899 related to prohibiting the siting of seating on the forecourt area, limiting delivery times, installation of plant and equipment, and that the scheme should be dealt in full accordance with a noise protection scheme. Environmental Health have requested that these conditions be attached to any consent granted. Officers considered that it would be reasonable to impose the same conditions as attached to the original planning permission, however, a new noise protection scheme would need to be submitted as this could not be linked and would involve different potential noise sources. The applicant has agreed that a noise protection scheme can be required by condition.

In terms of opening hours TDC Environmental Health have looked at the worst case scenario in terms of noise and disturbance and suggest that a condition be imposed relating to opening hours 8am until Midnight Monday to Saturday and 10 am until 22.30pm on a Sunday. This would tie in with the public house/micro brewery which would potentially generate the most amount of noise.

In summary it is considered that the proposal would be acceptable in terms of policy QD03 subject to condition.

Transportation

The original approval provided parking spaces to the rear of the site. The agent has confirmed that it will be used as a medical facility containing one treatment room. In terms of the educational use the agent has confirmed the intended users are children that would be able to independently access the site via walking and cycling. The applicant's intention is to

partner with local schools and providers in this regard. It would be ages of GCSE (15 years) and above to provide supplementary curricular activity and tutoring e.g. core subjects, music and languages.

The car parking plan submitted with this application shows 9 parking spaces and two visitor spaces.

KCC have requested conditions to ensure that the vehicle parking spaces and cycle parking facilities are provided and retained as shown on the submitted plans.

Officers consider the relatively small scale of the floor space and the sustainable nature of the location in transport terms. Even if this were not fully the case, ample car parking facilities are prevalent in the vicinity and would adequately cater for any such demand.

The impact upon highway safety and parking from the proposal is therefore considered to be acceptable.

Conclusion

It is considered that the proposed uses would retain a community facility in accordance with the Local Plan and policy CM02. Furthermore the proposal would not result in harm to the character of the area or impact adversely on residential amenity, subject to condition. Matters relating to highways can be safeguarded by condition.

It is therefore recommended that Members approve the application subject to safeguarding conditions.

Case Officer

Gill Richardson

TITLE:

F/TH/21/0148

Project

3 The Knot 20 Beach Road Westgate On Sea Kent CT8 8AD

