

R04

F/TH/24/0118

PROPOSAL: Change of use of land for the siting of a timber clad metal storage container for the sale of food and beverages (Use Class E) and erection of associated timber storage shed together with outdoor seating

LOCATION: Stone Bay Kiosk East Cliff Promenade Broadstairs Kent CT10 1SY

WARD: Bradstowe

AGENT: Mr John Lowden

APPLICANT: Mr D Montila

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed development would result in significant harm to the landscaped character area, and no evidence has been provided to demonstrate the development is essential for the economic or social well-being of the area. The proposal is therefore contrary to Thanet Local Plan Policy SP26, Policy BSP4 of The Broadstairs and St Peter's Neighbourhood Development Plan, and paragraph 180 of the NPPF.

2 No ecological impact assessment has been submitted with the application to demonstrate that biodiversity and habitat impacts have been minimised and mitigated as far as possible, and that there will be no harm to the Special Protection Area or Special Area of Conservation. Without this evidence the proposal fails to meet the requirements of Thanet Local Plan Policy SP28, paragraph 186 of the NPPF, and the Habitats Regulations 2017.

SITE, LOCATION AND DESCRIPTION

The Stone Bay Kiosk is located on the East Cliff Promenade at the base of the cliffs below Eastern Esplanade. The application relates to an area of land to the rear of the Kiosk adjacent to a row of beach chalets at the base of the cliff. The site lies in an area that is designated as a Site of Special Scientific Interest (SSSI), a Special Protection Area (Ramsar), which the Thanet Local Plan identifies as the Foreness Point and North Foreland Landscape Character Area, the Thanet Coast Special Area of Conservation, and Stone Bay falls within Category 2 in the Broadstairs & St Peter's Neighbourhood Plan document.

PLANNING HISTORY

None

PROPOSED DEVELOPMENT

The application seeks planning permission to enclose an area of land with a low level timber fence, to the rear of the existing Kiosk at the base of the cliff, to facilitate the change of use of the land for the siting of a timber clad metal storage container for the sale of food and beverages (Use Class E) and for the erection of a timber shed to be used for storage. To the front of the storage container and store it is proposed to place tables and chairs to provide outdoor seating.

(The existing and proposed drawings submitted with the application shows decking on the sands however this has not been included in the proposal for consideration through this application and it is not being assessed).

PLANNING POLICIES

Thanet Local Plan 2020

CC01 - Fluvial and Tidal Flooding - Flood Zone 2
SE08 - Light Pollution
SP04 - Economic Growth
SP26 - Landscape Character Area - Ramsgate and Broadstairs Cliffs
SP28 - Special Protection Area/Ramsar
GI01 - Site of Special Scientific Interest - Thanet Coast
GI02 - Locally Designated Wildlife Sites
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
TP03 - Cycling

Broadstairs and St Peter's Neighbourhood Development Plan

Policy BSP4: Seafront Character Zones (Category 2 - Stone Bay)

NOTIFICATIONS

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

There is no mention of the decking area on the sand that has slipped.

Object to any business being able to corral a section of the sand - this is public land.

Decking will encourage rats as chips etc fall through the deck area.

Do not object to the outside of the unit being improved or adding storage behind the promenade.

Broadstairs & St Peter's Town Council - The Committee recommends OBJECTION WITH CONCERNS regarding the taking of the sand area with decking as shown on the location drawings outlined in red. (Majority vote)

CONSULTATIONS

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

TDC Estates - Property and Asset Management - Having considered the application together with the supporting documents, we have noted that the plan shows an area on the beach for decking. The applicant has sought consent from Thanet District Council's Property and Asset Management Department and this has been refused, and no permanent rights can be granted.

The proposed new buildings are located in Flood Zone 1 and there is a dependence on the sand foreshore for flood protection.

Within the Local Plan and Broadstairs Neighbourhood Plan there are various Policies that restrict development in this area and this includes the Local Plan Policy SP39 - Protection of International and European Designated Sites. All these policies will be assessed by the Planning Department as part of the Planning Process.

This application would need permission from Natural England as it sits within the SSSI - Sites of Special Scientific Interest, SAC - Special areas of Conservation (England), SPA - Protected Areas (England) and SAC- Special Areas of Conservation (England).

There are concerns that the conservation of Habitats and bird species have not been adequately considered and measures put in place to avoid or mitigate any adverse impacts on the area.

The red line denoted on the plan is incorrect as the applicant does not have permission to occupy all of the area shown.

There are concerns on the impact on the drainage, and other utilities supplies and this would need to be advised separately.

TDC Coast and Engineering Services Manager - Environment Sensitivity - This site is located within a very sensitive area of coastline that is subject to several environment designations that restrict its use and how it can be developed.

The cliff face to the rear of the proposed development, that the proprietor has damaged in the clearance of the area and erection of a structure previously without permission is designated as a "Priority Habitat (Maritime cliff and slope)"

The Stone Bay area as a whole including the location of this proposed development also carries the following designations:

Ramsar Sites (England)

Sites of Special Scientific Interest Units (England) Thanet Coast SSSI

Special Areas of Conservation (England)

Special Protection Areas (England)

There are concerns that the conservation of Habitats and bird species have not been adequately considered and measures put in place to avoid or mitigate any adverse impacts on the area.

Flood Risk

The location of the proposed new buildings are located in Flood Zone 1 (low probability of flooding from rivers and the sea), however note that there is a significant reliance on the mobile sand foreshore for flood protection.

This application would need permission from Natural England as it sits within the SSSI - Sites of Special Scientific Interest, SAC - Special areas of Conservation (England), SPA - Protected Areas (England) and SAC- Special Areas of Conservation (England).

Existing developments

The plan shows an area on the beach for decking and tables and chairs to the rear of the existing building. The applicant has sought consent from Thanet District Council's Property and Asset Management and Beach and Coast departments. This application has been refused. The beach is subject to the environmental designations and is there for the public in general to enjoy and should not be monopolised for development.

The proprietor has ignored the denial of permission to place the decking on the beach and to situate a structure against the cliff face previously, installing both in 2023. In clearing the area behind the existing premises to site structures, the proprietor has caused damage to the protected chalk cliff face (Priority Habitat).

KCC Ecological Advice Service - No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise as a result of the development.

We advise that an Ecological Impact Assessment (EclA) must assess the impact the development will have on this site, as well as relevant statutory and non-statutory designated sites. An EclA will contain the following:

Details of the impacts of development proposals on the site's ecological baseline;

Details of any necessary and achievable ecological mitigation and/or compensation measures;

Details of ecological enhancement measures, and;

Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of ODPM 06/2005 which states "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is

granted, otherwise all relevant material considerations may not have been addressed in making the decision". An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

Given the situation of the development within a locally, nationally and internationally designated habitats site (Thanet Coast & Sandwich Bay¹), Thanet District Council must be assured that the proposal will not adversely affect the integrity of the site by conducting a Habitats Regulations Assessment (HRA). Natural England must also be consulted as the statutory nature conservation body. The information provided within an EclA (as well as the responses from relevant consultees) will inform a "Shadow HRA" which may be adopted for the purposes of completing a full HRA.

INTERNATIONAL DESIGNATIONS (SPA, SAC, Ramsar)

The development is situated within the Thanet Coast & Sandwich Bay SPA, Thanet Coast SAC and Thanet Coast & Sandwich Bay Ramsar Site.

The European designated area is cited for its "wide variety of coastal habitats including areas of chalk cliff, rocky shore, shingle, sand and mudflats, saltmarsh and sand dunes" as well as its "value for breeding and wintering birds ... outstanding communities of terrestrial and marine plant species, a significant number of rare invertebrate species, and ... considerable geological importance."

The proposed development is in no way connected with or necessary to the management of the site and may cause harm to the cited features, including the chalk cliffs and marine flora. In combination with the existing development (a beachfront café), the project may adversely affect the integrity of the site. As such, an HRA will be required to ascertain whether this development will adversely affect the integrity of the site concerned.

Article 6(3) of the Habitats Directive, regarding European designated sites, states that: "Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

This development appears likely to cause additional recreational disturbance and likely significant effects on birds using the SPA and Ramsar sites. The Conservation of Habitats and Species Regulations 2017 (Regulation 63[3]) states that, for SACs and SPAs: "The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies." The appropriate nature conservation body is Natural England.

The Strategic Access Management and Monitoring Plan (SAMMP) in respect of the Thanet section of the Thanet Coast and Sandwich Bay SPA appears to only apply to new housing developments. However, other development which is not included as a housing allocation in the SAMMP may have an effect, alone, or in combination, on the protected sites. Such developments are defined within the Thanet SAMMP as:

A housing development of sufficient scale to generate additional significant effects, alone or in combination;

A development of sufficient proximity to the protected site to generate additional significant effects, alone or in combination;

Increases in holiday accommodation close to the coast;

Extension of the period of residency at caravan parks close to the coast;

Conversion of business use to residential in proximity to the coast;

Conversion of business or residential, or beach huts, to holiday accommodation

For development, such as those above, that are not covered by the tariff payments, Thanet District Council should consider such applications and require assessment and mitigation as appropriate.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'Appropriate Assessment' is needed under the Habitats Directive. Given the likely recreation impacts of this development, we advise a full 'Appropriate Assessment' will be required.

In addition to these policies, the local planning authority also needs to be confident that proposals will not adversely affect these sites in line with the NPPF 2023.

NATIONAL DESIGNATIONS (SSSI)

Given the situation of the development within the Thanet Coast SSSI (a nationally important site designated for its "shingle, sand and mudflats ... smaller areas of saltmarsh, coastal lagoons, coastal gill woodland and cliff-top grassland". Its site improvement plan, published by Natural England, cites concerns with recreational impacts leading to "compaction, trampling, erosion, and enrichment of sand dunes, particularly where vehicles have access to the sea front."

Additionally, this plan states that "[the] Thanet Coast has the longest continuous stretch of coastal chalk in Britain (23 km), representing about 20% of UK coastal chalk and 12% of the coastal exposure in Europe. The chalk cliff face, cave and tunnel habitats and communities here are very uncommon in Europe and therefore important internationally."

Stone Bay is already a popular recreational destination, but the direct impacts to the internationally important chalk cliffs and associated features, as well as the additional compaction, trampling and erosion which would result indicate that Natural England are unlikely to support the proposal. The requested EclA will contain further details of the impacts of the development to the cliff face.

Given the situation of the development within the Thanet Coast SSSI, consultation with Natural England is required.

LOCAL DESIGNATIONS (BOA)

The development is located within the Thanet Cliffs & Shore Biodiversity Opportunity Area (BOA) as identified within the Thanet District Council Local Plan. BOAs are identified as areas where "the maximum biodiversity benefits can be achieved and the greatest gains can be made from habitat enhancement, restoration and recreation".

Consideration should be made for the habitats which the BOA is composed of, including two "Habitats of Principal Importance" (HPIs) as defined by section 41 of the Natural Environment and Rural Communities Act 2006: unvegetated sand and dunes above the high tide mark and supralittoral sediment.

It is evident from the photographs provided to us that the development has damaged the supralittoral sediment at the foot of the east cliff. Vegetation growing from the chalk cliffs has also been cleared to make way for the store/food and beverage shed. Any notice of planning permission should seek to redress these adverse impacts to the affected habitats with reference to the mitigation hierarchy.

Natural England - Very little information appears available for review at this time and, despite the development appearing to fall inside the Thanet Coast SSSI, Thanet Coast SAC, and Thanet Coast & Sandwich Bay SPA/Ramsar boundary, no ecological information or Habitats Regulations Assessment appears to have been provided.

In order to help us provide a full response, please may you clarify as to whether this development will result in direct loss of designated land, or if it is located on land that has already been developed?

Southern Water - Following the review of the submitted documents, we have the below comments for the Planning consultation.

Foul and Surface Water Drainage

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the

premises. It should be noted that under the Water Industry Act 1991 it is an offence to throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Environmental Health - Environmental Protection Officer -

We have had some issues receiving referrals through M3.

I have included some comments below:

Did the applicant identify the types of food that they are proposing to sell? As I understand that an E(b) application may allow for hot food to be prepared. If this is the case then adequate wastewater disposal must be available and they don't appear to have a connection to the sewer. Also I would expect to see toilet facilities associated with the sale of food and drink for consumption mostly on the premises. I have noted that on the application the hours of opening are "unknown". If lighting or entertainment (sound system) is going to be present then I can put forward some conditions to manage these effects.

I also note that the applicant doesn't know how foul sewerage will be disposed off. If the applicant is going to prepare food for sale then they must have an authorised sewer connection and if hot food is going to be prepared then the applicant will be required to fit appropriate extract ventilation.

I don't think the application puts forward enough information. The lack of a sewerage connection raises serious concerns for the proposed activity.

COMMENTS

The application is brought before members as the land is owned by Thanet District Council, although TDC is not the applicant. 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

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.

Policy BSP4 of the Broadstairs Neighbourhood Development Plan identifies Stone Bay as falling within a Category 2 Seafront Character Zone which recognises Stone Bay (along with Louisa Bay, Dumpton Gap, Joss Bay and Botany Bay) as leisure beaches with modest facilities. The policy describes bays falling within this category as providing 'sandy beaches for bathing and beach-side activities, supported by the minimum level of facilities such that each Bay retains its natural and undeveloped character and appearance, and their value as

wildlife habitats and for nature conservation is protected. Improvements to the quality of the existing facilities will generally be encouraged but their expansion, or the introduction of new facilities, will generally be resisted.'

There is an existing kiosk for food and drink in this location, with the proposal only seeking to extend this use through the creation of an external seating area. The proposal seeks to enclose an area of land with a low level timber fence, to the rear of the existing Kiosk at the base of the cliff, to facilitate the change of use of the land for the siting of a timber clad metal storage container for the sale of food and beverages, and to erect a timber shed to be used for storage. To the front of the storage container and timber store it is proposed to place tables and chairs to provide outdoor seating. The principle of a food and drink unit in this location has already been established, and therefore any extension of this unit is also acceptable in principle under the tourism and community benefits it would offer, subject to other material considerations such as the impact upon the landscape character area and biodiversity.

Impact on Landscape Character Area

The site lies within the Broadstairs Cliffs Landscape Character Area (Policy SP26), which is defined on the Thanet Local Plan policies map as a Special Protection Area/Ramsar (Policy SP28), a Site of Special Scientific Interest (Thanet Coast) (Policy GI01), a Locally Designated Wildlife Site (Policy GI02) and within Flood Zone 2 for Tidal Flooding (Policy CC01). The Broadstairs and St Peter's Neighbourhood Development Plan defines this area as the Stone Bay Seafront Character Zone for which Policy BSP4 applies. These policies seek to maintain existing open spaces and ensure that recreational and wildlife opportunities are not compromised by development. The policies require proposals to maintain and enhance the setting of sandy bays, low chalk cliffs and associated grassland and long sweeping views of the coastline.

Unlike the main tourist beach of Viking Bay, Stone Bay retains a relatively natural appearance with a small row of beach huts located on the raised section of promenade, and a kiosk serving food and beverages. The Landscape Character Area policy (SP26) recognises that 'the long coastline is one of Thanet's main assets' with two character areas associated with the developed coast being 'G1: Ramsgate and Broadstairs Cliffs' and the 'G2: North Thanet Coast'. 'The distinctive east facing low chalk cliffs of Thanet and the open seascape create a dramatic contrast to the almost continuous urban area of Ramsgate and Broadstairs located on the cliff top.' [] 'Proposals on the coast (within landscape character types F: Undeveloped Coast and G: Developed Coast and the surrounding area) 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 Landscape Character Area policy seeks to maintain and enhance these characteristics and 'Development proposals that conflict with the above principles will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area. In such cases, landscape impacts should be minimised and mitigated as far as possible.'

In this instance the applicant seeks to expand the food and beverage facilities available from the existing kiosk located on the East Cliff Promenade, through the siting of an additional container and storage building, and outdoor seating, enclosed by a timber fence, on an area of land to the rear of the existing kiosk, adjacent to the beach huts at the base of the cliff. The 2.8 metre high timber clad metal container has a footprint of 6 metres by 2.5 metres, and has a serving counter and a door on its front elevation which is shown with steel shutters when closed. It is also proposed to erect a 2.8 metre high timber store, with a footprint of 3.5 metres by 1.6 metres, to provide additional storage in connection with the food and beverage facility. To the front of these structures it is proposed to provide a seating area of table and chairs. The area is to be enclosed by a low level timber fence and gate. The drawings include a colour photograph of the fence enclosure and partial views of the unauthorised structures adjacent to the cliff face which have since been removed. Google images show that prior to the erection of the unauthorised structure (which included scaffolding poles touching the cliff face) the area at the base of the cliff comprised vegetation likely to support wildlife. The Council's Coast and Engineering Services Manager advises that the structure previously erected against the cliff face in 2023 has caused damage to the protected chalk cliff face which is a Priority Habitat.

The proposed structures would increase the amount of built form within Stone Bay and whilst they are single storey in design, they would be highly visible and disrupt views of the cliff face. The external seating together with the enclosing fence further adds to this disruption and ultimately results in the loss of open space at the base of the cliff. Whilst it is proposed to clad the metal container with timber, it is not unreasonable to expect there to be some form of lighting within the unit, if not externally within the space. It is therefore unlikely to blend in successfully and as a result the development would fail to maintain and enhance the setting of the Bay and its low chalk cliffs, and would disrupt the long sweeping views of the coastline, which Policies SP26 and BSP4 seek to maintain.

Impact on Biodiversity

Policy SP28 of the Thanet Local Plan states that 'Sites of International Nature Conservation Importance will receive the highest level of protection. 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. Where proposals are considered likely to have a significant effect on an International site, early consultation with Natural England, the Council and any other appropriate statutory consultees is recommended'.

Stone Bay is covered by a number of local and national policies that seek to protect the special characteristics of this part of the coastline. The chalk cliffs and bays are recognised as providing 'a dramatic contrast to the almost continuous urban area of Ramsgate and

Broadstairs located on the cliff top' (Thanet Local Plan para 4.156) and the coastline is of great biodiversity importance. The coastline 'forms part of the North East Kent Marine Protected Area, designated as SSSI, part of the Thanet Coast and Sandwich Bay SPA, Thanet Coast SAC, and Thanet Coast Marine Conservation Zone (MCZ), and as a Ramsar site. It also forms part of the Thanet Cliffs and Shore Biodiversity Opportunity Area (BOA). It is particularly noted for its bird populations, supporting important numbers of wintering birds, notably turnstones and golden plover, with wintering waders along the shores. There are outstanding assemblages of both terrestrial and marine plant species.' (Thanet Local Plan para 4.164).

In addition to the benefits of the natural environment for supporting biodiversity opportunities The Strategic Access Management and Monitoring Plan (SAMM), in respect of the Thanet Coast SPA, seeks to 'Conserve the pattern of sandy bays, chalk cliffs and areas of open amenity grasslands including opportunities to manage and enhance habitats for wildlife including restoration of cliff top chalk grassland where appropriate. On the immediate coastal edge seek to maintain the essentially natural character and contrast to the urban area minimising clutter, fencing and signage. Outside the main urban centres seek to retain the character of relatively low key, low rise seafront development and natural landscape setting. Conserve the open sea views and open horizons, in views from the beaches and cliff tops. Ensure any future coastal defence measures respect and enhance landscape and visual and biodiversity character. Continue to manage the coast to provide opportunities for access and recreation, notably the coastal trails which provide wider connectivity to the Kent coast and manage recreational disturbance conflicts with wildlife (birds) in accordance with the SAMM.' (Thanet Local Plan para 4.167)

The Environment Agency have been consulted and assessed the application as having a low environmental risk and make no further comment.

Kent Biodiversity have been consulted and given the sensitivity of the site, advise that an Ecological Impact Assessment is required, including details of any necessary and achievable ecological mitigation ecological enhancement measures. The development is situated within the Thanet Coast & Sandwich Bay SPA, Thanet Coast SAC and Thanet Coast & Sandwich Bay Ramsar Site, and Kent Biodiversity raise concerns that the development 'may cause harm to the cited features, including the chalk cliffs and marine flora. In combination with the existing development (a beachfront café), the project may adversely affect the integrity of the site. As such, they advise that 'Thanet District Council must be assured that the proposal will not adversely affect the integrity of the site by conducting a Habitats Regulations Assessment (HRA). Natural England must also be consulted as the statutory nature conservation body.'

Natural England have been consulted and confirm the development falls inside the Thanet Coast SSSI, Thanet Coast SAC, and Thanet Coast & Sandwich Bay SPA/Ramsar boundary, and are unable to comment as to whether the development will result in direct loss of designated land without additional ecological information or Habitats Regulations Assessment being provided.

The Applicant has been advised, through the Agent, that an ecological assessment and habitats regulation assessment is required however to-date no further information has been provided.

Paragraph 186 of the NPPF states that when determining planning applications, local planning authorities should refuse development if significant harm to biodiversity cannot be avoided. Without the necessary assessment the impact upon biodiversity is unknown.

Furthermore, the Special Protection Area and Special Area of Conservation within which the site is located is afforded the same protection as habitats sites, and the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site. If a habitats regulation assessment has not been carried out then the application would also fail to meet the Habitats and Species Regulations 2017.

Flood Risk

The development falls within Flood Risk Zone 2. Policy CC01 requires any development that takes place in a flood risk area to incorporate flood resilient measures. A Flood Risk Assessment has not been submitted with the application, however, the Environment Agency have been consulted and have assessed the application as having a low environmental risk and make no further comment.

The policy seeks to ensure that development is not put at risk by flooding. In this instance the proposal relates to a metal container, storage shed and external seating. Given the low level of risk identified by the Environment Agency it is considered the requirements of policy CC01 are met in this instance.

Drainage

Southern Water has been consulted and requires a formal application for any new connection to the public sewer to be made by the applicant or developer. The existing kiosk does not appear to have any means of drainage installed, and the proposal does not seek to implement drainage to the site. The Southern Water map shows pipework infrastructure running along the Eastern Esplanade along the road, however if a connection were to be made it is likely to result in significant harm to this sensitive coastal area. Without justification for its need, it is unlikely that this level of disruption would be supported.

Living Conditions

The site is located a significant distance from the nearest residential properties in Eastern Esplanade. The additional food and beverage facilities is likely to attract visitors to Stone Bay, and those passing along the promenade, and the external seating may result in an increased level of noise and disturbance to this otherwise relatively quiet Bay.

The Council's Environmental Health Department has been consulted and requires further details regarding the food being served and the method of wastewater disposal as there is no connection to a sewer. If external lighting or entertainment requiring a sound system is

proposed Environmental Health would require safeguarding conditions to be included in any permission. There are no details provided for the operational hours of the additional facility, or evidence of external lighting or amplified sound being used, however this would be controlled by the Council's Estates department.

Whilst there is no evidence that the proposal would include the need for external lighting or music, the activity associated with the additional facility would give rise to increased activity and associated noise and disturbance. It is therefore considered, notwithstanding potential harm to wildlife, it is unlikely that there would be significant harm to nearby residential occupiers, and therefore the development accords with the requirements of Thanet Local Plan Policy QD03 and the NPPF.

Pedestrian and Highway Safety

The additional structures and external seating would be located next to the cliff face, and enclosed by a low level fence. The development would not encroach onto, or obstruct, the East Cliff Promenade and members of the public could continue to utilise the promenade. There is no information provided as to how the container and storage building would be delivered to the site, and no information provided as to how deliveries are made to the existing or proposed units. However, given the size of the units it is unlikely that this would result in a significant number of vehicular movement along the promenade. As such, it is considered the proposed development would not result in additional harm to pedestrian or highway safety.

Conclusion

The proposed development would increase the amount of built form within Stone Bay, which would be highly visible and disrupt views of the cliff face. The external seating together with the enclosing fence further adds to this disruption and ultimately results in the loss of openness at the base of the cliff. The proposed development would therefore fail to maintain and enhance the setting of the Bay and its low chalk cliffs, and would disrupt the long sweeping views of the coastline, contrary to Policy SP26 of the Thanet Local Plan and BSP4 of the Broadstairs Neighbourhood Plan, and paragraph 180 of the NPPF.

Furthermore, no ecological impact assessment or habitats regulation assessment has been submitted with the application to demonstrate that biodiversity and habitat impacts have been minimised and mitigated as far as possible, and that there will be no harm to the Special Protection Area or Special Area of Conservation. Without this evidence the proposal fails to meet the requirements of Thanet Local Plan Policy SP28, paragraph 186 of the NPPF and the habitats regulations 2017. It is therefore recommended that members refuse the application.

Case Officer

Rosemary Bullivant

TITLE:

F/TH/24/0118

Project

Stone Bay Kiosk East Cliff Promenade Broadstairs Kent CT10 1SY

