

A04

F/TH/23/1002

PROPOSAL: Erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall

LOCATION: Former Port Control East Pier Ramsgate Kent CT11 8LJ

WARD: Central Harbour

AGENT: No agent

APPLICANT: Ms Theresa Smith

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 400-LOC-002 received 26 July 2023, EL01 Rev 4 and AA Rev 4, received 09 October 2023.

GROUND;

To secure the proper development of the area.

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the

application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

SITE, LOCATION AND DESCRIPTION

The site is located on the inside of the East Pier, to the north of the Royal Harbour Brasserie. This part of the pier is accessible to both pedestrians and vehicles and visible in long views across the harbour. The East Pier is part of the grade II* listed Royal Harbour and the site comprises a stone wall with vertical timber fenders.

RELEVANT PLANNING HISTORY

There is an extensive planning history for the East Pier. The planning history below relates to a similar development in a different location on the pier.

F/TH/20/1781 - Erection of illuminated art work / sign featuring 1.8m high copper letters 'PERFUGIUM MISERIS' on perforated steel back plate with supporting steel structure and fibre optic lighting system. Granted 30 April 2021

PROPOSED DEVELOPMENT

The proposed development is the erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall. The proposed letters would spell 'PERFUGIUM MISERIS' which translates from Latin to "refuge for those in need". The aluminium frame would be mounted onto four of the wooden fenders on the harbour wall and four additional bolt fixings would be made into the harbour wall. The artwork would be mounted below the high tide level so that when the tide comes in it disappears from view and 12 rubber fenders would be erected above and below the sign to protect it.

DEVELOPMENT PLAN POLICIES

SP04 - Economic Growth
SP11 - Ramsgate
SP26 - Landscape Character Areas
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP36 - Conservation and Enhancement of Thanet's Historic Environment
SP37 - Climate Change
SP38 - Healthy and Inclusive Communities
HE01 - Archaeology
HE02 - Development in Conservation Areas
HE03 - Heritage Assets
CC01 - Fluvial and Tidal Flooding

CC02 - Surface Water Management
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living Conditions
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

One letter of objection has been received raising the following concerns:

- Harm to the appearance of the listed harbour
- Harm to the character and appearance of the area
- Should be for a temporary period of time
- Benefits of the development are subjective
- Seven letters of support have been received raising the following points:
 - Tourist attraction
 - Positive message for the town
 - Links to Ramsgate's history
 - Previous version of the artwork was positive for the area
 - In keeping with the harbour
 - Visually attractive
 - Economic boost to the area

Ramsgate Town Council - No comment

Ramsgate Heritage and Design Forum - The forum is very much in support of this new artwork telling the story of the history of the harbour. No objection.

CONSULTATIONS

KCC Highways - I refer to the above planning application and consider that there are no highway implications associated with the proposals.

Marine Management Organisation - Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government.

The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately.

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

TDC Conservation Officer - I would consider there to be a level of harm caused to the setting and appearance of the listed asset and royal harbour, however all mitigations have been made in the approach to the attachment to the pier that the physical harm is reduced where it can be. There are also other public and social benefits to consider as well as this proposal being a long term but temporary project.

As such I do not object to the application proposed but would suggest that a date is set for the condition of the artwork to be reviewed after the proposed ten years.

TDC Harbour Master - The works have previously been done and there were no issues regarding it then so from our side no comments.

TDC Environmental Health - No comments or concerns regarding the installation of art work to the harbour wall.

COMMENTS

This application is brought before members as the site belongs to Thanet District Council.

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.

Policy SP04 seeks to support the regeneration of the towns and the growth of the Port of Ramsgate. It sets out that new tourism development and the increased attraction of tourists to the area will be supported.

Overall there is not considered to be any in-principle objection to the works. The main considerations in relation to the proposal are the impact on the character and appearance of the area (including the setting of listed buildings and structures and the Ramsgate Conservation Area), on the living conditions of neighbouring occupiers and public safety, flood risk and drainage, archaeology and highways safety.

Character and Appearance

As part of the site is located within the Ramsgate Conservation Area 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.'

Paragraph 130 of the National Planning Policy Framework (NPPF) states 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, sympathetic to local character and history, establish or maintain a strong sense of place, and 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.

Policy SP36 of the Thanet Local Plan states that "The Council will support, value and have regard to the historic or archaeological significance of Heritage Assets.."

Policy HE02 of the Thanet Local Plan states that 'within conservation areas, development proposals which preserve or enhance the character or appearance of the area, and accord with other relevant policies of this Plan, will be permitted'. For extensions the policy requires that the 'character, scale and plan form of the original building are respected and the

extension is subordinate to it and does not dominate principal elevations'; and that 'appropriate materials and detailing are proposed and the extension would not result in the loss of features that contribute to the character or appearance of the conservation area'.

Policy HE03 of the Thanet Local Plan states that proposals that affect both designated and non-designated heritage assets, will be assessed by reference to the scale of harm, both direct and indirect, or loss and the significance of the heritage asset in accordance with the criteria in the National Planning Policy Framework.

Policy QD02 of the Thanet Local Plan states 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 and be sustainable in all other respects.

The site is also located within the Ramsgate and Broadstairs Cliffs Landscape Character Area as defined by policy SP26 of the Thanet Local Plan. Within these areas development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas. All development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea, and proposals should demonstrate how the development will take advantage of and engage with these views.

Development proposals that conflict with the above principles will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area. In such cases, landscape impacts should be minimised and mitigated as far as possible.

In considering these matters, paragraph 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and this is later categorised into achieving three objectives relating to economic sustainability, social sustainability and environmental sustainability. Paragraph 92 of the NPPF states that decisions should aim to achieve healthy, inclusive and safe places, by promoting social interaction, including meetings between people who might not otherwise come together, creating strong neighbourhood centres, and to provide the social, recreational and cultural facilities and services the community needs. Policy SP11 of the Thanet Local Plan sets out that within Ramsgate the Council will seek to support continued regeneration and development that focuses on the maritime heritage and developing leisure role that it has to play. Policy SP38 seeks to improve health and wellbeing by safeguarding or providing public open space, promoting healthier options for transport such as cycling and walking, creating social interaction and by creating safe environments through mixed uses, design, and layout. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design.

Whilst the works would undoubtedly cause some harm to the designated heritage asset and the historic environment through the attachment to the pier and the alteration to its appearance, as the Council's Conservation Officer highlights, this harm is considered to be limited. There would be some public benefit in the provision of the installations in terms of creating social interaction and inclusivity, and some economic benefit in terms of the potential for increased tourism and regeneration to Ramsgate. Therefore, on balance, the

provision of the proposed artwork here is considered to create a community benefit that would outweigh the harm to the historic environment and character and appearance of the area, and is considered by Officers to comply with the overall aims of policies SP11, SP38, and QD02 of the Thanet Local Plan, and aims of paragraphs 7, 92, 130 and 202 of the National Planning Policy Framework.

Living Conditions

Paragraph 119 of the NPPF states 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 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 future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be 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. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

The site is located a significant distance from the closest residential property and does not represent a significant projection beyond the side of the pier. No moving parts or illumination is proposed as part of the art work. It is therefore considered that this development would have no significant impact upon the living amenity of the neighbouring property occupiers.

Transportation

The artwork would be located on the side of the pier and is not considered to represent an obstruction to vehicles or pedestrians moving along the pier. The site is located close to the centre of Ramsgate and parking in the surrounding area is subject to controls. Given the scale and location of the artwork this development is not considered to result in any significant harm to highway safety.

Flood Risk and Drainage

Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from those areas at highest risk (whether existing or future).

The site is located within flood zone 3 and has a high risk of flooding, however the artwork would be set well below the level of the highway and there would be no public access. Given the nature of the development and its scale this proposal is not considered to result in a significant increase in flood risk.

Biodiversity

The proposed development would be located on the side of the existing pier and would not significantly alter the scale of the pier or increase activity in the immediate vicinity. Given the scale of the development and the number of proposed fixings the installation of the artwork is not anticipated to take a prolonged period of time.

Conclusion

Overall the site is very sensitively located, being within the Ramsgate Conservation Area, a listed structure and highly prominent.

The works would not cause any significant or material harm to nearby occupiers, highways safety, biodiversity or flood risk. There would be some harm through the physical attachment of the sign to the listed pier and the alteration to its appearance, however this is considered to be limited.

Where harm is identified the NPPF requires a balancing exercise with any public benefit that might outweigh the harm caused. In this case, the artwork would give regard to the maritime heritage of Ramsgate's past and there would be social and economic benefits. These benefits are considered to outweigh any harm and therefore Officers recommend this application be approved.

Case Officer

Duncan Fitt

TITLE:

F/TH/23/1002

Project

Former Port Control East Pier Ramsgate Kent CT11 8LJ

