

PLANNING COMMITTEE

APPLICATION NUMBER: CA//19/00066/FUL

SITE LOCATION: Land to rear of Water's Edge and 4 Island Wall, Shipyard Alley, Island Wall, Whitstable, CT5 1EP

PROPOSAL: Proposed 2 no. beach huts and no.2 storage sheds, following demolition of 2 no. timber buildings.

APPLICATION TYPE: FULL APPLICATION

DATE REGISTERED: 15 January 2019

TARGET DATE: 12 March 2019

LISTED BUILDING: NOT LISTED

CONSERVATION AREA: WHITSTABLE TOWN

WARD: Gorrell

APPLICANT: The Whitstable Oyster Fishery Co

AGENT: Lee Evans Planning

CASE OFFICER: Joanna Dymowska

WEB LINK: https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=_CANTE_DCAPR_121488

RECOMMENDATION: Grant subject to safeguarding conditions

SITE LOCATION AND DESCRIPTION

1. The application site is located along the beachfront in Whitstable. Shipyard Alley is located to the north of the application site with Keam's car park beyond. To the south-west of the site is 4 Island Road, a dwelling that is set forward in its plot and fronting Island Wall. Immediately to the south-west of the application site, there is a large single-storey dwelling, known as Water's Edge. Further to the south-west, there are a number of outbuildings facing the seafront. The application site comprises of two shed style buildings, which are currently used as beach huts.

2. The application site is located within the Whitstable Town Conservation Area. The vicinity of the application site is characterised by outbuildings that are orientated towards the sea front. They are mainly single-storey, unassuming building and are modest in scale.

RELEVANT PLANNING HISTORY

4. **CA/15/02082:** full planning application refused in 2015 for the demolition of two timber buildings and the erection of one self-contained holiday-let on the grounds of its impact upon the character and appearance on the Whitstable Town Conservation Area and no legal agreement being secured to mitigate the impact of the development upon the Thanet Coast and Sandwich Bay SPA and Ramsar site.

Water's Edge

5. **CA/14/00232:** certificate of existing lawful development granted for the lawful use of the site was as a dwelling house.
6. **CA/17/01498:** full planning permission granted in 2017 for a single-storey rear extension.

PROPOSED DEVELOPMENT

6. Full planning permission is sought for the erection of two beach huts and two storage sheds, following the demolition of the two existing timber buildings. During the course of the application, revised plans were submitted reducing the number of beach huts proposed from three to two and changing materials to traditional, feather-edge weatherboarding.

CONSULTATIONS

Environment Agency: Raise no objection, provided that it is used only has beach huts and built in accordance with the details submitted.

KCC PROW: Raise no objection.

CCC Archaeology: Raise no objection.

CCC Heritage: Raise no objection subject to safeguarding conditions.

REPRESENTATIONS

8. Neighbouring property occupiers adjoining the site were notified in writing and a site notice was displayed adjacent to the application site on each occasion. During the two rounds of consultation carried out, nine representations were received, objecting to the application on the following grounds:
 - Incongruous appearance

- Out of character with the conservation area
- A nuisance to the residential area nearby
- Loss of light,
- Overshadowing and overbearing impacts
- Out of scale
- Disruption and noise associated with the increased use of the public footpath
- Fibre cement cladding not in keeping
- Overdevelopment
- Use of the proposed buildings as a dwellinghouse

DEVELOPMENT PLAN POLICIES

Canterbury District Local Plan 2017

T9 - Parking and cycle provision to be applied in accordance with KCC standards.

DBE1 - All development to incorporate sustainable design and construction measures.

DBE3 - Development proposals to be of high quality, to be assessed against specific amenity, visual, landscape, accessibility and highways criteria.

DBE4 - New housing to have acceptable standard of accommodation, having regard to national minimum space standards and to provide refuse and cycle storage and outdoor space.

HE1 - Proposals which protect, conserve and/or enhance the historic environment will be supported. Heritage Statements to accompany applications affecting heritage assets.

HE6 - Conservation areas and their settings to be preserved and enhanced.

HE8 - Presumption in favour of conservation of heritage assets.

HE11 - Important archaeological sites to be protected and archaeological evaluation required where potential for impact on archaeology.

CC4 - Development proposals within areas at risk of flooding or with increased surface water run-off to be subject to a FRA.

CC6 - Minor infill development and development on previously developed land in Flood Zones 2 and 3 acceptable subject to other plan policies.

LB5 - Development not acceptable where it may have an adverse impact on the integrity of an SAC, SPA or Ramsar site.

LB9 - All development to avoid a net loss of biodiversity and pursue opportunities to achieve a net gain.

Supplementary Planning Guidance/Documents

Supplementary Planning Document: 'Heritage, Archaeology and Conservation' adopted October 2007.

Whitstable Town Conservation Area Appraisal dated March 2010

ASSESSMENT

9. The application is brought before the Planning Committee to determine due to the number of objections received, which are contrary to the officer's recommendation. The main consideration in the assessment of this application are:

- Principle
- Character and appearance
- Highway safety and parking
- Living conditions
- Flooding

Principle

10. The National Planning Policy Framework (NPPF) states that planning policies should recognise town centres at the heart of their communities and pursue policies to support their viability and vitality and that planning policies should promote a diverse retail offer which reflects the individuality of the town centre. Policy SP1 of the Local Plan 2017 also adopts a presumption in favour of sustainable development. Policy TCL1 states that within designated town centres, planning permission will be granted for a range of town centre uses where they respond to changing needs and or contribute to the vitality and viability of the town centre. Such town centre uses include retail, leisure, entertainment facilities, intensive sport and recreational uses, offices, arts, culture and tourism development. In addition, policy TV2 supports proposals to provide new tourism development located in or on the edge of town centres, subject to detailed planning considerations set out in the policy.
11. The application site is located within the town centre of Whitstable as defined on the Proposal Maps. The application site is readily accessible by public transport and is located within walking distance of leisure facilities including tourist facilities, restaurants and cafes and drinking establishments. Given the sustainable location of the application site, the proposal is considered to be acceptable subject to the planning considerations below.

Character and appearance

12. The application site is located in a Conservation Area and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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'. This is endorsed by Section 16 of the NPPF and policies HE1 and HE6 of the Local Plan 2017, which set out that developments should preserve or enhance the historic environment, including the setting of conservation areas. The Council's Heritage, Archaeology and Conservation SPD endorses the above objectives and is referred to in the Local Plan 2017.
13. In terms of design, Section 12 of the NPPF attaches great importance to the design of the built environment and states that planning decisions should aim to ensure that developments will function well and add to the overall quality of an area. Paragraph 17 states that the need to always secure high quality design should underpin decision-taking and paragraph 56 states that design should contribute positively to making places better for people. Policy DBE3 of the Local Plan 2017 endorsed this, requiring new proposals to be of a high-quality design, which responds to the objectives of sustainable development. Policy DBE3 also requires that development should be considered against a range of criteria including its visual impact, the form

of the development in terms of the efficient use of land, layout, landscape, density and mix, scale, massing, materials, finishes and architectural details.

14. The application site is visible from the sea wall, the beach and the adjacent public car park. The existing buildings on the site are in a poor condition but nevertheless are simple in form and of low-key character.
15. Whilst beach huts are often found in collections of similar buildings rather than standing in isolation, the application site has a strong relationship with the beach and the sea opposite the site. The proposed layout would respond to the form and scale of the development present at the back of Island Wall and as such, it would not appear intrusive or out of character. Furthermore, given the changes made to the site layout, the proposal would not appear contrived or cramped within the plot. The proposed buildings would be of a sympathetic scale, modestly higher than the existing building on the site, but they would be clearly read as single-storey features of a subservient nature and scale. Their design appears minimalistic and modern, but is considered to appropriately reflect traditional features found within the locality through the scale, height, roof form and palette of materials proposed.
21. Taking the above into account, the proposed development is considered to preserve the character and appearance of Whitstable Town Conservation Area in accordance with Sections 12 and 16 of the NPPF and policies DBE3, HE1, HE6 and HE8 of the Local Plan 2017.

Highway safety and parking

32. Policy T1 of the Local Plan 2017 states that in considering the location of new development, the City Council will take account of the principles of the Transport Strategy including the sustainability of its location. Policy DBE3 states that when assessing design quality, safe movement within and around a development site must be a consideration. Policy T9 states that Kent County Council's guide to vehicle parking will be applied when assessing new development.
33. There is no vehicular access to the application site and as such, no on-site parking is proposed. In any event, the site is in a central location that is served well by public transport and pay and display car parks are located within the vicinity of the application site. The application is therefore considered to accord with policies DBE3, T1 and T9 of the Local Plan 2017.

Living conditions

36. Policies DBE3 and DBE6 of the Local Plan 2017 seek to ensure that through good design the delivery of high quality residential environments is secured and that appropriate internal and external living conditions are secured for both existing and new residents. This accords with paragraph 127 of the NPPF.
37. The proposed buildings would be located the rear of 4 Island Road, facing the seafront. The proposed beach huts would be 3.9m high, which is modestly higher

than the existing timber structures on-site. Given their location and subservient footprint, the proposed buildings would not result in any unacceptable overshadowing, loss of outlook, overbearing or enclosing impacts.

38. In relation to the loss of privacy, there are no windows are proposed in the flank elevations of the proposed buildings and as such there would be no overlooking or loss of privacy to the 4A Island Wall (Water's Edge) or 4 Island Wall. Given the separation distance and orientation of the proposed buildings, there would be no overlooking or loss of privacy between the site and buildings to the south.
39. In terms of noise and disturbance, the site is located in an urban area in close proximity to the town centre with a number of residential properties nearby and so any impact is considered to be acceptable.

Flooding

42. Paragraph 163 of the NPPF states that when determining a planning application, the LPA should ensure flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment and development will be allowed where it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
43. Policy CC6 of the Local Plan 2017 permits development on previously-developed land within Flood Zones 2 and 3 subject to the provisions of other Local Plan policies and for each case to be treated on its own merits and in the particular circumstances that apply to have regard to the risks attached. Policy CC4 deals with development within Flood Zones 2 and 3 more generally.
44. The application proposes single-storey structures with no living or sleeping accommodation proposed internally. In light of this, it is considered that a suitably worded condition can be imposed to ensure that no sleeping accommodation is incorporated into the proposed beach huts. It is on this basis that the Environment Agency raise no objections to the proposal. The application is therefore considered to not result in harm to the future users of the site or an increased risk of flooding, in accordance with Section 14 of the NPPF and policies CC4 and CC6 of the Local Plan 2017.

Other matters

46. Given that the proposal is for replacement beach huts, it is not considered to result in an increased recreational pressure on the Special Protection Areas and as such, the appropriate screening or mitigation is not required in this instance.
47. Concerns have been raised in relation to the future uses of the site, however, any future uses will need to be considered on their own planning merits.

RECOMMENDATION

48. In conclusion, the proposed development would make better use of the land and provide tourism facility in a sustainable location. The design and appearance of the proposed buildings would not result in harm to the heritage assets or recognised planning matters. On this basis, it is recommended that planning permission be granted for the development, subject to safeguarding conditions.

DRAFT CONDITIONS FOR DECISION NOTICE

Application No: CA/19/00066/FUL

Proposal: Proposed 2 no beach huts and no 2 storage sheds, following demolition of 2 no. timber buildings.

Location: Land to rear of Water's Edge and 4 Island Wall, Shipyard Alley, Island Wall, Whitstable, CT5 1EP

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the submitted drawings received on 15/05/2019:

- 08077-PL-(00)-X-0210 rev. A,
- 08077-PL-(00)-X-0207 rev. A,
- 08077-PL-(00)-X-0209 rev. B,
- 08077-PL-(00)-X-0208 rev. B,
- 08077-PL-(00)-X-0212 rev. C,
- 08077-PL-(00)-X-0205 1st rev,
- 08077-PL-(00)-X-0211 rev. D

REASON: To secure the proper development of the area.

3. Prior to the first use of within the site, full details of hard landscape works, to include:

- the treatment proposed for all hard surfaced areas
- walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON: To preserve the character and appearance of the Conservation Area and in the interests of the visual amenity of the area, in accordance with policies DBE3, HE1, HE6 and HE8 of the Canterbury District Local Plan 2017.

4. No sleeping accommodation shall be incorporated into the development hereby approved.

REASON: To safeguard future occupiers from the risk of flooding, in accordance with policy DBE3, DBE4 and CC4 of the Canterbury District Local Plan 2017.

5. Prior to their first use in the development hereby approved, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

REASON: To preserve the character and appearance of the Conservation Area and in the interests of the visual amenity of the area, in accordance with policies DBE3, HE1, HE6 and HE8 of the Canterbury District Local Plan 2017.