

**A08**

**F/TH/23/0477**

PROPOSAL:                   Erection of timber information kiosk situated on upper promenade

LOCATION:                    Victoria Gardens Victoria Parade BROADSTAIRS Kent CT10 1QS

WARD:                        Viking

AGENT:                      Mr David Dorman

APPLICANT:                 Mrs Gina Harrison

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 information kiosk, hereby approved, shall only be on site between the 14th March and 7th October in any given year and the land restored to its former condition thereafter.

**GROUND**

In the interest of the character and appearance of the Conservation Area and for the avoidance of doubt.

SITE, LOCATION AND DESCRIPTION

The application relates to an area above an existing seated shelter that is situated within Victoria Gardens Broadstairs. The site is opposite the Chandos Square parking area and set back from Victoria Parade by two brick piers with lighting above with some railings and hedging behind, although there is a gap to provide pedestrian access from this point down into Victoria Gardens, which is at a lower level. The site lies within the Broadstairs Conservation Area.

RELEVANT PLANNING HISTORY

F/TH/02/0330 Reconstruction of shelter, restoration of clocktower and erection of new boundary treatments as part of overall refurbishment of Broadstairs seafront gardens. Granted 29/08/2022

## PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a timber clad, pitched roof, information kiosk to be sited upon the roof of the existing shelter in Victoria Gardens.

The proposal seeks to erect a timber information kiosk. It would measure approximately 2.4m x 2.4m with openings to all elevations. The window openings would have timber shutters over, so would only be open when the kiosk was operating. It would have a pitched roof with an overall height of approximately 2.3m. Might be worth adding some of this into this section to describe what the kiosk will look like in more detail.

It is noted from the application, that the kiosk only needs to be in place for the summer season, between 14th March and 7th October each year. This takes into account the week prior to the earliest date upon which the Easter weekend can fall, namely 22nd March, and the potential latest date for the Autumn Food Festival.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

HE02 - Broadstairs Conservation Area

SE08 - Light Pollution

SP04 - Economic Growth

SP12 - Broadstairs Promenade and Beach Front

SP32- Protection of OPen Space and Allotments

SP43 - Safe and Sustainable Travel

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions

TP02 - Walking

TP03 - Cycling

### **Broadstairs & St. Peters Neighbourhood Plan**

BSP2: Protection of important vistas and views

BSP4: Seafront Character Zones

BSP5: Designation of Local Green Spaces (LGS)

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.

One representation was received. The concerns can be summarised as follows:

\* Could not ascertain how it affects line of sight from flat to bandstand as the file will not open

**Broadstairs Town Council:** Supports until a more permanent siting is sought.

**Broadstairs Society:** Had the District Council found a place more suitable than the current position of the Information Kiosk the Society would have been happy to support it. However, given that the site suggested is on top of a shelter and will only be open for the summer season is a poor solution but one that is the best that can be found until a more permanent site is secured.

## CONSULTATIONS

**TDC Conservation Officer** Following a review of the proposed application I would like to state that I have no objections and would consider thereto be a less than substantial negative implication on the setting and appearance of the surrounding environment whilst providing a public benefit.

## 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**

The site 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 SP32 relates to the Protection of Open Space and Allotments. 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.

Policy SP32 covers only the bandstand and its immediate environs to the north and south (excluding the promenade area) are protected by this policy. Nevertheless, even though the policy seeks to protect such areas, the policy does allow built development if it is for, inter alia, 'tourism use and is of appropriate scale and design for its setting' and 'if there is an overriding need for the development that outweighs the need to protect the open space ... which cannot be located elsewhere.'

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.

Broadstairs & St Peters Neighbourhood Plan, policy BSP5: Designation of Local Green Spaces (LGS) includes The area outside of the bandstand - including the shelter under the clocktower the shelter that the development is above extending along the promenade from in front of nos. 1-21 Victoria Parade (promenade area). This policy details that development will not be permitted, unless they are ancillary to the use of the land for a public recreational purpose or are required for a statutory utility infrastructure purpose.

The proposal seeks to erect a timber information kiosk. It would measure approximately 2.4m x 2.4m with openings to all elevations. The window openings would have timber shutters over, so would only be open when the kiosk was operating. It would have a pitched roof with an overall height of approximately 2.3m. The development is considered to be ancillary to the use of the land for recreational purposes, and would provide a tourist leisure facility in this seafront location and as such the proposal complies with these policies.

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

### **Character and Appearance**

The site is located within the Broadstairs Conservation Area. The Council must therefore 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 (NPPF) 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 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 HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

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 provision of an information kiosk (relocating from a position near the Royal Albion Hotel), would support leisure and tourism by maintaining a tourist facility. It falls to assess the impact of the kiosk on the character and appearance of the area.

The proposed erection of a modest timber kiosk would allow a building in an area above an existing flat roof shelter that is devoid of structures. It is appreciated that some views of the proposal would be gained, however these would be for the most part glimpse views, being obscured by hedging, parked vehicles to the Victoria Parade frontage and only the top portion of the kiosk being visible to a greater extent and in longer views. From the Victoria Parade the visual impact to the area including the Conservation Area is considered to be minimal. When travelling along the promenade and Victoria Gardens the proposal would be more visible due to its elevated position, however it would be seen against existing built form and is in itself of a modest footprint and height. This impact is further reduced as the kiosk is only sought for the summer season; five months of the year after which time the kiosk would be removed. This can be controlled by condition for the avoidance of doubt.

Concern has been raised that it could prevent a line of sight to the bandstand; it is confirmed that there is no right to a view in planning terms.

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

Given the limited harm to the character and appearance of the area, including conservation 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**

Paragraph 119 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.

Local Plan policies QD03 and QD04 are also 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.
- 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 proposed kiosk is located some distance from the nearest residential properties, approximately a minimum of 16m. Given the distance of the proposed kiosk 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.

The promenade is used by a large number of people, particularly in the summer months, with visitors and local residents alike walking along the promenade, resting on the benches in the vicinity and simply taking in the views out to sea and atmosphere. The use of this kiosk is unlikely to lead to an increase in noise that would be describable from the general use of this promenade area.

It is confirmed that 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 and paragraph 130 National Planning Policy Framework.

## **Transportation**

Paragraph 110 of the NPPF states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 112 goes on to highlight that Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy SP37 of the Local Plan states that new development must take account of the need to respond to climate change: 1) by minimising vulnerability and providing resilience to the impacts of climate change through the use of up to date technologies, efficient design and appropriate siting and positioning of buildings; 2) mitigating against climate change by reducing emissions and energy demands through the use of up to date technologies; 3) realise and make best use of available opportunities to reduce the impact of climate change on biodiversity and the natural environment by providing space for habitats and species to move through the landscape and for the operation of natural processes, particularly at the coast. Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient

means of transport. Development applications will be expected to take account of the need to promote safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Whilst policy SP44 states development generating a significant number of trips will be expected to be located where a range of services are or will be conveniently accessible on foot, by cycle or public Transport.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05 where applicable), 2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children, whilst Policy TP03 states new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads, junction improvements and traffic management proposals.

The proposed kiosk building would take up a relatively small amount of paved area that pedestrians could utilise. There would, however, still be an area around the building that would remain available for pedestrians. The reduction in this area would not impede pedestrians or those with pushchairs/wheelchairs. Whilst there may be some reduction in the openness around the site which could result in some pedestrian congestion, this is likely to only be at peak times and is unlikely to result in additional harm to pedestrian or highway safety.

### **Other Matters**

It is confirmed that all plans and documents associated with the application were available to view on public access.

### **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 by retaining this facility, albeit at a different site. 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**

Gillian Daws

TITLE:

F/TH/23/0477

Project

Victoria Gardens Victoria Parade BROADSTAIRS Kent CT10 1QS

