

A03

F/TH/21/0952

PROPOSAL: Change of use of land to storage of boats in association with 1st St Peters-in-Thanet Sea Scouts, stationing of two storage containers for associated maintenance tools and wet kits and erection of boundary fence and gates

LOCATION: Boat Park East Cliff Promenade Broadstairs Kent CT10 1EU

WARD: Bradstowe

AGENT: Mrs Jane Scott

APPLICANT: Jane 1st St Peters-in-Thanet Sea Scouts

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 drawing numbered 210330-L-001.

GROUND

To secure the proper development of the area.

3 Prior to the siting of the storage containers hereby approved, the RAL number for the colour of the containers 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

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The site is within the Broadstairs Conservation Area and is located at the foot of the chalk cliffs. The proposal is on an area of promenade (triangular in shape) that links the harbour area of Broadstairs to Stone Bay. At present the site is devoid of any buildings on the

application site. The promenade is hard surfaced with a red colour tarmac. To the south of the site is the enclosure used by Broadstairs Sailing Club (open mesh wire fencing with gates at the northern and southern end)

RELEVANT PLANNING HISTORY

No relevant planning history

PROPOSED DEVELOPMENT

Full planning consent is sought for the change of use of the land for the storage of boats and the positioning of two storage containers for the purpose of associated maintenance tools and wet kits on behalf of the Thanet Sea Scouts.

The proposed storage containers would be of two different sizes; approximately 4.6m x 2.5m and 6.1m x 2.5m both containers would have a height of approximately 2.5m. The containers would be positioned at the southern end of the site. The site would be enclosed by a boundary fence and gates. The proposed means of enclosure would have an overall height of approximately 2m and would be chainlink (green PVC coated) with a horizontal top frame.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

HE02 - Development in Conservation Areas

QD02 - General Design Principles

QD03 - Living Conditions

SP26 - Landscape Character Areas

SP28 - Protection of the International and European Designated Sites

GI01 - Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ)

TP02 - Walking

TP03 - Cycling

TP06 - Car Parking

Broadstairs & St Peters Neighbourhood Plan

BSP4 - Seafront Character Zones

BSP6 - Sustaining Community Facilities

BSP9 - Design in Broadstairs & St. Peter's

NOTIFICATIONS

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

Fourteen representations were received in support of the application. The supporting comments can be summarised as follows:

- Support structured sporting/water activities and team building activities for children and young adults;
- Should support Sea Scouts;
- Better storage solution to enable more time in the water; and
- Proposal is in keeping with the area.

Broadstairs Town Council: The Planning Committee of the Town Council has considered this application and has resolved unanimously to make no comment.

Broadstairs Society: The Broadstairs Society supports this application as a worthwhile local amenity.

Broadstairs Sailing Club : has no objections to the proposed development, however, we do have some concerns and the benefit of past experience that may influence final decisions.

1. There is no indication of the location of any access gate(s) in the fence. Broadstairs Sailing Club (BSC) could have further comments to make depending on the eventual location.
2. There is no clear indication of the exact size of the space between the north end of the BSC fence and the proposed fence. This space needs to be sufficient to allow boats up to 5m in length to manoeuvre in and out of our area.
3. The plan shows the smaller container placed adjacent to the BSC fence, we would require at least a 0.6m gap to allow access for maintenance. To ensure this access, the container would need to be placed parallel to the BSC fence. If the container is positioned as shown, the gap will reduce towards the front due to the slight curvature of the sea wall. If it is placed parallel, it is possible that the land side gate will not open to 90 degrees (see point 4).
4. Our gates at the north end only open outwards and it would therefore be necessary for the seaward gate to open 180 degrees requiring an arc of at least 2.4m, and the land side gate to open at least to 90 degrees.
5. BSC would suggest that it would be essential to ensure that the containers are secured to the ground as we have experience of our containers floating during very high tides.
6. BSC would also suggest that all boats, and any trailer/trolley, stored within this compound should be secured to a fixed point or chain by suitable rope which passes over the boat and around the trailer/trolley at the mid point and at the bow. All BSC members are required to do this as we have experience of boats breaking loose if this is not done.
7. Is there any anticipation that boats will remain in the boat park during the winter months? All BSC members remove their boats by mid November due to the unpredictable nature of the weather.
8. In 2007 Thanet Leisure Force stored a number of beach huts in the area of this proposed development, none of the huts were secured in any way. On 7th November during gale force north east winds and very high tides some of the huts floated free and destroyed a large part of the BSC fence. BSC would not wish any similar incident in the future to affect either BSC or the Sea Scouts. Photographs of this incident can be supplied.

CONSULTATIONS

Environment Agency: We have assessed this application as having a low environmental risk. We therefore have no comments to make.

KCC Ecological Advice Service: We advise that we are satisfied that no ecological information is required as part of this application. We have taken this view as the site where the containers are proposed to be located is on existing hard standing. The site is within the Thanet Coast & Sandwich Bay SSSI, SPA, Ramsar and Thanet Coast SAC and therefore we did consider if the proposal is likely to have a negative impact on the designated sites. We advise that it is unlikely as we understand that the applicants already carry out sea based activities and the site is actively used as it is adjacent to the Broadstairs Sailing Club.

TDC Conservation Officer: Following a review of the proposed I have no objections to the scheme proposed

COMMENTS

This application is referred to the Planning Committee as the proposal is located on Thanet District Council land.

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.

Character and Appearance

The site is located within the Conservation Area and therefore the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.'

Paragraph 197 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF (paragraph 202) requires that where a development causes substantial harm, or less than substantial harm but where the harm is not outweighed by public benefit, permission should be refused.

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.

Paragraph 130 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The 2 containers would provide secure storage for water safety equipment and associated items such as oars. The containers would be metal and the supporting letter details that the applicant is happy to paint the containers an appropriate blue or green colour. It is considered that a dark colour would be most appropriate.

In terms of the means of enclosure; a boundary fence and gates (height of approximately 2m, chainlink (green PVC coated) with a horizontal top frame). The supporting document details the compound will be formed of vertical tubular galvanised metal posts which will be set in concrete and the surface tarmac around the posts will be reinstated. The gates for access will be galvanised tubular steel measuring 4.8m in width and 2m in height.

The site is seen in the context of the existing boat enclosure to the south of the site used by the Broadstairs Sailing Club that also has containers within it and a similar means of enclosure. Given this context I do not consider that the proposal would harm the visual amenities of the area.

The siting of 2 containers in this location is not considered to be harmful to the special character or appearance of the conservation area in this location, and whilst not enhancing its character or appearance it is considered that they will preserve it. The Councils' Conservation Officer has confirmed that she has no objection to the proposal.

Taking into account the above I consider that the proposal is acceptable in terms of policies SP35, SP36, QD02 and HE02.

Living Conditions

Local Plan policies QD03 is relevant to this application. Policy QD03 (Living Conditions) states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. The nearest residential dwellings are some distance away from the application site and given this it is considered that the proposal will not affect residential neighbour amenity.

The proposal is therefore considered to be acceptable with regards to residential amenity in regard to existing residents in accordance with Policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

The proposed development/site does not have direct access onto the public highway network. It is appreciated that in terms of its positioning on the promenade it is set back across the concrete barrier adjacent the cliff face and projects no further than the compound to the south. A width of approximately 7.5m of the promenade is maintained to allow for pedestrian and cycle movements as well as foreshore maintenance vehicles.

It is considered that the proposal will not result in any new/increase in traffic movements to the area. At the current time parents/carers drop the children off to the area and boats/equipment are brought to and from the site on this basis it is not considered that the proposal will result in an increase in traffic movements to the area.

The impact upon highway safety is therefore considered to be acceptable.

Ecology and biodiversity

Para 179 a) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

The site is within the Thanet Coast & Sandwich Bay Site of Special Scientific Interest, Special Protection Area, Ramsar and Thanet Coast Special Area of Conservation

Area where policy SP28 is relevant. Policy SP28 details that proposals likely to have a significant effect on an SPA, SAC or Ramsar site, either alone or in-combination, will be required to undergo appropriate assessment as per the Conservation of Habitats and Species Regulations 2017 (as may be amended). Where possible applicants should incorporate measures to avoid or mitigate any adverse impacts. Where, despite all possible avoidance and mitigation measures being put in place, a proposal is still shown to have an adverse effect on the integrity of an International site, planning permission will only be granted in exceptional circumstances, where there are no less ecologically damaging alternatives, there are imperative reasons of overriding public interest and damage can be fully compensated.

In addition GI01 considers whether development would harm either directly, indirectly or cumulatively or detract from the nation conservation interest, where this is the case the policy states development will not be permitted.

In this case the site is on existing hard standing and therefore it is not considered that the proposal is likely to have a negative impact on the designated sites. KCC Ecological Advice Service concur within this view given that the applicants already carry out sea based activities and the site is actively used as it is adjacent to the Broadstairs Sailing Club.

Other matters

Paragraph 159 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Policy CC02 (Surface Water Management) states that "New development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible. SuDs design, together with a robust long term maintenance plan should be included as an integral part of the master planning and design process for new development and should, wherever possible, incorporate multi-functional benefits for people and wildlife.

The application site lies within flood zone 3 as shown on the Environment Agency's Flood Risk Maps. Advice was sought from the Environment Agency on this matter, and they have confirmed that the proposal has a low environmental risk and accordingly they do not have any comments to make. Whilst it is acknowledged that this particular part of the promenade can suffer from high tides that sometimes crash over the promenade this is not a regular occurrence. In addition the nature of most of the articles being stored within the compound will be water compatible. Whilst it may be advisable for boats to be removed in the winter season when such events may occur this is a matter for the applicant.

With regard to the Broadstairs Sailing Club's comments in terms of access to their site, the agent has confirmed this in order to allow the gate to open; this is the reason for the set back for the scout compound proposed gates/enclosure.

Conclusion

In conclusion it is considered that the proposal would not affect the visual amenity of the area or Conservation Area and be compatible with the adjacent land uses. The proposal will not harm neighbour amenity, highway safety and is acceptable in matters pertaining to ecology and biodiversity and flood risk.

It is therefore recommended that Members approve the application.

Case Officer

Gill Richardson

