

**A02**

**F/TH/23/0080**

**PROPOSAL:** Temporary installation of metal security screens to external openings and metal fencing to public access points (retrospective application)

**LOCATION:** Winter Gardens Fort Crescent MARGATE Kent CT9 1HX

**WARD:** Margate Central

**AGENT:** No agent

**APPLICANT:** Thanet District Council

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 At the expiration of the date 16th August 2026, unless further permission has been granted, the temporary fencing works and shutters hereby approved shall be removed, and the land/building restored to its former condition.

**GROUND;**

In view of the temporary nature of the proposal in accordance with policies SP36 and HE02 of the Thanet Local Plan and paragraphs 127 and 196 of the NPPF.

**SITE, LOCATION AND DESCRIPTION**

The site comprises the Winter Gardens, a Grade II listed building built in 1911 in a Neo-Grecian style which lies inside the Margate Conservation Area. The building lies on the northern side of Fort Crescent and is set in an excavated hollow with the entrance at higher street level. There is also access available from Fort Lower Promenade to the rear of the site.

The property, an entertainment venue, is currently vacant.

**RELEVANT PLANNING HISTORY**

F/TH/98/0019 - Erection of railings to site boundary and rebuilding of boundary wall and steps (Regulation 3) - granted 17/02/1998

L/TH/12/0412 - Application for Listed Building Consent for the insertion of two pairs of fire doors, following the removal of one set of doors - granted 25/07/2012

There is also a Listed Building Consent application, reference F/TH/23/0079 which accompanies this application and is due for determination.

## PROPOSED DEVELOPMENT

The scheme seeks permission for the temporary installation of metal security screens to the external openings of the building together with the erection of metal fencing to public access points. These works have already been undertaken and as such this is a retrospective application.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

QD02 - General Design Principles

QD03 - Living Conditions

## NOTIFICATIONS

Letters were sent to neighbouring occupiers, a site notice was posted and an advert placed in the local newspaper.

No representations have been received in response.

## CONSULTATIONS

**TDC Conservation Officer:** I would like to state that I have no objections on the basis that this application is temporary. A time limit should be advised through the condition of when these shutters should be removed or their continued use extended.

## COMMENTS

The application is brought before Members as the applicant is Thanet District Council on land owned by the Council.

The main considerations with regard to this planning application are the principle of the proposed development, the impact of the proposal upon the character and appearance of the area, in particular the Margate Conservation Area as a designated heritage asset, the impact on living conditions of neighbouring property occupiers and highway safety.

### **Principle**

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The proposal seeks permission for the temporary installation of metal security screens and fencing to prevent unauthorised access to the vacant building and grounds.

The site is located within the urban confines and therefore the principle of the development is considered acceptable, subject to the assessment of material considerations.

### **Character and Appearance**

In terms of character and appearance, Paragraph 130 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Paragraph 202 of the NPPF states that where a 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.

Thanet Local Plan Policy HE02 states that new development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

Thanet Local Plan Policy QD02 relates to general design principles and outlines that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design that is sustainable in all other respects. Proposals must relate to the surrounding development in terms of its form and layout, be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout, use of materials appropriate to the locality, be compatible with neighbouring buildings and spaces.

The application site lies within the Margate Conservation Area. The proposed fencing and metal shutters will cause some harm to the appearance of the building within the conservation area, and the setting of the building as a Grade II Listed building.

However, the proposed security measures are temporary, and as such the proposed works would result in less than substantial harm to the setting of the listed building, and the character and appearance of the conservation area. The installation of the security screens and fencing are necessary to ensure that unauthorised access to the vacant site does not result in the deterioration of the listed building and negatively impact the long term viability of the designated heritage asset. The security measures would preserve the building and allow for its long term conservation through viable future use, which will be of benefit to the conservation area.

Given the limited visual harm to the character and appearance of the area and the Margate Conservation Area as a designated heritage asset, and the temporary nature of the works, the proposal is considered to comply with Policies QD02 and HE02 of the Thanet Local Plan.

## **Living Conditions**

In terms of living conditions, Paragraph 119 of the NPPF outlines that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy QD02 of the Thanet Local Plan outlines that new development must be compatible with neighbouring buildings and spaces and inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Thanet Local Plan Policy QD03 states that new development must not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

The security screens are fixed to the external openings of the building and the security fencing is located at public access points. Having regard to the nature of the development and the relationship with the nearest neighbouring properties, it is not considered that the proposal would result in harm to the residential amenities currently enjoyed by neighbouring occupiers. The development therefore accords with Policies QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

## **Transportation**

The development is restricted to the external facade of the building and the security of public access points to the vacant site.

For these reasons, it is not considered that the proposed development would result in harm to highway safety or amenity.

## **Conclusion**

For the reasons outlined above, it is considered that the principle of the development is acceptable, with no material harm caused to the living conditions of neighbouring property occupiers, or the local highway network. Whilst the development results in visual harm to the streetscene and wider character and appearance of the area, particularly the Margate Conservation Area as a designated heritage asset; this harm is limited and temporary and the works are necessary to protect and preserve the Margate Conservation Area. The development therefore accords with Policies SP35, SP36, HE02, QD02 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

It is therefore recommended that Members approve the application.

## **Case Officer**

Tanya Carr

TITLE:

F/TH/23/0080

Project

Winter Gardens Fort Crescent MARGATE Kent CT9 1HX

