

A06

F/TH/24/0206

PROPOSAL: Variation of condition 2 of planning consent F/TH/22/1638
Erection of single storey front, side and rear extensions to existing restaurant together with landscaping and seating areas to allow internal alterations including removal of internal stairs and erection of external stairs, alterations to fenestration

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 20 April 2026.

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 05A and 07A received 23 February 2024, and 06B and 08B received 3 May 2024.

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 the Proposed Elevations drawing numbered 08B received 3 May 2024.

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 06B received 3 May 2024. 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 06B, 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.

7 Prior to the first use of the enlarged internal seating area, hereby permitted, the staircase to be relocated shall be installed in the location shown on the approved drawings, and the staircase shall be constructed in black painted metal, as confirmed in correspondence from the Applicant's Agent received 2 May 2024, unless otherwise agreed in writing by the Local Planning Authority.

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, and to ensure access is maintained to the storage area in the roof.

INFORMATIVES

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

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.

RELEVANT PLANNING HISTORY

F/TH/22/1638 - Erection of single storey front, side and rear extensions to existing restaurant together with landscaping and seating areas GRANTED 20.04.2023

PROPOSED DEVELOPMENT

The application is for the variation of condition 2 of planning permission F/TH/22/1638 for the erection of single storey front, side and rear extensions to existing restaurant together with landscaping and seating areas to allow internal alterations including removal of internal stairs and erection of external stairs, alterations to fenestration. The amendment being proposed is to allow for internal alterations including removal of internal stairs and erection of external stairs and alterations to the fenestration.

PLANNING POLICIES

Thanet Local Plan 2020

SE08 - Light Pollution

SP04 - Economic Growth

SP12 - Broadstairs Promenade and Beach Front

SP26 - Landscape Character Area - Ramsgate and Broadstairs Cliffs

SP43 - Safe and Sustainable Travel

CC01 - Fluvial and Tidal Flooding - Flood Zone 2

HE02 - Broadstairs Conservation Area

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions

Broadstairs and St Peter's Neighbourhood Development Plan

Policy BSP4: Seafront Character Zones

NOTIFICATIONS

Neighbours have been notified and a site notice posted and one representation has been received raising the following concerns:

This is a step too far.

It will make the end of the Jetty into one giant offence to the eye - reminding me of the sewerage depot at Botany Bay.

The existing stilts holding up the roof are dainty and allow a view through them to the sea and the land.

Making a restaurant on the jetty will weaken the town for visual attractions.

There are many charity shops, empty retail units and empty restaurants, giving plenty of opportunities for the jetty to expand their business in town

Broadstairs & St Peter's Town Council - The Committee unanimously recommends No Comment.

CONSULTATIONS

TDC Conservation Officer - Following a review of the proposed application I would consider this is less than substantial implication to the setting and appearance of the surrounding conservation area and as such do not object to the proposed.

Environment Agency - Having assessed the proposal, we do not have any comments on the proposed amendments to the consented drawings and we wish to reiterate our response to the original application this variation relates to (ref.F/TH/22/1638) (response letter dated 27 February 2023, attached for ease).

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.

COMMENTS

This application is reported to the Planning Committee as the building is owned by the Council.

The alterations to the building have been approved through the previous consent. The consideration for Members to assess is the principle of the development, the impact of the proposal on the pier and its setting within the Broadstairs Conservation Area, its impact upon other users of the Pierhead, impact upon the living conditions of the occupiers of nearby residential properties and pedestrian and highway safety.

Principle

The principle of development has been established through planning application F/TH/22/1638 for the erection of a single storey front, side and rear extensions to existing restaurant together with landscaping and seating areas, which was granted planning permission on 20 April 2023. This permission is extant and therefore provides a reasonable fallback position for the application, which is a material consideration when considering the principle of development.

Internal Alterations

The internal layout is to be altered with the space currently occupied by the Sailing Club staircase (located externally to the building beneath the Shelter) and the 'managers office' being altered to create a storage room (annotated 'cellar') and the walls forming the existing 'beer store' being removed to create a larger seating area with a log burner installed. The

oak screen that currently separates the two viewing areas is to be extended across the seating area and double doors added, to separate the bar area located to the front of the building, from the seating area located to the rear of the building.

During consideration of the previous application concern was raised that the proposal would introduce an additional bar into the area where there are already many drinking establishments. The floor plans showed the bar area separated from the restaurant and the dividing walls were subsequently removed to allow the building to operate as a single restaurant use, with the bar being ancillary to that primary use.

The erection of the dividing wall, through this variation application, once again separates the building into two parts, with a distinctly separate bar area, accessed from double entrance doors on the front (north facing) elevation, and the Jetty restaurant entrance on the western side of the building.

The applicant's agent previously advised '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 were amended to show the doors removed between the private seating area and the bar, and were able to demonstrate the spaces within the building were connected to the restaurant area. The floor plan drawing submitted with this variation application has now been amended and the doors have been removed, however the dividing wall remains with a gap through which customers can circulate through the building. The use of the building therefore remains a restaurant with ancillary bar and is essentially the same as previously approved.

Character and Appearance

The proposed alterations are to carry out internal alterations including removal of internal stairs and erection of external stairs on the east facing elevation (facing the sea), alterations to the window design on the same east facing elevation, and addition of a flue to serve the log burner installed following the internal changes.

With regards to the external appearance of the building the two previously approved feature windows on the east facing elevation projected outwards from the building, with a wide concrete frame surrounding them, and these are to be replaced by two large windows and a narrow window fitting flush with the side of the building. The proposed windows would appear less prominent upon the building than the previously approved windows, and would have limited impact on the character and appearance of the area.

The external stairs on the eastern end of the building would allow the sailing club access to the storage space within the roof of the shelter. The Applicant's Agent confirms the external stairs will be black painted metal to blend in with the dark finish of the building.

The stairs would be located at the end of the building and run parallel to the side of the building. They would be set back from the front edge of the building and therefore would not be immediately visible from the wider public realm. The black painted stairs would blend in fairly successfully with the dark coloured cladding on the external surfaces of the building and would have limited impact on the wider character and appearance of the area.

The only other external changes to the building, visible from the wider public realm, is the addition of a flue for the log burner. The flue is shown on the drawing as having a slim appearance, projecting approximately 2 metres from the roof close to the eaves on the front roofslope, towards the western end of the building. Details of the flue have not been provided with the application, however the flue could blend in with the roof of the building subject to it being painted dark brown, as approved for the extraction flue previously agreed.

Unfortunately the external flue installed for the kitchen is far larger than the extraction flue that has been approved, and this matter is still outstanding and the Council's Planning Enforcement team are aware and the Applicant's Agent has advised that they are discussing this with the installer of the flue. For reference the flue 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).

The remainder of the alterations are internal changes to the layout and these have limited visual impact.

Overall, the impact of the external changes proposed through this variation application, subject to safeguarding conditions regarding materials, are considered to have limited impact on the character and appearance of the area, and accord with the requirements of local and national policies.

Living Conditions

The shelter is located some distance from the nearest residential properties and the window alterations, flue and external stairs would be located at the eastern end of the building. This elevation faces out to sea and would not adversely impact upon residential amenity.

The impact of the amended plans upon living conditions are considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan and the NPPF.

Pedestrian and Highway Safety

The alterations proposed would result in the external staircase projecting approximately 1.5 metres into the open space at the eastern end of the building. This would reduce the area available for members of the public to walk around the shelter. It should also be noted that there is a further planning application to extend the external seating area at the western end of the building (reference F/TH/24/0136). 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.

Access to the roof space is currently made using the stairs located on the inside of the building, where the building has been designed to work around the staircase. The relocated staircase would be more exposed to bad weather conditions, being located at the far end of the building. In this respect the development falls within Flood Risk Zone 3 with a high probability of flooding. A Flood Risk Assessment was submitted with the previously approved scheme and the Environment Agency raised no objections subject to the mitigation measures set out in the Flood Risk Assessment being 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.'

These benches provide some protection to the staircase from over topping water, and the conditions at the end of the pier are unlikely to be significantly greater than that experienced walking along the pier from Harbour Street.

The applicant will need to ensure that the stairs are made secure from potential misuse, from anyone climbing the stairs, however there will be natural surveillance from the building that would help to deter anti-social behaviour.

Given the above, the impact of the amendment on pedestrian and highway safety is acceptable.

Conclusion

The principle of development has previously been agreed through the extant consent, and it is considered that the proposed variation of condition 2 to allow for internal alterations including removal of internal stairs and erection of external stairs, installation of flue and alterations to fenestration, would not result in a significant impact upon the character and appearance of the area, or adversely impact upon the living conditions of neighbouring occupiers or highway safety when compared to the previously approved scheme. It is therefore recommended that Members approve this application, subject to safeguarding conditions.

Case Officer

Rosemary Bullivant

TITLE:

F/TH/24/0206

Project

Pier Head Shelter The Harbour BROADSTAIRS Kent CT10 1EU

