

**R07**

**F/TH/23/0782**

**PROPOSAL:** Erection of a single storey kiosk for the sale of food and drink, with associated seating following removal of existing.

**LOCATION:** Kiosk At Royal Victoria Pavillion Harbour Parade Ramsgate Kent

**WARD:** Eastcliff

**AGENT:** Mr George Kateifides

**APPLICANT:** Mr T Palmer

**RECOMMENDATION:** Refuse Permission

Refuse for the following reasons:

1 The proposed kiosk by virtue of its prominent location, design, proximity to and relationship with the grade II listed Obelisk, is considered to result in an awkward and incongruous form of development, unrelated and incompatible with surrounding built form and representing poor design, that would compete with and detract from the significance of the listed buildings and the Ramsgate Conservation Area, resulting in significant harm to the special character, appearance and historic interest of these designated buildings and area. This harm is not outweighed by the public benefits of the proposal, and the proposal is therefore contrary to policies HE02, HE03, QD02, SP35 and SP36 of the Thanet Local Plan and paragraphs 130, 134, 199, 200 and 202 of the National Planning Policy Framework.

#### SITE, LOCATION AND DESCRIPTION

The site is located on a pedestrianised area to the west of the grade II listed Royal Victoria Pavilion and to the North of the public toilets. It currently comprises a small pitched roof kiosk with an angled footprint located immediately adjacent to the northern side elevation of the public toilets. The existing kiosk has a tiled roof, panelled lower sections and multi pane windows. The area to the north of the existing kiosk, behind the grade II listed Obelisk and to the south of the grade II listed telephone boxes is used for the siting of tables and chairs associated with the kiosk.

#### RELEVANT PLANNING HISTORY

F/TH/08/0584 - Change of use of land for the siting of a kiosk for the sale of food and drink, with associated seating. Granted 17 July 2008

F/TH/07/1035 - Change of use of land for the siting of 2No. mobile units for the sale of food and drink with associated seating. Refused 18 October 2007 due to the impact upon the character and appearance of the conservation area.

### PROPOSED DEVELOPMENT

The proposed development is the erection of a single storey kiosk for the sale of food and drink, with associated seating following removal of existing. The proposed kiosk would be constructed from off white weatherboarding and have a mono-pitched roof. It would extend from the northern side elevation of the public toilets past the Obelisk with a rectangular footprint. The north western corner would be angled and contain a window. A further window would be located in the main western elevation and a door would be located in the northern side elevation.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan**

SP08 - Thanet Town Centres  
SP11 - Ramsgate  
SP26 - Landscape Character Areas  
SP27 - Green Infrastructure  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
SP37 - Climate Change  
SP43 - Safe and Sustainable Transport  
SP44 - Accessible Locations  
HE02 - Development in Conservation Areas  
HE03 - Heritage Assets  
GI06 - Landscaping and Green Infrastructure  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
TP03 - Cycling  
TP06 - Car Parking

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was posted in the local paper.

No responses have been received.

**Ramsgate Heritage and Design Forum** - Object strongly: The proposal involves the loss of a well designed kiosk and erection of a crude 'shed' wholly inappropriate to the historic setting of several grade II listed buildings as well as a grade II\* harbour. The location merits

an imaginative quality design and finish especially in the light of pending environmental improvements of the Levelling Up Fund.

## CONSULTATIONS

**TDC Conservation Officer** - The following application is for the proposal of a kiosk building adjacent to the Royal Victoria Pavilion in Ramsgate. The pavilion itself is Grade II listed and is cited within the Royal Harbour as well as the Ramsgate Conservation Area.

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.' As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development 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.'

As it stands there is a small hexagonal building on site which currently functions as a coffee stand. It is proposed to remove this structure and replace it with something more substantial. Although in the context of the surrounding development the proposed kiosk is still relatively small in stature, I would very much consider the existing to blend into its environment and be of small enough scale to be discrete and concealed. The proposed replacement is much larger in its footprint and rectangular in its shape and as such would appear more cumbersome and obvious within the conservation environment. It would also protrude further into the setting of the adjacent listed assets and as such cause disruption to its setting and appearance and prevailing outlook. There are three listed assets in close proximity to the site, the pavilion itself, the K6 Telephone boxes and the Obelisk structure of which would likely be compromised.

I can appreciate there may be other community or commercial benefits through the proposal of this scheme which would be taken into consideration by the planning officer, whereas this consultation largely focuses on heritage implications.

The compromise of these structures would ultimately appear poorly in the context of the conservation environment and therefore would also be to the detriment of the surrounding historic harbour environment. Overall I do not consider this application to have fully considered its implication to the setting and appearance of the surrounding conservation area nor the adjacent listed properties. As such I object to the application proposed and suggest its reconsideration.

**TDC Environmental Health** - We've not received any complaints, so given the locality EH have no objection.

## COMMENTS

This application is reported to members as the development is located on Thanet District Council owned land.

### **Principle**

The 2008 application (Reference F/TH/08/0584) granted permission for the change of use of land for the siting of a kiosk for the sale of food and drink, with associated seating. No change of use is proposed as part of this application.

The site is located within the urban confines of Ramsgate and in the Ramsgate Waterfront and Royal Harbour Area as defined by policy SP11 of the Thanet Local Plan. This policy supports a mixture of leisure, tourism, retail and residential uses subject to all proposals; Taking particular care in the design, location, use of materials and relationship of land-based facilities with open water, such as to protect important views and preserve or enhance the historical character of the Royal Harbour and seafront and ensuring that the integrity of nature conservation interests within the adjacent SSSI, SPA, SAC, Ramsar, Thanet MCZ site are maintained.

Given the location of the site and the existing development, the principle of erecting a replacement kiosk is considered acceptable subject to all other material considerations.

### **Character and Appearance**

Paragraph 130 of the National Planning Policy Framework (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 site is located within the Ramsgate 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 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 SP36 of the Thanet Local Plan states that "The Council will support, value and have regard to the historic or archaeological significance of Heritage Assets.."

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.

Policy HE03 of the Thanet Local Plan states that; "Proposals that affect both designated and non-designated heritage assets, will be assessed by reference to the scale of harm, both direct and indirect, or loss to, the significance of the heritage asset in accordance with the criteria in the National Planning Policy Framework."

The Ramsgate Conservation Area Appraisal states that "The openness of the space, rather than its modern material palette or design, contributes to the character and appearance of the conservation area in providing a traffic-free space for people to view and appreciate some of Ramsgate's key heritage assets." These heritage assets include the Obelisk that commemorates the harbour's designation as a Royal Harbour and the Royal Victoria Pavilion.

The site is also located within the Ramsgate and Broadstairs Cliffs Landscape Character Area as defined by policy SP26 of the Thanet Local Plan. This policy states that "Proposals on the coast should respect the traditional seafront architecture of the area, maintain existing open spaces and should ensure that recreational and wildlife opportunities are not compromised by development. Proposals should maintain and enhance the setting of sandy bays, low chalk cliffs and associated grassland and long sweeping views of the coastline."

The existing kiosk is of a modest scale and has a traditional appearance. When open, the existing kiosk also has large openings and sections of glazing on the northern and western elevations. Conversely the proposed kiosk would have small openings giving a high solid to opening ratio. The proposed kiosk, with its shallow mono pitched roof, horizontal timber cladding and casement windows is considered to have limited architectural merit. Whilst it would be painted a similar colour to the existing kiosk, public toilets and Royal Victoria Pavilion, this is not considered sufficient to disguise the functional and temporary appearance of the proposed kiosk.

The existing kiosk sits between the public toilets and the Obelisk, however the proposed kiosk would extend past the Obelisk infilling the space behind this grade II listed structure. It is acknowledged that the Royal Victoria Pavilion also extends behind the Obelisk, however given the proximity and design of the proposed kiosk, the proposed arrangement is considered to result in an awkward and incongruous relationship that would harm the setting of the grade II listed Obelisk.

There are a variety of buildings and structures visible in the immediate street scene, with industrial uses visible to the west in the harbour, and the adjacent public toilets having a functional appearance. This site is considered to be highly prominent from Harbour Parade and these other buildings and structures do not have the same relationship with the grade II listed Obelisk. It is therefore considered that the proposed kiosk, by virtue of its design and location would result in significant harm to the character and appearance of the Ramsgate conservation area and the setting of the grade II listed Obelisk.

### **Living Conditions**

The proposed kiosk would be single storey in scale and located approximately 25m from the closest residential property. Given the existing use of the site, the scale of the proposed kiosk and the location of the site this development is not considered to result in any significant loss of light, sense of enclosure, overlooking or noise and disturbance to the closest residential properties in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

The site is positioned in a highly sustainable location and is situated on a pedestrianised area away from the boundary with the highway. Whilst this development would represent an increase in the size of the kiosk, given the location, the existing use and nature of the use this proposal is not considered to result in any significant harm to highway safety.

### **Biodiversity**

The proposed kiosk is located on an area of hard surfacing and is of a limited scale. This development is therefore not considered to result in any significant harm to biodiversity in the area.

### **Conclusion**

The proposed kiosk through its functional design and location, proximity and relationship with the grade II listed Obelisk is considered to result in significant harm to the significance of both the conservation area and the Obelisk.

The proposed kiosk would provide some economic benefits through the increased size and the applicant has indicated that there would be some other benefits including diverting queues away from busier areas and improved drainage. No evidence has been provided to demonstrate the increased demand that is referenced in the design and access statement or the potential economic benefits from the increased size. Furthermore no evidence has been provided to demonstrate why the relocation of the que or the drainage benefits cannot be achieved either through alterations to the existing structure or an alternative design. It is therefore considered that limited weight can be given to these benefits.

The harm that would result from this development to the conservation area and the grade II listed structure is considered to be less than substantial, however paragraph 199 requires

great weight to be given to the conservation of heritage assets and when this harm is weighed against the public benefits of the development as required by paragraph 202 of the NPPF this harm is not considered to be outweighed. This development is therefore considered to be contrary to policies HE02, HE03, QD02, SP35 and SP36 of the Thanet Local Plan and paragraphs 130 the National 130, 134, 199, 200 and 202 of the National Planning Policy Framework.

**Case Officer**

Duncan Fitt

TITLE: F/TH/23/0782

Project Kiosk At Royal Victoria Pavillion Harbour Parade Ramsgate Kent

