

Parish:	Hunstanton	
Proposal:	Placement of Kiosk	
Location:	Kiosk At North Promenade Hunstanton Norfolk	
Applicant:	Borough Council of King's Lynn and West Norfolk	
Case No:	17/00666/F (Full Application)	
Case Officer:	Mr M Broughton	Date for Determination: 31 May 2017

Reason for Referral to Planning Committee – The applicant is the Borough Council and objections have been made to the proposal

Case Summary

The land comprises an area of the concrete surfaced, northern Promenade at Hunstanton. The site abuts the western edge of The Green, is set on the south side of The Pier and is within the designated Conservation Area.

The application seeks full planning permission for the siting of one additional kiosk utilising 15sqm ground floor area of the northern promenade.

The application involves development by the Borough Council to which objection has been received and is therefore being referred to the Planning Committee for determination.

The National Planning Policy Framework (NPPF) 2012, the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (SADMP) 2016 are relevant to this application.

Key Issues

- Principle of development
- Flood risk
- Impact upon the conservation area / visual amenity
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The land comprises an area of the northern Promenade at Hunstanton. The site abuts the western edge of The Green, is set on the south side of The Pier and is within the designated Conservation Area. The overall site is owned freehold by the applicant KLWNBC.

The application seeks full planning permission for the siting of one additional trading kiosk, utilising 15sqm ground floor area of the northern promenade, with the proposal site only identified on the block plan.

The operator will be selected, ensuring they trade in a product / produce and with a kiosk in keeping with the area.

The proposal would enable use of the kiosk between 1 April/ Maundy Thursday (whichever falls first in the year), until 31 October each year with an extra 28 days use outside this period in response to local events and half term holidays. These days would be set and regulated by the Borough Council's Resort Services Department and not by individual kiosk owners.

Currently the appearance of the kiosks is governed by the Borough Council's Resort Services Department in Hunstanton. The hours of use of the kiosks are not governed but vehicular access along the Promenade is prohibited between the hours of 10am – 8pm so movement of the kiosks by vehicles or deliveries to the kiosks by vehicles cannot be made within these times.

Historically temporary planning permission was in place for several years controlling the use of the land for the stationing of 24 kiosks, consents for which expired on 23 February 2009. There followed in 2009 an approval for 22 kiosks to be on promenade between 1 April/ Maundy Thursday (whichever falls first in the year), until 31 October each year with an extra 28 days use outside this period.

SUPPORTING CASE

The application has been supported by a design and access statement and a flood risk assessment.

The promenade is a feature of Hunstanton and is well supported by the Car Parks. It is easily accessible and attractions such as the Sea-Life Centre, Oasis Leisure Centre, and the Hunstanton Pier entertainment area are sited on, or adjacent to, the promenade. Thus the site is a location that already receives high footfall.

Pedestrian access to the promenade is encouraged at particular points along its length. The overall site is generally level and access on and off the promenade is good, with sloping ramps to enable disabled access.

The KLWNBC are seeking approval for a further trading kiosk on the Promenade subject to the same covenants, restrictions, trading terms and management control as per the existing 22 kiosks in the locality

The existing kiosks provide a range of facilities to the users of the promenade. They are successful and popular and their sustainability has led to the 'need' for additional kiosk to add to the range of facilities on the promenade that strengthens the Towns role as a visitor attraction.

The exact layout and scale of the Kiosk is unknown and is dependent on the kiosk occupant. In keeping with the other kiosks in the area, the site area will be fixed @ 15.sq.m site. All kiosks will be of an appropriate design and be kept in good repair.

The kiosk site is within the Holiday/Seafront development zone and the use is entirely appropriate to the location. The operator wishes to trade seasonally and does not wish to locate himself in the town centre.

The proposed kiosk site is the location of a former kiosk site on which planning permission was not renewed, due only to the pier covenant.

As applicant, KLWNBC Property Services has confirmed awareness of the Covenant referred to in the Hunstanton Town Council objection and advise that, following consultation with the pier company, consent to the siting of the kiosk in this location has been obtained.

Negotiations with the pier company took place prior to the submission of the planning application and are not part of the planning process. The terms of this commercial arrangement are confidential between the three parties involved (Pier Company, Kiosk Operator and KLWNBC).

PLANNING HISTORY

09/00080/F: Permitted – Planning Committee 03/08/09: Permanent siting of 22 kiosks on the promenade - Promenade

04/0441/F: Withdrawn 12/03/04: Bouncy castle - North Promenade

04/0373/F: Withdrawn 18/03/04: Siting of children's frog ride - The Promenade

04/0310/F: Withdrawn 17/03/04: 7 kiosks – Promenade

98/1618/F: Permitted 19/01/99: Siting of 20 kiosks - North Promenade

94/0395/F: Permitted 17/05/94: Standing of 14 No. kiosks during the summer season - Promenade

RESPONSE TO CONSULTATION

Hunstanton Town Council: OBJECT

Hunstanton Town Council (HTC) is concerned that the area of the promenade where it is intended to site this additional kiosk was the subject of a covenant entered into by the Hunstanton Pier Company (when there was a pier) and the Hunstanton Urban District Council (HUDC) on 22 June 1954 and also referred to in a Deed of August 2009.

HUDC covenanted with the company not to trade or allow any trading on the existing sea wall promenade in the proposal area. Because of that fact HTC can offer no support to the Borough.

HTC query the need for an additional kiosk - there is no justification in the application for an additional kiosk and no indication as to its retail offer. If justified, there is plenty of space that is not subject to a covenant further along the promenade.

The overall vision for the town in Hunstanton Town Centre and Southern Seafront Masterplan (2008) highlighted five key points, including "A local town - which meets the needs of its residents with an expanded retail core" and medium term goals in the Economic Plan (2016) included "Linking the promenade with the Town Centre". The Report of Findings from the Hunstanton Visitor Survey (2017) stated that "the promenade looks dated and in need of some upgrades" and indicated that a wider range of shops would be welcomed and would encourage repeat visits.

If additional retail opportunities are required, the focus should be on using an outlet in the town centre

There is already one kiosk in that small area of the promenade adjacent to the green - and it has been announced that the replacement skate ramp will be repositioned in that area. It will be unnecessarily crowded if a second kiosk is sited there.

CSNN: NO OBJECTION

Environmental Quality: NO COMMENTS

Conservation Officer: NO OBJECTION

Natural England: NO OBJECTION

Emergency Planning Officer: NO OBJECTION- informal advice applies

Flood evacuation plan applies. The applicant should include the evacuation plan in any licence agreement entered into with the kiosk operators.

Environment Agency: NO OBJECTION – comments:

Flood Risk Assessment (FRA) submitted is acceptable to meet NPPF requirements providing the proposed development is carried out in accordance with the measures outlined in the FRA, Ref GCB/KLWNBC, prepared by Geoff Beel Consultancy, dated March 2017 are implemented in full.

Seasonal use restrictions as referred to in the FRA should be enforced.

Representations: One objector

I wish to draw the attention of the Planning Committee to the status of the promenade as part of the Conservation Area since 2009.

There is a need to comply with the 1955 Covenant and a Deed executed in 1954 which restricts trading on this part of the promenade.

A chat with someone claiming to represent the Hunstanton Pier Company does not release the Council from its obligations.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

17/00666/F

LDF CORE STRATEGY POLICIES

CS05 - Hunstanton

CS07 - Development in Coastal Areas

CS08 - Sustainable Development

CS10 - The Economy

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

Principle of development

Flood risk

Impact upon the conservation area / visual amenity

Other material considerations

Principle of development:

Policy CS05 and CS07 of the KLWNBC Core Strategy 2011 advise that ‘The strategy for the town is to retain and strengthen the town’s role as a visitor destination. Support will be given to additional sustainable tourist facilities which extend the season by providing diverse year-round activities.’

The site on the northern end of the Promenade is within the central hub of a popular holiday destination for both day and holiday visitors. The promenade in Hunstanton attracts a large amount of people. The footfall is greatest during the summer months, hence the traders ability to operate constantly during these months.

The site is set within the western edge of the Conservation Area where development should preserve or enhance the character of the area.

Approval was granted in 2009 (09/00080/F) for the siting of 22 Kiosks on Hunstanton Promenade, in pre-agreed locations. The kiosks operate during the set summer season and in ‘non season’ are able to operate for 28 days. These dates are set out by the Borough Councils Resort Services section enabling flexibility for kiosk holders to operate around events and a busy period in the ‘off season’. This allows flexibility and may help to both improve the facilities on offer to visitors and tourists outside of the normal holiday season and perhaps assist small business operators in the Town.

This application effectively mirrors 09/00080/F. The siting of 22 kiosks along The Promenade was previously considered by the Planning Committee and found to be acceptable in policy terms. This included 4 kiosks within the Conservation Area. The proposed kiosk is a temporary structure and no different in terms of design and appearance to those previously found to be acceptable and stationed since 2009 along the promenade during the season.

The way that Hunstanton functions has changed over recent years. There are now more organised activities held throughout the year and more people are taking holidays outside of the traditional school summer holidays. Consequently visitors to the town are generally more frequent throughout the year.

The application also has the potential to create an additional trading activity on the promenade out of the main tourism season and it is expected the use of the kiosk will mirror those in situ, in that use will be made of the 28 day flexibility to trade on occasional days throughout the winter period when no storms are forecast. This would both assist local business and improve the facilities available to visitors to the town.

Flood Risk Assessment (FRA):

Previously the use of the land for the siting of kiosks was limited to certain months of the year, to control the visual impact of the development in the area and because permanent siting was considered inappropriate because of the risk of flooding during the winter months.

It should be noted that the kiosks are temporary structures and do not involve people living within them and all kiosk tenants are aware of the procedure in place should flooding occur.

The Environment Agency take into account the kiosks are non-habitable and raise no objection to the siting of an additional kiosk, providing there is compliance with the FRA and the standing is limited to the summer season between 1 April or Maundy Thursday (whichever falls first in the year) through to 31 October each year, with the ability for an additional 28 days throughout the remainder of the year (monitored by the Borough Council such that there is a 28 day cohesion with all kiosk traders).

Allowing the extra 28 days will give kiosk site tenants the ability to operate on specific dates, such as Christmas festivities (Hunstanton swim) but also during half term periods. This allows flexibility and may help to both improve the facilities on offer to visitors and tourists outside of the normal holiday season and perhaps assist small business operators locally.

This location is outside the area of coastal the flood risk hazard zone as detailed in Policy DM18 SADMP 2016 'The Coastal Planning Protocol between Wolferton Creek and Hunstanton'

Impact upon the Conservation Area:

The site is within the Conservation Area, where development should preserve or enhance its character of appearance.

It is acknowledged there will be views of the Promenade site from the higher road level on the eastern side of The Green as one looks west and The Green is a downward slope towards the sea. The Green is a popular site for seasonal visitors and often packed as a picnic area. Backing The Green around Le Strange Terrace are a string of shops, take-a-ways restaurants etc with the theatre and High Street a short distance west. To the north of the proposal site lies the somewhat quieter areas of the Promenade and the remnant of the former Pier, operational as an amusement arcade with a take-a-way below accessed from the promenade. Immediately south are shops and an ice cream bar which follow the course of the former road leading down to the Promenade from Le Strange Terrace and forming a corner site, with a pub nearby and the spread of various kiosks along the promenade leading to other attractions.

The promenade in Hunstanton attracts a large amount of people. The footfall is greatest during the summer months, hence the traders ability to operate constantly during these months. This is a vibrant seaside resort with many seafront attractions.

Kiosks are movable / temporary structures which do not need planning permission in their own right. Appearance and management is governed by the Borough Council's Resort Services Department and those that have previously been found stationed along the promenade are generally acceptable.

The hours of use of the existing kiosks are not governed but vehicular access along the Promenade is prohibited between the hours of 10am – 8pm so movement of the kiosks by vehicles or deliveries to the kiosks by vehicles cannot be made within these times.

Outside the dates of 1st April or Maundy Thursday (whichever is the sooner) and 31st October the kiosks shall be on site for no more than 28 days in total (set by the Council's Resort Services Department and not by individual kiosk owners) and shall be removed at the end of each trading day or by no later than 20.30 hours (during winter months).

Four of the previously approved 22 kiosks are within the Conservation Area. One of these is immediately adjoining Cliff Parade, although it is set at a lower level than the road. The other three are along the North Promenade and only visible in their entirety from the promenade itself due to the significant drop in ground levels from east to west (Cliff Parade to the beach). Previously the position of these kiosks has been considered appropriate.

The Conservation Team has been consulted with regard to this application. No objection is raised subject to the design of the kiosks in keeping with the location (as previously stated management controlled).

It is considered that the siting of a single additional kiosk on top of the existing kiosks will not create an adverse impact issue to the environment and will not impact on the preservation or the character of the Conservation Area.

Other material considerations:

Issues raised by the Town Council and in objection relative to 'covenant & deed' are not matters for the consideration of the planning application.

There are no concerns that the siting of the kiosks in the proposed locations will harm future plans for town centre enhancement.

Competition between businesses is not a material planning consideration and is not therefore an issue for discussion as part of this planning application.

Crime and Disorder Act 1998

Section 17 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Board should not have a material impact upon crime and disorder.

CONCLUSION:

The proposal increases the number of trading kiosks by one unit on a vibrant sea front setting which has other kiosks and trading premises and attractions thereon. The proposal will allow further flexibility to trade through the summer season and on occasional days in winter, which in turn should assist local business, whilst increasing the facilities available to visitors to the town. The proposed kiosk will be in keeping with the area and will preserve the

character and appearance of the Conservation Area. The application is acceptable in terms of flood risk.

In the light of National Planning Policy Guidance 2012, Policies CS05, CS07 and CS08 of the KLWNBC Core Strategy 2011, and Policy DM15 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan 2016 and other material considerations it is recommended that planning permission be approved for the development as proposed.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan:

* Location / block plan – drawing 17/01867/LEAFRO – REV 1 – receipt dated 5/04/17
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Outside the dates between 1st April or Maundy Thursday (whichever is the sooner) and 31st October the kiosks shall be on site for no more than 28 days in total and shall be removed at the end of each trading day or by no later than 20.30 hours.
- 3 Reason: In the interests of flood risk and the provisions of National Planning Policy Framework and the National Planning Policy Practice