

R05

L/TH/21/0603

PROPOSAL: Application for Listed Building Consent for a replacement of an automated traffic barrier on the East Crosswall adjacent to the East Crosswall Amenity block to prevent unauthorised vehicular access.

LOCATION: Harbour Amenities East Crosswall Ramsgate Kent CT11 8LS

WARD: Central Harbour

AGENT: No agent

APPLICANT: Mr Robert Brown, Thanet District Council

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed automated barrier, by virtue of its design, location, proximity to and relationship with designated heritage assets, would severely impact upon the significance of, and setting to, the Grade II* heritage assets within the Ramsgate Royal Harbour. The proposed works, whilst less than substantial, are considered to result in significant harm to the setting of the East Crosswall, The Harbour Clock House and Smeaton's Dry Dock, which is not outweighed by the public benefits of the development, contrary to paragraphs 199 and 202 of the National Planning Policy Framework and Thanet Local Plan Policy HE02.

SITE, LOCATION AND DESCRIPTION

Ramsgate Harbour is the only Royal harbour in the UK, sited within the Ramsgate Conservation Area and is within the designated Heritage Action Zone. The Harbour contains numerous listed buildings and structures including the Harbour Cross Wall (on which the barrier is proposed to be installed), and the harbour Clock House (to the front of which the barrier is proposed).

RELEVANT PLANNING HISTORY

L/TH/17/1033. East Cross wall. Application for listed building consent for the erection of 2No. pitched roof plant buildings either side of the dock gate and removal of existing redundant structures. Granted 21 September 2017.

PROPOSED DEVELOPMENT

The proposed works relate to the replacement and relocation of the existing vehicle barrier with an automated traffic barrier on the East Crosswall adjacent to the East Crosswall Amenity block to prevent unauthorised vehicular access.

Only Listed Building consent has been sought as the barrier does not require the benefit of a full planning application as the erection of a barrier would be permitted development through Part 12, Class A of the General Permitted Development Order, providing it is in connection with the operation of any public service administered by the Local Authority.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

HE03 - Heritage Assets

SP11 - Ramsgate Waterfront and Royal Harbour

HE02 - Ramsgate Conservation Area

NOTIFICATIONS

Letters were sent to the nearest neighbouring properties, a site notice posted, and an advert was posted in the local newspaper. Two representations have been received objecting to the proposal:

Ramsgate Design and Heritage Forum - We question the need for the barrier. No case is presented. The barrier would add to visual urban clutter and in an entirely inappropriate location being adjacent to the Grade 2 Star Clock House and span to the historic Smeaton dry dock. It would compromise the plans for the regeneration of the Harbour, including Pier Yard, currently under active consideration.

Ramsgate Town Council - objects to the application on the grounds that the barrier does not enhance the listed structure.

CONSULTATIONS

TDC Conservation Officer - This application is for the installation of a mechanical barrier along the East Crosswall within Ramsgate's Royal Harbour which is Grade II* listed, adjacent to a further listed asset and within Ramsgate Conservation Area.

Thanets adopted Local Plan, policy HE02, states within Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness. Also under Section 194 it states 'In determining applications, local planning authorities should require an applicant to describe

the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 1 states 'when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As well as Paragraph 2 which also states in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This application is for the proposal of a new barrier upon the Crosswall within Ramsgate Royal Harbour, shifting its relocation position closer to the Grade II* Clock Tower. No details have been provided if the original barrier will be removed or if the surface around it will be made good. The reasoning behind this requirement is the management of parking spaces along the East Quay.

I do not have an issue in principle for the requirement of port specific infrastructure, especially given that the port is very much still a working environment, however I do not believe that this should be done at the detriment to the appearance of the surrounding conservation area or setting of adjacent listed assets. Through moving the location of the barrier adjacent to the listed asset I am of the opinion that it causes harm to its setting and appearance which has not been analysed or further justified through the information provided as part of this application. This is when it is both open and closed, with its open form causing more harm due to the scale when upright in position.

I do believe a barrier in this location could be acceptable however it would need to be less harmful and bright in appearance with a more neutral barrier chosen. The specification sheet provided regarding the barrier does not give a specific example of its colour, just a bright yellow and red shown, size, or light configuration which I believe to be important details when determining how much impact it would have in this location. No further information has been provided on how the new barrier would be physically attached to the Crosswall itself and if any further electric control boxes or motors are required to run the barrier. Further information was sought regarding both of these issues but limited details were provided.

Given that this proposal impacts two different Grade II* listed assets I would have expected other options to be reviewed and submitted as part of the justification of the requirement of this system. For example, a number plate recognition feature that could be attached to existing infrastructure. Even if this was not feasible it would demonstrate that other options

had been considered and the heritage around this site has been considered a priority. Further comment was sought on this aspect at which minimal response was given.

Overall I do not have an issue in principle with this type of proposed development given the ports working status, however I do not believe that should detract from the setting of nearby Grade II* listed assets and that an adequate level of information is required in order to fully assess the level of possible harm caused. I do not believe this has been the case in this application therefore I do not believe it to meet the aforementioned legislation especially Section 194 of the NPPF, even more so given the assets elevated Grade II* status. I would recommend that this application is further considered and more evidence is provided should a further application be submitted.

Historic England - On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisor.

COMMENTS

This application is brought before members as the application has been made by Thanet District Council.

The main consideration in determining this application is the impact upon the designated heritage structures and their setting.

The Cross Wall is a Grade II* Listed Building located in the Ramsgate Conservation Area. The proposed works therefore need to be assessed against Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when 'considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Furthermore, Thanet Local Plan policy HE03 seeks to safeguard heritage assets against harm in line with the criteria set out in the National Planning Policy Framework (NPPF). Paragraph 190 (prev 185) of the NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 199 (prev 193) of the NPPF goes on to advise that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 (prev 196) states where a development proposal 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, where appropriate, securing its optimum viable use. Where the harm is not outweighed by public benefit permission should be refused.

The Royal Harbour also sits within the Ramsgate Heritage Action Zone (HAZ). Historic England states the aims of The Heritage Action Zone is to achieve economic growth by using the historic environment as a catalyst and notes the town has outstanding heritage and architecture. As such it is considered development that has the potential to harm or detract from the significance of heritage assets should not be supported.

Heritage Assets

The Crosswall onto which the barrier would be installed is itself Grade II* Listed (completed in 1779) and the harbour has many significantly important historical buildings and structures worthy of Grade II* Listed status, including The Harbour Clock House (now the Ramsgate Museum), sluices, bollards, dry dock, basin gates, wing wall and the Dundee steps. Paragraph 194 states 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Historic England states only 5.8% of listed buildings are Grade II* and these are particularly important buildings of more than special interest. The heritage assets within the Ramsgate Harbour are designated as Grade II*. Therefore with regards to the application, and the requirements of paragraph 194 of the NPPF, the proposal should include an assessment of any heritage assets affected, including any contribution made by their setting, using appropriate expertise where necessary.

Need for the replacement barrier

The Harbour Master (the applicant) advises that the existing barrier is unreliable and is in need of replacement. He advises replacing the barrier in its present location would not provide the enhanced and necessary outcomes of preventing unauthorised usage and blocking of the commercial fishermen's slipway, unauthorised use of permit holders parking bays and consistent abuse of the Harbour's waste skips by non harbour users; these are sited before the existing barrier. The fishermen's slipway can't be used at all states of tide and is an awkward design, which requires the attendance of our team to minimise risk to slipway users.

The Heritage Statement and Design and Access Statement provides a brief history of the harbour and lists the heritage structures of most relevance to the location of the proposed works. The Listed Buildings and Conservation Areas Act 1990 requires consideration to be given as to how development will affect a listed building or its setting. The replacement barrier is proposed on the Listed Crosswall, immediately adjacent to The Harbour Clock House and Smeaton's Dry Dock, however no details have been provided to explain how the proposed works would have special regard to the desirability of preserving the heritage assets or their setting.

The information provided does not provide the level of assessment required by paragraph 194 of the NPPF.

Design and Installation

The applicant describes the barrier as being similar to the existing barrier (adjacent to the East Crosswall amenities), described as a simple slender steel design, finished in white, with additional lower intensity lights installed to the barrier arm to increase its visibility to vehicle drivers and pedestrians. Precise details of the barrier have not been provided however the

applicant advises the barrier is likely to be a 6000HD barrier fabricated in the UK by PD Gates Ltd for which a website link has been provided. The barrier includes LED lights across the top of the barrier arm which are red until the barrier is raised, at which point they turn green.

Where listed buildings or their setting may be affected by development Policy HE02 requires proposals to include full details so that an informed decision can be reached, and such proposals will be supported where they preserve or better reveal the significance of the Listed Building. Whilst the application provides indicative details of the barrier, scaled drawings have not been provided and no details have been provided as to the method of fixing the barrier to the crosswall, and whilst the Heritage Statement explains that the existing barrier would be removed, no details have been provided as to how the surface of the wall would be made good following its removal.

The applicant has advised that the barrier unit is available in "stock" colours of a red pillar with a white top or a yellow pillar with a black top, and that custom colours can be specified at an additional cost. If there is a stipulation regarding the colour, the applicant has agreed to this.

The photographic montage provided of the barrier, together with the manufacturer's details of the type of barrier proposed, indicates an upright post mechanism (available in a choice of colour finishes) with a slim line barrier arm with low level light across its length. Whilst precise details have not been submitted there is sufficient information provided to understand that the barrier would be fairly substantial in size and have a visual presence so that it would be easily seen by both pedestrians and motorists on approaching the crosswall. The drawings indicate the upright mechanism would be located close to the diving bell adjacent to the The Harbour Clock House with the illuminated barrier arm stretching across the wall towards the edge of the harbour and Smeaton's Dry Dock. The barrier would, for functional operational reasons, be bright in appearance and when open in an upright position the Conservation Officer raises concerns it is likely to cause more visual harm than when closed.

Access onto the Crosswall is currently open and The Harbour Clock House has an impressive appearance and the open area to the front of the building makes a positive contribution to its setting and preserves and better reveals the significance of the Listed Building. It is considered the addition of an automated modern barrier, in very close proximity to the building, would harm this setting and introduce visual clutter to the Crosswall and the area generally, contrary to policy HE02 and the NPPF.

Alternative Solutions

The applicant has been advised that the Crosswall, together with the adjacent Grade II* Listed Buildings/Structures, would be negatively impacted by the installation of this type of vehicle barrier; not only the physical installation to the fabric of the crosswall but also the setting of the nearby listed buildings. Alternative solutions were sought, such as attaching number plate recognition devices to existing infrastructure. However, the applicant advised that it would not be appropriate to install number plate recognition devices, such as ANPR

cameras, as a physical deterrent is required to protect the area. An ANPR/CCTV would only provide evidence after an accident or incident occurrence.

There is no objection in principle to the installation of a barrier being sympathetically installed on the Crosswall and it has been suggested that the barrier be sited further along the wall away from the Clock House where it would have less impact on the heritage assets. This suggestion was not considered practical as the wall narrows and it would result in a loss in available parking spaces.

Public Safety

The applicant has indicated that the installation of number plate recognition devices would not provide evidence of an accident or incident until after the event, suggesting that the need for the barrier is for safety reasons. The barrier would physically prevent unauthorised vehicles from entering the crosswall whilst still allowing the public and visitors to gain access to the wall.

On the information provided public safety would not necessarily be enhanced by the installation of the vehicle barrier. To the contrary the block plan and photo montage appears to indicate the access width for pedestrians, either side of the barrier, would be significantly reduced, resulting in less space for mobility scooters/wheelchairs, pedestrians or larger groups, to pass and re-pass. The upright mechanism would be located in close proximity to the diving bell adjacent to The Harbour Clock House building where there are often members of the public and visitors gathering to sit inside, take photos and inspect the diving bell. The siting of the barrier in this location is therefore likely to cause a partial obstruction for pedestrians and vehicles at this point.

Conclusion

The installation of an automated barrier is considered to result in less than substantial harm to the Grade II* listed structures, and therefore the NPPF requires that this harm must be weighed against the public benefits of the proposal. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The installation of a barrier would control the use of vehicles entering the cross wall and would provide an administrative and commercial benefit to the operation of the harbour rather than a public benefit. The identified harm of installing the automated barrier does not outweigh any public benefits where it is considered alternative solutions have not been thoroughly investigated and their rejection fully justified.

The proposal fails to meet the provisions of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the requirements of local plan policies and the NPPF. It is therefore recommended that Members refuse the application.

Case Officer

Rosemary Bullivant

TITLE:

L/TH/21/0603

Project

Harbour Amenities East Crosswall Ramsgate Kent CT11 8LS

