

A03

F/TH/16/1714

PROPOSAL: Erection of 1.9m wrought iron fence and gate

LOCATION: Cascades Casino Zion Place MARGATE Kent CT9 1RP

WARD: Margate Central

AGENT: Mr Neil Ibbotson

APPLICANT: Mr Marc Tack

RECOMMENDATION: Approve

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.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 5598-402 and received 20 December 2016.

GROUND:

To secure the proper development of the area.

SITE, LOCATION AND DESCRIPTION

The site is located in the Margate Conservation Area at the northern end of Zion Place. Fort Crescent runs along the northern boundary of the site and Trinity Square is located to the west. The surrounding area is characterised by a variety of different commercial and residential properties, with shops, restaurants and listed buildings nearby.

The site comprises a large two storey detached building operating as a casino with a car park surrounded by a low boundary wall and railings.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

PROPOSED DEVELOPMENT

The applicant proposes the erection of a 1.9m high fence and gate on the western boundary of the site which borders Trinity Square.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006

D1 - Design

NOTIFICATIONS

Neighbour notification letters were sent to the properties directly surrounding the site, a site notice was posted near the site and an advert was placed in the local paper. 25 letters of objection were received (23 signed template letters) raising the following concerns:

- o Loss of access between Trinity Square and Zion Place.
- o The impact upon the public right of way.
- o The impact upon tourism.

CONSULTATIONS

Kent County Council Public Rights of Way - There is no Right of Way running over the Casino Site.

Conservation Officer - No Objection. I consider that the proposed fence and gate would not cause harm to the character and appearance of the conservation area.

COMMENTS

This application is brought before members by Cllr Iris Johnston for members to consider the impact of the proposed fence and gate on the permeability of the site for pedestrians and cyclists.

The main considerations in determining this application are the impact on the character and appearance of the area, the impact on the living conditions of neighbouring property occupiers and highway safety.

Character and Appearance

The proposed gate and fence will measure 1.9m high and 2.2m wide and will be located between an existing 2m brick wall on the northern side and a 1m fence and wall on the southern side. The gate and fence will be constructed from black cast iron to match the existing fence which surrounds the site.

The council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which 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.'

The Conservation Officer has raised no objection to the proposed development and the fence currently surrounding the site is an existing feature within the street scene and therefore it is considered that the addition of this modest section will have no significant impact upon the character and appearance of the area in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The proposed gate is situated approximately 2m from the closest residential property and behind an existing 2m high brick wall therefore it is considered that there will be no significant impact upon the residential amenities of surrounding occupiers.

Other Matters

Kent County Council Public Rights of Way and Access have confirmed that there is no Right of Way over the land and as such this is private land associated with the casino.

Whilst it is recognised that the land may have been used as a shortcut to reach facilities such as the nearby shops and facilities, there is no requirement for the casino to allow this. It is not considered unreasonable for a private landowner to wish to secure their land. It should also be noted that the Casino could erect a 1m high fence or gate in this location without the need for a formal grant of planning consent from the Local Planning Authority. This would constitute permitted development under Schedule 2, Part A, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015.

Conclusion

It is considered that the proposed development would have no significant impact on the surrounding conservation area, nearby listed buildings or residential amenity and accords with Local Plan Policy D1 and the National Planning Policy Framework.

The fall-back position of permitted development rights, which apply to the Casino's private land, means that a 1m high gate or fence could be erected without the local authority's permission, and therefore it is recommended that members approve the application subject to safeguarding conditions.

Case Officer

Duncan Fitt

TITLE: F/TH/16/1714

Project Cascades Casino Zion Place MARGATE Kent CT9 1RP

Scale:

