

**A04**

**F/TH/22/1638**

**PROPOSAL:** Erection of single storey front, side and rear extensions to existing restaurant together with landscaping and seating areas

**LOCATION:** Pier Head Shelter The Harbour BROADSTAIRS Kent CT10 1EU

**WARD:** Bradstowe

**AGENT:** Mr Daniel McCarthy

**APPLICANT:** Mr Warren Roe

**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 development hereby approved shall be carried out in accordance with the submitted drawings numbered 05, 06, 07 and 08 received 26 February 2021.

**GROUND:**

To secure the proper development of the area.

3 The external surfaces of the development, hereby permitted, shall be constructed using vertical and horizontal black cladding, concrete framed picture windows, and black aluminium framed glazing, as annotated on the Proposed Elevations drawing numbered 08 received 6 December 2022.

**GROUND:**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

4 Prior to the first use of the extension hereby approved 6 benches shall be installed on the north facing elevation of the building and 4 concrete benches shall be installed on the eastern (seaward facing) elevation, in the location shown on amended drawing numbered 06A, received 23 March 2023. The benches installed shall thereafter be made available and maintained for public seating and flood mitigation purposes, unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

To enhance the public amenity space and limit flood risk, in accordance with Policies QD02 and CC01 of the Thanet Local Plan.

5 Prior to the first use of the extension hereby approved the cycle parking shown on drawing numbered 06A, to the northern elevation of the building, shall be provided and thereafter maintained for cycle parking.

**GROUND:**

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

6 Prior to the first use of the extension hereby approved the flood mitigation measures as set out in the submitted Extension Flood Risk Assessment (RMB Consultants) (Civil Engineering) Ltd December, dated 2022, shall be fully implemented.

**GROUND:**

To reduce any impact of flooding in accordance with Policy CC01 of the Thanet Local Plan and advice contained within the NPPF.

**INFORMATIVES**

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

The applicant is advised that the bar shall only operate in connection with the restaurant use, and shall at no time operate as an independent drinking establishment from the premises. A pub and drinking establishment is a sui generis use within the Town and Country Planning Use Class Order (as amendment 2021) and therefore planning permission would be required if an independent drinking establishment were created.

**SITE, LOCATION AND DESCRIPTION**

The application relates to the shelter at the end of the Jetty in Viking Bay. The timber clad structure comprises a restaurant at one end with an external seating area, with the remainder of the shelter open for members of the public to use. The space within the roof is used for storage and the restaurant and store area at ground floor are enclosed. The remainder of the shelter comprises upright supports allowing open views through to the sea from the arm of the jetty. The site lies within the Broadstairs Conservation Area.

## PLANNING HISTORY

F/TH/21/0253 GTD 08 June 2021

Erection of external seating area and alterations to internal layout

F/TH/15/0051 GTD 10 April 2015

Retrospective application for the erection of rear extension to cafe unit, within the existing shelter and installation of roller shutters to front and rear elevation

NM/TH/10/0186 GTD 19 April 2010

Enlargement of staircase enclosure (amendment to planning application F/TH/09/0670)

F/TH/09/0670 GTD 13 January 2010

Erection of staircase enclosure to create access to balcony

F/TH/09/0284 GTD 18 June 2009

Erection of side and rear extension to existing cafe unit, within the existing shelter

F/TH/01/0105 REF 29 March 2001

Erection of three front, rear and side extensions to existing kiosk, to form cafe, together with the installation of 2 roof lights

F/TH/97/0052 REF 1 July 1997

Alterations to existing shelter to provide additional seating and 3 kiosks in addition to 1 kiosk

## PROPOSED DEVELOPMENT

The application seeks planning permission to enclose the public open space beneath the shelter to provide additional areas of seating, a private seating area, a bar and viewing areas, along with a fresh fish and ice cream hatch accessible from the pier and a food preparation area connected to the kitchen and store rooms. A beer store, manager's office and additional WCs would be provided for customer use only. A bin store area is shown to the rear of the store and a bicycle rack is located under the shelter in front of the store. A total of 6 benches are shown on the north facing elevation of the shelter protected by the overhang of the shelter roof and 4 concrete benches are shown along the eastern (seaward facing) elevation set away from the shelter (annotated as sea defence concrete benches).

## PLANNING POLICIES

### **Thanet Local Plan 2020**

CC01 - Fluvial and Tidal Flooding - Flood Zone 2

HE02 - Broadstairs Conservation Area

SE08 - Light Pollution

SP04 - Economic Growth

SP12 - Broadstairs Promenade and Beach Front

SP26 - Landscape Character Area - Ramsgate and Broadstairs Cliffs

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions  
TP03 - Cycling  
SP43 - Safe and Sustainable Travel

**Broadstairs and St Peter's Neighbourhood Development Plan**  
Policy BSP4: Seafront Character Zones

NOTIFICATIONS

Neighbours have been notified, a site notice posted and an advert placed in the newspaper and 6 representations have been received (2 objecting and 4 in support) making the following comments:

- \* Loss of public amenity
  - \* The shelter was intended for the enjoyment of all along with the provision of a modest cafe - it should not be completely commercial
  - \* Light pollution - The night time ambience of the pierhead and the waters of the bay are already badly compromised by the light pollution from the current restaurant arrangements and this could make this much worse.
  - \* There is no need for another bar
  - \* It will change the nature of the area
  - \* Broadstairs is an attractive, traditional seaside resort. These qualities can easily be eroded by over commercialisation, as represented by this proposal.
  - \* There should be a larger area for rubbish bin storage - currently rubbish bins are left out in view and spoil the 'vista' from the promenade.
  - \* Is the neon "JETTY" sign permitted in a conservation area?
  - \* There will be a loss of public space.
  - \* The rear of the covered jetty is frequently used during folk week for performances and for shelter.
  - \* Will the toilets be available to the public who are not using the cafe in lieu of the loss of space and amenity?
  - \* Increased vehicle and pedestrian traffic
  - \* Parking is difficult in the summer months
  - \* Increase in delivery traffic will impact on traffic congestion
  - \* Increased congestion under York Gate arch
  - \* Loss of public space - the extension will encroach on public recreational land which is an amenity area for both locals and visitors.
  - \* Tidal impact - The sea washes on the pier on occasions - will the restaurant structure withstand this?
  - \* Impact on other pier users - The area is a working harbour with associated fishing boats - will increased footfall impact on those already using the harbour for a living and recreation?
  - \* The extension detracts from the iconic look of the pier
- 
- \* This is an excellent use of the space, which is currently underused and quite bleak.
  - \* The shelter is currently in a poor condition and of no use
  - \* The current derelict, windswept area is not an appealing place to spend time and expanding a popular restaurant into it will be of benefit to both locals and visitors wishing to drink, dine and enjoy company and conversation.

- \* The inclusion of new public benches both inside and out will be of benefit to the entire community also and I wholeheartedly support this proposal.
- \* This makes better use of the existing space. By taking control over a larger area it is likely to reduce anti-social behaviour.
- \* It would be good if the internal plans could be adjusted slightly to include a disabled toilet and baby changing.

**Broadstairs Tourism & Leisure Association** support the application - Our officers have voted in to support this application, and we believe that this project will bring significant benefits to our community and tourism alike.

The Jetty is an iconic location in Broadstairs, and we believe that the proposed development will enhance its appeal to both locals and visitors. These improvements will provide a more enjoyable and comfortable experience for those who visit the Jetty, which we believe will encourage more people to visit and spend more time in Broadstairs.

Furthermore, we believe that this project will have a positive impact on the local economy. The Jetty is a popular destination for tourists, and the proposed development will create job opportunities for local residents.

In conclusion, we fully support the planning application at the Jetty in Broadstairs. We believe that this project will enhance the appeal of this iconic location, provide a more enjoyable experience for visitors, and have a positive impact on the local economy.

**The Broadstairs Society** - The Society supports this application subject to any comments from the Conservation Officer

**Broadstairs & St Peter's Town Council** - The Committee unanimously recommend NO OBJECTION to this application on the proviso that the end of the Jetty remains a freely accessible space for the public.

## **CONSULTATIONS**

**Conservation Officer** - Following a review of the proposed application compared to the current form of the present building, I would consider there to be a less than significant level of harm to the character and appearance of the surrounding conservation area, as such I do not object to the application proposed.

**Environment Agency - (Final Response)** - We have no objection to this proposal, although we do offer the following comments in respect of the proposed development.

The development should be carried out in accordance with the submitted flood risk assessment (ref RMB Consultants DEC 2022) and the mitigation measures it details.

Advice to Local Planning Authority/Applicant

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this

application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- o Adequacy of rescue or evacuation arrangements
- o Details and adequacy of an emergency plan
- o Provision of and adequacy of a temporary refuge
- o Details and adequacy of flood proofing and other building level resistance and resilience measures
- o Details and calculations relating to the structural stability of buildings during a flood
- o Whether insurance can be gained or not

#### Non planning consents

The applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

*(Initial Response)* - We cannot find a flood risk assessment (FRA) with the submitted documents. As the required FRA has not been provided we are unable to assess this application.

The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 163, footnote 50 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development is unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

We would like to remind you that a FRA is a requirement of the Council's validation process and that we should therefore not be consulted on any applications without the relevant documents.

#### COMMENTS

The application is brought before members as the land is owned by Thanet District Council. The main considerations in assessing the proposal are the principle of development, impact on the character and appearance of the area, impact on the living conditions of neighbouring residential occupiers and highway safety.

#### **Principle of Development**

The Pier Head Shelter lies within the Broadstairs Conservation Area and is located within an area defined on the Thanet Local Plan policies map as being covered by Policy SP12, relating to the Broadstairs Promenade and Beach Front, and Policy SP26 which relates to the Ramsgate and Broadstairs Cliffs Landscape Character Area. Viking Bay lies within the

area covered by Policy BSP4 of the Broadstairs Neighbourhood Development Plan which relates to Seafront Character Zones.

The Broadstairs Promenade and Beach Front policy (SP12) supports proposals that maintain and enhance the role and character of Broadstairs as a popular attractive small seaside town. Opportunities to enhance the use and attractiveness of the promenade, seafront and beach are welcomed. Within this area, small scale leisure and tourism uses will be permitted, including retail, where they do not harm the character and heritage interest of the surrounding area.

The Landscape Character Area policy (SP26) supports proposals that respect the traditional seafront architecture of the area and maintains existing open spaces.

Policy SP04 relates to economic growth and supports new tourism development, which would extend or upgrade the range of tourist facilities particularly those that attract the staying visitor, increase the attraction of tourists to the area and extend the season.

The proposal seeks to enclose the remaining area beneath the shelter to extend the existing restaurant. The development would be contained within the existing structure and therefore have limited harm on the character and heritage interest of the surrounding area, and upgrade and extend an existing tourist leisure facility in this seafront location and therefore the proposal complies with these policies.

The principle of the development is therefore considered to be acceptable.

### **Character and Appearance**

The alterations would enclose the public open space beneath the shelter to provide additional seating areas, a private seating area, a bar and viewing areas, along with a fresh fish and ice cream hatch accessible from the pier and a food preparation area connected to the kitchen and store rooms. A beer store, manager's office and additional WCs would be provided for customer use. A bin store area is shown to the rear of the store and a bicycle rack is located under the shelter in front of the store. A total of 6 benches are shown on the northern elevation of the shelter protected by the overhang of the shelter roof and 4 concrete benches are shown along the eastern (seaward facing) elevation set away from the shelter and photographs of the style of seating has been provided in the Design and Access Statement submitted with the application.

The construction works would not extend beyond the footprint of the shelter and the elevation drawings indicate horizontal black timber cladding, concrete framed picture windows on the east facing elevation and black aluminium framed glazing.

From longer views, such as from the cliff top promenade overlooking Viking Bay, or on approach along the pier, the building would have the appearance of a solid building rather than a shelter. This would fundamentally change its appearance from a shelter to a commercial building, however, there is an existing commercial building within the shelter and it is already partially infilled with solid form, with the open shelter remaining to the north, which would be less visible in the long distance views from the promenade. It is proposed to

enclose the structure using dark stained timber cladding to match existing which would blend in well. The picture windows and glazed doors would add visual interest to the shelter whilst providing light into the building and provide views outwards from it. The applicant's agent advises that the shelter has been previously poorly maintained and the benches have been removed having been subject to vandalism, and the area has suffered from anti-social behaviour. The proposal would provide improved surveillance of the area through the use of the restaurant and the public seating would be improved, with 8No. benches proposed on the northern elevation and 4No. concrete benches on the eastern side.

The extension of the cafe/restaurant to provide more seating capacity through the enclosure of the structure and enhancements to the restaurant, including the provision of additional toilets for use by customers of the restaurant, would support leisure and tourism by upgrading an existing tourist facility.

The Conservation Officer has advised that in her view there would be less than significant level of harm to the character and appearance of the surrounding conservation area, and as such does not object to the application proposed.

Given the limited harm to the character and appearance of the area and enhancements to tourism in this location it is considered the development would accord with the requirements of local and national policies.

### **Living Conditions**

The shelter is located some distance from the nearest residential properties and it is not intended to enlarge the building beyond its existing footprint. The Design and Access Statement explains that internal and external lighting would be carefully designed to minimise light pollution. Given the distance of the building from residential properties it is unlikely that the development would adversely impact upon residential amenity with regards to loss of light, outlook or light intrusion.

Concern has been raised that the proposal introduces an additional bar into the area where there are already many drinking establishments. The submitted floor plans appeared to indicate a separate bar area from that of the restaurant. The applicant's agent has advised that the proposal is to extend the existing facility and that the new seating and bar area will offer the users and visitors of The Jetty a different outlook across the harbour and out towards the sea. The proposed new entrance is a more formal entrance to the restaurant as the current entrance is via the covered seating area which can become congested at peak times. The new entrance provides a formal frontage to 'The Jetty', and the additional toilets are to cater for the additional covers in the restaurant. The plans have been amended to show the doors removed between the private seating area, and they now demonstrate the spaces within the building will be connected to the existing restaurant area.

The pier attracts a large number of people, particularly in the summer months, and visitors to the cafe often consume drink and food in the general vicinity. Refuse storage is provided within the site for the restaurant and it is likely that any problems with littering would be closely monitored by the operators of the facility to ensure there are no adverse impacts on the restaurant. The additional internal seating is unlikely to result in an unacceptable



increase in noise and disturbance above that which already exists from people using the pier.

It is considered the increased natural surveillance of the pierhead from the enlargement of the facility is likely to reduce opportunities for anti-social behaviour. Overall, the proposed development is not considered to result in significant harm to the living conditions of nearby residential occupiers, in accordance with Policy QD03 of the Thanet Local Plan.

### **Flood Risk**

The development falls within Flood Risk Zone 3 with a high probability of flooding. A Flood Risk Assessment has been submitted that concludes the site is at very low risk from surface water flooding. The Environment Agency has been consulted and raised no objections to the proposal provided the mitigation measures set out in the Flood Risk Assessment are carried out. These include ensuring the internal floor level of the extension is finished at the same level as the floor level of the restaurant and installing concrete benches to the east of the extension to direct over topping water away from the extension

A condition has been included that requires the extension to be constructed in accordance with the submitted plans and the concrete benches to be in place prior to the use of the extended restaurant. Subject to these safeguarding conditions the proposal is considered to comply with Policy CC01 of the Thanet Local Plan.

### **Pedestrian and Highway Safety**

The alterations would be contained within the footprint of the shelter and the area around the building would remain available for pedestrians. Whilst there may be some reduction in the openness around the site which could result in some pedestrian congestion, this would be similar to the existing situation at peak times and is unlikely to result in additional harm to pedestrian or highway safety.

The provision of a secure cycle store to the front of the building would have natural surveillance from activity from the restaurant and would help to encourage cycle opportunities and therefore reduce the need to travel by car in line with the requirements of Thanet Local Plan policies TP03 and SP43.

### **Other Matters**

External Flue - The drawings include a flue which projects through the roof from the kitchen area. This flue was approved through the previous application (reference F/TH/21/0253) and condition 3 required this to be painted dark brown as per the Chris Roe quotation document (Ref: HCB210413-ventilation, however the extraction flue currently in situ is silver and far bulky than that previously approved or shown on the plans currently submitted. Planning Enforcement are aware and the Applicant's Agent has advised that they are discussing this with the installer of the flue.

Signage - The sign attached to the west elevation does not have the benefit of Advertisement consent and Planning Enforcement are aware. A separate advert application has been submitted to Planning (reference A/TH/23/0452) for consideration.

### **Conclusion**

The proposed development would have limited harm on the Broadstairs Conservation Area and the key characteristics of the seafront location. In addition the proposal is supported through tourism policies given the benefits that would be provided from the extension of the existing restaurant facility use. There will be limited impact on the living conditions of nearby residential occupiers. Therefore it is recommended that members approve the application, subject to safeguarding conditions.

### **Case Officer**

Rosemary Bullivant

TITLE: F/TH/22/1638

Project Pier Head Shelter The Harbour BROADSTAIRS Kent CT10 1EU

Scale:

