

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: Kiosk, Upper Promenade Opposite
Eversfield Place, Foreshore, Eversfield
Place, St Leonards-on-sea

Proposal: Seafront retail kiosk
Application No: HS/FA/14/00834

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS
File No: FO505000T
Applicant: Hastings Borough Council per Adams Johns
Kennard Ltd Old Court House North Trade
Road Battle, East Sussex. TN33 OEX

Interest: Owner
Existing Use: Promenade

Policies

Hastings Local Plan 2004: T1, S4, DG1, DG14, DG18, C1, C3
Conservation Area: Yes - Eversfield Place
National Planning Policy Framework: Sections 1, 2, 7 & 12
Hastings Planning Strategy: FA2, FA6, SC1, EN1, E4
Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM6, HN1, SA3, SA4, CQ1
Other: Seafront Strategy

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 7
Petitions Received: 0

Application Status: Not delegated - Council Application with more than 2
letters of objection received

Summary

This is a full planning application, submitted by the Council, seeking permission to construct a new kiosk on the Seafront promenade. The use of the kiosk will be as a take away/snack bar.

The main issues are the impacts of the proposal on the amenity of nearby residents, the impact on nearby Grade II Listed Buildings and the impact on the character and appearance of the Seafront and Conservation Area.

On balance, the proposal is considered to be acceptable and it is recommended that planning permission be granted, subject to conditions.

The Site and its Location

The application site is on one of the three matching viewing bays located on the upper promenade between the Pier and Warrior Square and it is within the Eversfield Place Conservation Area.

The two tier promenade, including the nearby shelters, was designed by the Borough Engineer Sidney Little and was constructed between 1925 and 1939. The upper promenade, where the kiosk is to be sited, is directly over Bottle Alley. The viewing bay, where the kiosk is to be sited, is close to the two of five seafront shelters, which are Grade II Listed Buildings, and is adjacent to the Weather Station kiosk.

The cycle route, which runs from one end of the seafront to the other, is located between the Weather Station and the upper promenade/viewing bay railings to the south.

Details of the Proposal and Other Background Information

The proposal is to construct a cylindrical kiosk on one of the three viewing bays. The kiosk will have a white painted rendered finish to the walls and a grey Terne coated stainless steel roof, giving a lead patina appearance (weathered lead).

The personnel door, which will be in the eastern elevation, will be painted blue and of timber with a stainless steel porthole window. The serving counter to the northern elevation will have polished, perforated, corrugated aluminium shutters, with stainless steel runners. A hardwood bench seat will form part of the structure and will be in the southern elevation, facing the sea.

The kiosk is to be on a cast concrete slab, separated from the existing surface by a membrane. A duct will be made through the promenade to Bottle Alley to connect to services. The kiosk has a sloping roof at a height of 3600mm maximum and 2800mm minimum and is 3800mm in diameter, not including the canopy.

A section of the adjacent cycle route, measuring approximately 17 metres, is to be suspended in the area of the proposed kiosk.

Previous Site History

There is no relevant site history.

Details of Consultations

At the time of writing this report, there have been 7 objections to the proposal. These follow neighbour consultation, display of a Site Notice and advertisement in the Hastings and St Leonards Observer. The neighbour consultation period closes on 19 December 2014.

The objections raised relate to the kiosk design, harm to the openness of the area,

pedestrian and cyclist safety, the loss of a section of the cycle route, security, litter, air pollution and the loss of views.

The loss of a view is not a planning consideration.

One letter and sixteen forms were received from occupants of nearby residential properties however, these could not be logged as objections, as none of them had the planning application number quoted. Furthermore, the forms were objecting to 'booths' on the upper promenade and were not specific to the proposed kiosk. The letter and forms were passed to the applicant to respond to and to advise that they were not taken into account, but if they wished to object they needed to write in again, with the additional details.

The applicant carried out pre application consultation where they found of 47 respondents, 53% were supportive of the principle of seafront kiosks, 36% were against the principle and 11% were mixed or not clear/stated.

The **ESCC Transport Development Control Team** do not wish to provide formal comments as the promenade does not form part of the adopted public highway. However, they suggested in their response that cyclists will not walk, but will continue to cycle through the deleted section of cycle route. In response to this it is intended to create a section shared by both cyclists and pedestrians, with appropriate signage, similar to that outside Azur, in this area.

The **Food, Health and Safety Team** have no objection to the proposal but advise that any tenant should contact them to discuss the food operation and the requirement of food law.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The following policies and guidance are relevant to this application:

Hastings Local Plan 2004

Policy T1 – New Tourist Attractions

Policy S4 – Retail and Leisure Proposals Outside Existing Centres

Policy DG1 - Development Form

Policy DG14 - Shopfronts

Policy DG18 – Hot Food Take-Aways

Policy C1 – Development within Conservation Areas

Policy C3 – Development involving Listed Buildings

Development Management Plan Revised Proposed Submission Version (emerging)

Policies DM1 - Design Principles

DM3 - General Amenity

DM6 – Pollution and Hazards

HN1 – Development Affecting the Significance and Setting of Designated Heritage Assets

SA3 – Shops and Services outside the Shopping Areas

SA4 – Drinking Establishments and Hot Food Take-Aways
CQ1 – Cultural Quarters

Hastings Planning Strategy
Policy FA2 - Strategy Policy for Central Area
Policy FA6 - Policy FA2 - Strategy Policy for The Seafront
Policy SC1 – Overall Strategy for Managing Change in a Sustainable Way
Policy EN1 – Built and Historic Environment
Policy E4 – Tourism and Visitors

Seafront Strategy (emerging)
Chapter 6.c Buildings and Structures
Chapter 7.c Central St Leonards
Chapter 7.d Bottle Alley
Chapter 8.b Central Zone – Breeds Place roundabout to Warrior Square

National Planning Policy Framework.
Chapter 1. Building a strong, competitive economy
Chapter 2. Ensuring the vitality of town centres
Chapter 7. Requiring good design
Chapter 12. Conserving and enhancing the historic environment

Character and Appearance of the Area

The proposed kiosk will be a prominent feature, clearly visible on the upper promenade and will be the only building on the south side of the upper promenade. The upper promenade has far reaching, uninterrupted views and is prominent in the eastward view from Warrior Square and westward from the Pier towards Marine Court. However, it is considered the kiosk is of such a design that it will not result in substantial harm to the Conservation Area or the nearby Grade II Listed Buildings. The design, with its cylindrical shape to reflect the semi-circular viewing bay, sits neatly into the bay, leaving adequate space for access to the south facing bench and for any additional tables and chairs for users of the facilities.

The white render finish and the canopy overhang, to some extent, reflect the nearby Grade II Listed shelters and the adjacent Weather Station kiosk and it is felt that it will not result in substantial harm to the character or appearance of these historic assets.

Residential and Visitor Amenity

The kiosk is positioned a considerable distance, in excess of 30 metres, from residential properties and is set back from the main seafront road. It is therefore not considered to be overly prominent or overbearing when viewed from nearby residential properties.

The facilities the kiosk is to provide will enhance the experience for the users of the upper promenade, including cyclists and pedestrians, providing somewhere to eat and/or drink and a south facing, covered seating area. Public conveniences are located, approximately 250 metres further west along the promenade opposite Warrior Square.

Due to the space within the kiosk, the cooking of food will be limited. However, it is likely to involve the preparation of food and any cooking of hot food will have the potential to impact on neighbouring residents and on the design of the kiosk. It is therefore recommended a condition is imposed for details of any flues, vents, associated equipment relating to the

cooking of food and the design for any external parts.

To avoid the possibility of late night disturbance, it is also recommended a condition be imposed restricting the hours of trading. It is suggested that in Winter the premises will be open no later than 17:00 and that in Summer no later than 21:00.

Any refuse created by the proposal is to be taken away daily by its proprietors. The application includes only the kiosk and no surrounding land and the storage of refuse would therefore be internal. As landlords Hastings Borough Council would have control over any external waste bins.

Benefit to the Local Tourist Economy

The emerging Hastings Development Management Plan designates the area as the White Rock and the America Ground Cultural Quarter. Within these areas Policy CQ1 aims to promote leisure related development and to creating a mix of different uses that appeal to visitors. Policy E4 of the Hastings Planning Strategy also offers support for new tourist related facilities with specific emphasis on schemes that are well related to the seafront. Furthermore, Policy FA6 generally aims to encourage the development of year round tourist attractions. Additionally, the emerging Seafront Strategy supports new kiosks on the seafront, particularly along the Eversfield Place section and particularly at promenade level.

Transport and Parking

Policy DG18 of the Hastings Local Plan 2004 and Policy SA4 of the Development Management Plan Revised Proposed Submission Version aim to ensure that new hot food take-aways are within an area of existing commercial activity, that suitable off street car parking is provided and that they do not result in danger or inconvenience on the public highway. It is acknowledged that the proposal is not located within an existing commercial centre and that off street parking is not available in the area. However, the site is on a main bus route and is within walking distance of other shops, services and on street parking areas. Furthermore, the proposal is in a position where it will appeal to users of the promenade, the beach and cycle route rather than visitors who have made a trip specifically to the premises.

Safety

The adjacent section of the cycle route is to be suspended in its present form and changed to shared use with appropriate signage. This has worked satisfactorily for a number of years outside Azur, where there have been no accidents. The promenade east of Robertson Street operates successfully as a shared surface. The kiosk is to benefit from perforated shutters to provide security when the kiosk is closed. As landowner the Council will be able to control the location of chairs and tables on the promenade to ensure that they do not pose a risk to cyclists or pedestrians, particularly those with a visual impairment.

Conclusion

In addition to the listed shelters the unlisted Bottle Alley and Upper Promenade are also a significant heritage asset, and the proposed kiosk will be a new feature on the otherwise open and unobstructed upper promenade. Paragraph 134 in the NPPF states:

"Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

It is considered that the proposal will help benefit the local tourist economy and that it will not result in substantial harm to the Conservation Area or the nearby Grade II Listed Buildings and there will be no significant adverse impact on neighbouring properties, the character of the area or on highway safety. I therefore recommend the proposal for approval subject to conditions.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Full Planning Permission 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.
2. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - i) Interface details to show how the kiosk is intended to be fixed onto the promenade/roof of Bottle Alley,
 - ii) Methodology statement for the formation of the service duct, which shall also include a full specification for making good,
 - iii) Sample of the external render colour,
 - iv) Sample of the paint colour to be used for the personnel door.Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.
3. The use hereby approved shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - i) Details of the methods of cooking proposed,
 - ii) Technical and design details of any extraction equipment required including plans indicating the course of any ducting or external vents at a scale of no less than 1:50 or similar and manufactures details (including maximum working sound level). These details shall include the design of any external parts.The planning permission shall be implemented and maintained in accordance with the details approved and shall not be occupied until those works have been completed.
4. Before display, details of any signs or advertisements on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no signs or advertisements other than those approved shall be displayed.
5. The premises shall only be open for customers until 17:00 during the winter and no later than 21:00 summertime.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:

HBC2655-10, HBC2655-11, HBC2655-12, HBC2655-13, HBC2655-14, HBC2655-15.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the amenity of the neighbouring residential occupiers and of the character and amenity of the Eversfield Place Conservation Area.
3. In the interests of the amenity of the neighbouring residential occupiers and the visual amenities of the conservation area.
4. To enable the local planning authority to control the display of signs and advertisements in the interests of the character and amenity of the Eversfield Place Conservation Area.
5. In the interests of the amenity of the neighbouring residential occupiers.
6. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The cycle route has been installed by a legal Order, an amendment will therefore be required for any alterations to it.
4. Future tenants should be advised to contact the Council's Food, Health and Safety Team on telephone number (01424) 451078 or by email on foodsafety@hastings.gov.uk.
5. In addition to the requirements of condition 4 above, separate advertisement consent may be required for the display of signs or advertisements on the building.

Officer to Contact

Mrs C Boydell, Telephone 01424 783298

Background Papers

Application No: HS/FA/14/00834 including all letters and documents