

CANTERBURY CITY COUNCIL

DECISION NOTICE

Correspondence Address:

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CT5 1AB

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

Application Number: CA/10/02148/FUL
Location: The Red Spider Cafe, West Beach, Whitstable, CT5 1ET
Proposal: Erection of beach cafe.

Take notice that **Canterbury City Council**, the district planning authority under the Town and Country Planning Act 1990, has ***REFUSED*** your application, as described above, for the following Reasons:

- 1 The proposal would result in the loss of protected open space to the detriment of the visual open quality of West Beach. As such it would be contrary to policy C24 of the Canterbury District Local Plan which seeks to protect existing open space unless certain criteria are met. It is the Council's opinion that these criteria are not met.
- 2 The proposal would result in the diminution of the open, uncluttered character and appearance of this part of Whitstable Conservation Area. As such it would be contrary to policy BE7 of the Canterbury District Local Plan which seeks to preserve and enhance the character and appearance of the conservation area.
- 3 The proposal would result in the construction of a building on an area of undeveloped beach to the detriment of its appearance. As such it would be contrary to policy BE1 of the Canterbury District Local Plan which seeks to strengthen local distinctiveness and retain local landscape character.
- 4 The proposal, through lack of sufficient information, has failed to demonstrate that there will be no detriment to the protection of over-wintering birds in this area which is designated as a Site of Special Scientific Interest, Special Protection Area and RAMSAR Site. Such national and international designations seek to provide a high degree of

protection to wildlife, fauna and flora. As such the proposal would be contrary to policies CC8, C4, NRM5 and NRM8 of the South East Plan and policies NE1 and NE2 of the Canterbury District Local Plan, which all seek to protect natural landscapes, designated sites and promote biodiversity.

- 5 The proposal would be lokeely to set a precedent for further structures in such sensitive locations to the detriment and degradation of important wildlife habitats and natural beach landscapes.
- 6 The proposal is on a site that is seaward of Whitstable's sea defences, on land (beach) that has not been previously developed and lies within flood zone 3 as defined by the Environment Agency. As such it is likely to be highly susceptible to storm flood damage and, in the absence of a Flood Risk Assessment demonstrating otherwise, must be considered unsustainable in this location contrary to policies BE1 and C32 ofthe Canterbury District Local Plan.
- 7 The proposal, through lack of information, has failed to demonstrate how the facility can be satisfactorily serviced or drained without detriment to either the beach or the sea defences, including the sea wall.
- 8 Use of the building in the evening, particularly as a licensed premises, would be likely to lead to an increased level of noise and disturbance to residents in the locality. As such the proposal would be contrary to policy BE1 of the Canterbury District Local Plan which seeks, inter alia, to ensure compatibility of adjacent uses.

NOTES TO APPLICANT

- 1 This decision relates specifically to drawing 1134/01/E A1.

Signed:

Date of Issue: 10 March 2011



Ian Brown
Head of Planning and Regeneration