# SUPPLEMENTARY DOCUMENT TO VARY CONDITIONS

## APPROVED PROPOSAL (F/TH/23/1614):

Part retrospective application for a part change of use of the toilet block & store room (The Oval Pavilion) to an events bar and a cafe together with external alterations; use of amphitheatre for outdoor cinema/market/concert/sports/dance or theatre; external terrace for seating and access ramps, hand-rails within the bandstand amphitheatre; part demolition of sections of external wall to facilitate step-free access; installation of a timber fence and gates within the bandstand amphitheatre; installation of shipping containers to provide multiple retail/commercial/storage spaces and associated equipment and works; installation of a demountable perimeter fence, gates to amphitheatre auditorium for a temporary time period (31 December 2026); installation of street furniture; creation of a wellness garden with outdoor gym and associated equipment and works, erection of a greenhouse, perimeter fence and gate within the existing garden maintenance area.

## LOCATION:

The Oval Bandstand, Eastern Esplanade, MARGATE, Kent, CT9 2HL

## INTRODUCTION:

Planning policy for non-residential applications often takes a one-size-fits-all approach, designed to manage large-scale developments by well-resourced organisations. However, GRASS Cliftonville CIC is not a developer building thousands of homes with unlimited resources. We are a small, not-for-profit social enterprise, led by a dedicated team of staff and volunteers. In 2021, through the community asset transfer process, Thanet District Council's (TDC) entrusted us with managing and improving The Oval Bandstand and Lawns. Our work is driven by passion, community spirit, and the support of local volunteers. While our resources are limited, our commitment to the long-term regeneration of The Oval is unwavering.

At the heart of GRASS Cliftonville CIC's mission is our dedication to bringing affordable cultural events to a socially deprived area, improving health outcomes for residents, creating jobs and training opportunities for local people, and encouraging community engagement. The Oval is a historic entertainment venue that has once again become a cornerstone of Margate's cultural scene. With the successful community asset transfer of 4.2 acres in 2021, we have steadily transformed The Oval into a cherished community hub. Each year, over 16,500 attendees participate in our diverse programming, which includes live performances, outdoor cinema screenings, community events, and wellness activities, demonstrating the impact and support we have earned within the community.

As a community asset-locked social enterprise, GRASS Cliftonville CIC operates on a not-for-profit basis, guided by clearly defined objectives outlined in our articles of association. Our projects depend heavily on securing grants from external funders, and the conditions imposed in our planning approval create significant barriers to accessing this essential funding. Several of conditions, as currently worded, do not account for the unique challenges faced by a not-for-profit organisation like ours. They place unnecessary constraints on our work, delaying progress and impeding our ability to maintain positive engagement with funders who require certainty to commit their support.

We respectfully request that these conditions be varied to reflect the reality of our operating model. This will enable us to continue delivering vital improvements to The Oval over a realistic timeline, supported by the hard work of our dedicated team and the local community.

## CONDITION 3

### ORIGINAL WORDING

3. The permission for the shipping containers within the bandstand amphitheatre noted as Units A, B, C, staff room, D (drawing labelled 2026_L_004) and the 1.8m herras fencing shall expire on 31/12/2026, unless otherwise agreed in writing with the Local Planning Authority:

- the building and fencing as identified shall be removed from the application site,
- there shall be carried out any work necessary to reinstate the application site to its condition prior to the implementation of this temporary permission.

GROUND: In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality contrary to the NPPF.

### PROPOSED WORDING

3. The permission for the 1.8m Herras fencing, as identified in the approved drawings, shall expire on 31/12/2026, unless otherwise agreed in writing with the Local Planning Authority:

- the fencing as identified shall be removed from the application site upon the expiration of this temporary permission.
- there shall be carried out any work necessary to reinstate the application site to its condition prior to the implementation of this temporary permission.

### RATIONALE FOR THE VARIATION

The proposed variation seeks to amend Condition 3 to remove the temporary status of the shipping containers while retaining the temporary permission for the 1.8m Herras fencing. The rationale for this change is as follows:

1. **Councillor Support at the Planning Committee Meeting**: During the committee discussion, several councillors expressed concern that requiring the removal of the shipping containers within such a short period was unreasonable. They acknowledged the containers, particularly with the cladding and green roofs, as excellent additions to the site that align with its character and purpose.

2. **Unreasonable Expectation for a Not-for-Profit Organisation**: Expecting a small, asset-locked not-for-profit community organisation to fund the installation of three new shipping containers, fit them out as retail units, clad them in a timber structure, and install green roofs (as required under Conditions 4 and 8), only to completely remove them less than two years later, is disproportionate and unsustainable.

3. **Grant Funding Challenges:** The current condition significantly impacts our ability to secure project grants. Many grant providers require assurances of permanence for funded installations, as temporary permissions fail to meet the criteria for sustainable investment. As an asset-locked social enterprise reliant on diverse grants, this condition creates a major barrier to financing the improvements necessary for the site's development.

4. **Sustainability of the Oval's Operations:** Without the variation of this condition, the shipping containers cannot be installed, which would hinder our ability to generate sufficient revenue to fund the ongoing regeneration, maintenance, and management of The Oval and its land. This could jeopardise the entire enterprise, undermining the substantial progress we have made in transforming The Oval into a thriving community hub.

By amending the condition to reflect the permanence of the shipping containers, the Local Planning Authority can ensure the site remains a sustainable, vibrant, and well-maintained

community asset.

## ALIGNMENT WITH PLANNING POLICY

**Thanet Local Plan**

Our proposal aligns closely with the policies outlined in the Thanet Local Plan, adopted on 9 July 2020, which sets a clear objective of meeting infrastructure needs to secure economic development and community benefit for the area. Specifically, the Plan states:

> *"Structure Plan Policy sets out the need to provide necessary community facilities and services accessible by walking, cycling and by public transport from the area they serve. It is also a Council aim to seek to ensure that the District's infrastructure needs are met to secure economic development for the area."*

The shipping container retail units contribute directly to achieving these aims by enhancing accessible community facilities and supporting local economic growth. However, the temporary condition requiring their removal significantly undermines these objectives by creating unnecessary barriers to sustainable development and community engagement.

Additionally, the Council has stated its commitment to supporting long-term economic growth and regeneration through the implementation of the Local Plan:

> *"The Council is keen to ensure that the Local Plan is fully implemented... so that the Plan is successful in supporting long-term economic growth and regeneration for the area, and meeting the strategic objectives of the Plan."*

**National Planning Policy Framework (NPPF)**

The proposed variation aligns with the following principles of the NPPF:

1. **Building a Strong, Competitive Economy (NPPF Chapter 6):** Paragraph 81 of the NPPF emphasises the need to "*create the conditions in which businesses can invest, expand and adapt."* The shipping containers provide an essential source of revenue for maintaining and regenerating The Oval. Their permanence supports economic sustainability by enabling small-scale, local businesses to thrive, fostering employment opportunities, and contributing to Cliftonville's long-term economic development.

2. **Promoting Healthy and Safe Communities (NPPF Chapter 8):** Paragraph 92 highlights the importance of ensuring that developments promote healthy and inclusive communities. The shipping containers house concessions and services that enhance the community's access to amenities, encouraging social interaction and wellbeing. Removing the temporary condition would help secure these benefits as a permanent feature of The Oval, supporting the community's needs over the long term.

3. **Achieving Well-Designed Places (NPPF Chapter 12):** Paragraph 130 underscores the importance of high-quality, sustainable, and aesthetically pleasing design that contributes positively to an area. The containers, with their planned cladding and green roofs, meet this criterion by enhancing the site's visual appeal and environmental credentials, integrating well into the character of the amphitheatre and surrounding area.

4. **Meeting the Challenge of Climate Change and Supporting the Natural Environment (NPPF Chapters 14 and 15):** Paragraph 152 encourages developments that mitigate climate change and improve resilience. The inclusion of green roofs and sustainable

materials for the containers demonstrates a commitment to addressing environmental challenges. Their permanence would ensure that these sustainability features provide ongoing benefits, contributing to biodiversity and reducing the site's carbon footprint.

5. **Making Effective Use of Land (NPPF Chapter 11):** Paragraph 119 supports the effective use of underutilised land. Installing permanent shipping containers within the amphitheatre ensures that this space is optimised for economic and community use, in line with sustainable development principles.

6. **Sustainable Development and Decision-Making (NPPF Paragraph 38):** The NPPF encourages decision-makers to *"approach decisions on proposed development in a positive and creative way."* Allowing the shipping containers to remain permanently supports sustainable development, aligns with local and national policy objectives, and enables the site to thrive as a community hub.

By removing the temporary condition, the project can fully realise its potential to contribute to the NPPF's overarching goals of sustainable development, economic growth, and community wellbeing.

# CONDITION 4

## ORIGINAL WORDING

4. The external cladding on the shipping containers already in situ, set out in Appendix 1 received on the 20th June 2024, shall be carried out within 4 months of the decision date.

GROUND:
In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

## PROPOSED WORDING

4. The external cladding on the shipping containers already in situ, set out in Appendix 1 received on the 20th June 2024, shall be carried out within 12 months of the decision date.

## RATIONALE FOR THE VARIATION

The proposed variation seeks to amend Condition 4 to extend the timeframe for completing the external cladding of the in-situ shipping containers from 4 months to 12 months following the decision date. This extension allows for a more practical timeline to ensure high-quality design development, to acquire funding, and to complete construction. We believe this amendment is both reasonable and necessary for the following reasons:

1. **Alignment with Appeal Timelines:** The current four-month deadline does not align with the six-month period allowed to appeal planning conditions under the Town and Country Planning Act 1990. Extending the compliance period ensures that we retain the ability to exercise this statutory right if necessary.

2. **Realistic Project Timeline:** A period of 12 months is essential to realistically complete the works, allowing:

    a. Eight months for design development by consultants and approval by the council (in accordance with Condition 8 relating to the sedum roof, which itself may take eight weeks for approval).
    b. Four months for project mobilisation and construction, including securing funding, appointing contractors, and scheduling the works.

3. **Unreasonable Expectations:** It is unreasonable to expect that the design can be developed by consultants, approved by planners, funding secured, contractors appointed, and construction works completed within a 4-month window. The additional time ensures the work is carried out to a high standard without compromising the integrity of the process.

4. **Practical Considerations:** The extended timeframe accounts for external factors such as contractor availability, seasonal weather challenges, and the need to ensure that the work is carried out to meet the council's expectations for visual amenity.

5. **Funding Cycles:** Securing grants and funding often involve lengthy application and approval processes. A 12-month period accommodates these cycles, enabling us to obtain the necessary resources without compromising project quality.

## ALIGNMENT WITH PLANNING POLICY

**Thanet Local Plan**

Policy QD02 of the Thanet Local Plan emphasises that new development should promote or

reinforce local character and provide high-quality and inclusive design that is sustainable in all other respects. Proposals should relate to surrounding development, form, and layout, and be well-designed, paying particular attention to the context and identity of their location.

By committing to the external cladding of the shipping containers, our organization demonstrates adherence to Policy QD02, ensuring that the structures will enhance the visual amenity and character of the area. Requesting an extension to 12 months allows for thorough planning and quality execution of the cladding work, aligning with the policy's intent for sustainable and contextually appropriate design.

**National Planning Policy Framework (NPPF)**

The NPPF emphasises: Achieving Well-Designed Places: Planning policies and decisions should ensure that developments 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, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

By extending the timeframe to 12 months, we are ensuring that the design and implementation of the cladding are carried out meticulously, allowing for community consultation, detailed design development, and high-quality construction. This approach aligns with the NPPF’s objectives of promoting sustainable development and achieving well-designed places.

In summary, the requested extension not only facilitates practical project management but also ensures compliance with both the Thanet Local Plan and the NPPF, promoting a development that is both high-quality and contextually appropriate.

# CONDITION 7

## ORIGINAL WORDING

A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

GROUND: In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policy QD02 of the Thanet Local Plan

## PROPOSED WORDING

Within 9 months of the decision date a landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

## RATIONALE FOR THE VARIATION

The proposed variation seeks to amend Condition 7 to provide clarity on timescales and enable greater flexibility in the submission and implementation of the Landscape Management Plan (LMP). We believe this amendment is both reasonable and necessary for the following reasons:

1. **Clear Compliance Timeframe:** The proposed variation replaces the ambiguous term "prior to occupation" with a definitive deadline, ensuring clarity and enforceability for all parties.

2. **Ongoing Site Occupation:** As the site has been in continuous occupation during building works, the original condition is impractical and does not align with the current operational context.

3. **Commitment to Long-Term Management:** GRASS Cliftonville CIC remains committed to delivering a comprehensive Landscape Management Plan to ensure the amenity areas are managed sustainably and in perpetuity.

4. **Alignment with Practical Constraints:** The variation accommodates the necessary time for preparation, submission, and approval of the Landscape Management Plan without compromising the condition's objectives.

5. **Reducing Ambiguity:** The revised wording eliminates uncertainty and simplifies the condition for effective compliance and future enforcement.

## ALIGNMENT WITH PLANNING POLICY

**Thanet Local Plan**

1. **Policy SP24 – Green Infrastructure:** This policy emphasises the importance of green infrastructure in enhancing the quality of life and environmental sustainability. By submitting a Landscape Management Plan within a specified timeframe, we demonstrate a

commitment to maintaining and enhancing green spaces, aligning with the objectives of Policy SP24.

2. **Policy QD02 – General Design Principles:** Policy QD02 requires developments to be of high-quality design, contributing positively to the area's character. A well-structured Landscape Management Plan ensures that landscaping is thoughtfully integrated and maintained, supporting this policy's aims.

**National Planning Policy Framework (NPPF)**

1. **Paragraph 8 – Achieving Sustainable Development:** The NPPF outlines that sustainable development includes environmental objectives such as protecting and enhancing the natural environment. Our proactive approach to landscape management aligns with this principle by ensuring long-term environmental stewardship.

2. **Paragraph 130 – Achieving Well-Designed Places:** This paragraph stresses the importance of developments being visually attractive and sympathetic to local character, including landscape setting. Submitting a Landscape Management Plan within a clear timeframe ensures that these design considerations are met and maintained over time.

# CONDITION 8

## ORIGINAL WORDING

8. Within 4 months of the decision date details of the sedum roofs, as set out in Appendix A received on the 20th June 2024, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. These details shall include:

Precise details of the substrate base;
Sample of the planted/seeded mix, shall be submitted to the Local Planning Authority. The agreed mix of species shall be sown within the first planting season following the practical completion of the building works (the seed mixed shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum); and
A landscape maintenance scheme.

The sedum roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The sedum roofs shall be carried out strictly in accordance with the details so approved and within the first planting season after the decision and shall be maintained as such thereafter.

GROUND:
To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policy SP30 of the Thanet Local Plan

## PROPOSED WORDING

Within 9 months of the decision date, details of the sedum roofs, as set out in Appendix A received on the 20th June 2024, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. These details shall include:

Precise details of the substrate base; Sample of the sedum mix, shall be submitted to the Local Planning Authority. The agreed mix of species shall be sown within the first planting season following the practical completion of the building works; and a landscape maintenance scheme.

The sedum roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency. The sedum roofs shall be carried out strictly in accordance with the details so approved and within the first planting season after the decision and shall be maintained as such thereafter.

## RATIONALE FOR THE VARIATION

The proposed variation seeks to amend Condition 8 to allow for a sedum-only roof instead of a wildflower mix and extend the submission deadline from 4 months to 9 months, ensuring practical feasibility, reduced structural demands, and alignment with ecological cycles. We believe this amendment is both reasonable and necessary for the following reasons:

1. **Structural and Practical Considerations:** A wildflower mix requires a much deeper substrate (approximately 150mm-300mm compared to the 50mm-150mm needed for sedum). This increased depth would:

    a. Significantly raise the overall height of the container structures.
    b. Necessitate a more substantial structure around the containers to support the additional weight of the deeper substrate, increasing construction costs and complexity.

c. Wildflower roofs require frequent maintenance, including regular watering, weeding, and seasonal cutting, which is impractical for the small roof areas involved. Additionally, this work must be conducted at height, increasing safety risks and operational challenges.
d. In contrast, a sedum-only roof is low-maintenance and drought-tolerant, requiring minimal intervention while still providing ecological and aesthetic benefits.

2. **Existing and Planned Wildflower Meadows at The Oval:** GRASS Cliftonville CIC has already demonstrated a commitment to enhancing biodiversity through wildflower planting. The first project undertaken as custodians of The Oval was the creation of a 200m² wildflower meadow, and this year, an additional 200m² is being planted. Requiring a wildflower mix on the green roofs would disproportionately add to the construction and maintenance budgets for our organisation, diverting resources that could be used for larger, more impactful ecological projects, such as expanding the wildflower meadows.

3. **Site-Specific Challenges:** A sedum-only roof is more suitable given the environmental conditions at The Oval and the specific constraints of the container structures. These include:

    a. **Weight limitations:** Sedum requires lighter substrates, reducing structural demands.

    b. **Wind exposure:** As The Oval is located on a coastal clifftop, sedum roofs are better suited to withstand harsh conditions than wildflower mixes (our existing meadow thrives because it is protected by the Queen's Court retirement complex)

4. **Biodiversity and Habitat Creation:** Sedum roofs still provide valuable habitats for pollinators and other species, contributing to biodiversity objectives in line with Policy SP30 of the Thanet Local Plan. While the species composition differs from wildflower mixes, sedum roofs are proven to enhance ecological value in urban settings, supporting a range of insects and birds.

5. **Long-Term Viability and Sustainability:** Sedum roofs are highly sustainable due to their low water requirements and resilience to drought, ensuring a lasting ecological contribution with minimal intervention. The lower maintenance burden associated with sedum roofs also aligns with the organisation's resources and long-term management capacity.

The proposed variation to use sedum-only roofs ensures a practical, cost-effective, and ecologically valuable solution for the site. GRASS Cliftonville CIC remains committed to enhancing biodiversity at The Oval and believes that the funds saved from avoiding the more complex wildflower mix requirement can be reinvested into larger-scale ecological improvements, such as expanding wildflower meadows and other projects detailed in the Landscape Management Plan.

## ALIGNMENT WITH PLANNING POLICY

**Thanet Local Plan**

1. **Policy SP30 – Biodiversity and Habitats:** This policy emphasises the conservation and enhancement of biodiversity. Implementing a sedum-only roof aligns with this objective by providing habitats for pollinators and contributing to the district's green infrastructure. The extended 9-month submission period allows for:

    a. **Seasonal Constraints:** Biodiversity measures, such as selecting the appropriate seed mix and planting, are best undertaken in specific seasons to maximise success. An extension accommodates these ecological cycles.

    b. **Commitment to Policy Objectives:** The additional time ensures better compliance

with the policy's intent by allowing thorough research, collaboration with biodiversity experts, and the selection of optimal materials and species.

**National Planning Policy Framework (NPPF)**

1. **Paragraph 161:** The NPPF requires the planning system to support the transition to a low carbon future and shape places that contribute to radical reductions in greenhouse gas emissions. Sedum roofs contribute to this goal by enhancing building insulation and reducing energy consumption.

2. **Paragraph 163:** This paragraph emphasises the need to consider climate change mitigation and adaptation in planning applications. A sedum-only roof is a sustainable design feature that aids in managing stormwater runoff and mitigating urban heat island effects, aligning with the NPPF's climate resilience objectives.

# CONDITION 9

## ORIGINAL WORDING

9. No food and beverage outlets or any other concessions within any of the structures hereby approved, shall play music (amplified or non amplified). The external PA speakers shown on the pavilion shall not be used for music.

GROUND:
To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policies QD03 and SE06 of the Thanet Local Plan.

## PROPOSED WORDING

9. The external PA speakers shown on the pavilion shall not be used for music.

## RATIONALE FOR THE VARIATION

The proposed variation seeks to amend Condition 9 to allow indoor music within the café at The Oval Pavilion while maintaining the restriction on the use of the external PA speakers for music. We believe this adjustment is fair and reasonable, given the following factors:

1. **Small Scale of the Café:** The new café within The Oval Pavilion is incredibly small, with seating capacity for approximately 12 people. The suggestion that this space could host events requiring music at very loud levels seems illogical. This reinforces that indoor music, if permitted, would have minimal impact on neighbouring properties.

2. **Distance to Nearest Residential Properties:** The café is located over 60 metres from the nearest residential building, far enough to avoid significant noise impact. By comparison, several local venues, such as the Tom Thumb, Selina Hotel, Wasteland, and Arc, have residential neighbours within mere feet, yet are permitted indoor music licenses. The restriction on indoor music at The Oval seems disproportionate, particularly considering the café's scale and context.

3. **Commitment to Safeguarding Residential Amenities:** While we request the removal of restrictions on indoor music, we maintain our commitment to safeguarding residential amenities by retaining the restriction on outdoor music via the external PA speakers. This ensures that any music played on-site remains controlled and respectful of neighbours.

Given the above points, we respectfully request the removal of the restriction on indoor music while maintaining restrictions on outdoor music via the pavilion's fixed speakers. This variation strikes a balance between preserving residential amenity and allowing the pavilion café to operate effectively as a small, community-focused space.

## ALIGNMENT WITH PLANNING POLICY

**Thanet Local Plan**

1. **Policy QD03 – Living Conditions:** This policy requires that developments safeguard the amenities of neighbouring residents. The proposed variation aligns with this policy, as the café's operations are designed to minimise any adverse impact on residential properties. The nearest residential building, Queens Court (Block B), is 69 metres away, and other properties are at least 77 to 116 metres distant. With substantial soundproofing measures in place—including in-wall insulation and modern double-glazed windows—we ensure compliance with BS 8233:2014, which sets appropriate noise limits for residential areas. These measures exceed basic requirements, ensuring residential amenity is protected.

2. **Policy SE06:** This policy supports non-residential uses in residential areas when potential impacts are mitigated. The café at The Oval Pavilion is a small, community-focused venue with a seating capacity of only 12 people, making any significant noise disturbance unlikely. The development contributes to the vitality of the area, as encouraged by this policy, and any potential noise is mitigated through an approved Noise Management Plan. This plan demonstrates our commitment to sound control, monitoring, and compliance with local planning policies.

**National Planning Policy Framework (NPPF)**

The NPPF provides key tests for planning conditions, stating that conditions must be necessary, reasonable, and enforceable. The restriction on indoor music as outlined in Condition 9 is unnecessary and disproportionate, as:

1. The café's small scale and distance from residential properties make significant noise unlikely.

2. Mitigation measures, including robust soundproofing and a Noise Management Plan, effectively address potential impacts.

3. No evidence has been provided to suggest specific harm would arise from permitting indoor music.

Further, the NPPF emphasises the importance of supporting sustainable development and community vitality. This aligns with the objectives of the café, which seeks to create a vibrant, inclusive environment while respecting residential amenities.

Given the robust mitigation measures in place, the café's small size, and its distance from residential properties, the restriction on indoor music is both disproportionate and inconsistent with planning policies. The variation to Condition 9, maintaining the restriction on outdoor music through the pavilion's fixed speakers, while allowing flexibility for indoor music, strikes an appropriate balance between supporting the café's role in the community and safeguarding residential amenity.

# CONDITION 10

## ORIGINAL WORDING

10. The use of all concessions, bar, kiosk, cafe and amphitheatre hereby approved shall not be used other than between
-October - March, Wednesday - Sunday, 9am - 5pm
-April - September, Monday - Sunday, 8am - 9pm

GROUND:
To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

## PROPOSED WORDING

The use of all concessions, bar, kiosk, and café hereby approved shall not be used other than between:

Monday – Sunday, 8am – 9pm

Except where approval has been granted by TDC Licensing for use outside these hours.

## RATIONALE FOR THE VARIATION

The proposed variation seeks to amend Condition 10 by removing the restrictive winter season operating hours to allow for consistent year-round use of facilities, omitting the word “amphitheatre” to enable its use for community fitness classes during early mornings and late evenings, and permitting The Oval to operate outside the specified hours with approval from TDC Licensing. We believe this amendment is both reasonable and necessary for the following reasons:

1. **Winter Season Opening Hours:** The current restriction of operating only Wednesday–Sunday during October–March from 9am-5pm is overly restrictive and prevents us from keeping the toilets open if no staff are on-site. This significantly impacts the provision of essential facilities for visitors and the local community. We propose that essential facilities, which are needed to support health and fitness classes, operate year-round, seven days a week, ensuring consistent access and engagement across all seasons.

2. **Removal of ‘Amphitheatre’ from the Condition:** The amphitheatre is frequently used for fitness classes, which are often scheduled very early in the morning and late in the evening outside of our proposed standard operating hours. The inclusion of the amphitheatre in this condition unnecessarily restricts these valuable community activities.

3. **Alignment with Licensing Policies:** While we understand the need for restrictions on operating hours for the structures, we already operate within a policy for our operating hours as agreed with Licensing. When activities are planned outside these hours, such as outdoor cinema events, we follow established processes by applying for Temporary Event Notices (TENS) through Licensing. The duplication of operating hour restrictions in both planning and licensing conditions creates unnecessary bureaucracy and operational challenges. Aligning the condition with licensing approvals ensures both compliance and operational flexibility.

## ALIGNMENT WITH PLANNING POLICY

**Thanet Local Plan**

1. **Policy SP07 – Economic Growth:** This policy emphasises the importance of supporting sustainable economic growth and diversification in Thanet. Allowing year-round operation

of facilities, including health and fitness classes, aligns with the objective of fostering a robust local economy by enhancing the range of services available to residents and visitors.

2. **Policy E01 – Retention, Enhancement, and Development of Employment Sites:** Encourages the retention and development of sites that provide employment opportunities. By operating the toilets and café most days throughout the year, the proposal supports employment continuity and contributes to the vitality of the local area.

**National Planning Policy Framework (NPPF)**

1. **Paragraph 81 – Building a Strong, Competitive Economy:** The NPPF advises that planning policies and decisions should help create conditions in which businesses can invest, expand, and adapt. By permitting extended operating hours and year-round use, the variation supports business adaptability and resilience, contributing to a strong local economy.

2. **Paragraph 93 – Promoting Healthy and Safe Communities:** This paragraph highlights the need for planning decisions to enable and support healthy lifestyles through the provision of facilities such as sports venues and open spaces. Facilitating health and fitness classes in the amphitheatre during early mornings and late evenings promotes community well-being and aligns with this national policy.

3. **Paragraph 56 – Planning Conditions and Obligations:** The NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant, enforceable, precise, and reasonable. Given that the operating hours are already regulated under TDC Licensing, maintaining a separate planning condition may be considered unnecessary duplication, and its removal would streamline regulatory processes.

By aligning with these policies, the proposed variation to Condition 10 not only safeguards residential amenities but also promotes economic growth, supports community health, and ensures efficient regulatory practices.

# CONDITION 11

## ORIGINAL WORDING

11. Prior to the installation of outdoor lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed. All external lighting shall be turned off at 11pm.

GROUND:
To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

## PROPOSED WORDING

11. Within 9 months of the decision date a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed. All external feature lighting shall be turned off at 11pm. Essential security lighting, as identified in the approved lighting scheme, may remain operational throughout the hours of darkness.

## RATIONALE FOR THE VARIATION

The proposed variation seeks to amend Condition 11 to require the submission of a detailed outdoor lighting scheme within 9 months of the decision date, reflecting the fact that some outdoor lighting is already installed, and clarifies that all external feature lighting will be turned off at 11 pm, while essential security lighting, as identified in the approved scheme, may remain operational throughout the hours of darkness. We believe this amendment is both reasonable and necessary for the following reasons:

1. **Allowing Time for Compliance:** Some outdoor feature and security lighting at the site has already been installed. Amending the condition acknowledges the existing situation and removes any ambiguity in interpretation. Providing a 9-month timeframe from the decision date ensures sufficient time to prepare and submit a comprehensive lighting scheme. This includes detailing the essential security lighting that will remain operational during hours of darkness, ensuring compliance with the amended condition.

2. **Asset Protection:** The Oval is a valuable community asset that must be safeguarded. Leaving the site in complete darkness during the night would compromise our ability to protect the asset, increasing the risk of vandalism, theft, and other antisocial behaviour. Essential security lighting is critical for ensuring site safety and deterring potential incidents.

3. **Demonstrated Residential Acceptance:** The outdoor security lighting has been in place for nearly three years, and it is our understanding that no complaints have been received by TDC from residents. This reflects the responsible and considerate design of the lighting scheme and confirms that it does not negatively impact residential amenity.

4. **Planning Committee Support:** During the planning committee meeting, the chair specifically stated that we should be allowed to keep security lighting operational throughout the night. This demonstrates that the committee recognised the importance of maintaining security and supported the inclusion of overnight lighting for this purpose.

5. **Balanced Approach:** This variation maintains the original condition's intent of limiting unnecessary illumination after 11pm while providing a practical solution for security needs.

It balances residential concerns with the need to protect a public amenity that benefits the entire community.

6. **Best Practices for Security Lighting:** The security lighting identified in the scheme will employ downcast fittings, motion sensors, or other suitable technologies to reduce unnecessary light spill. This approach aligns with sustainability principles and mitigates concerns about light pollution.

## ALIGNMENT WITH PLANNING POLICY

**Thanet Local Plan**

1. **Policy QD03 – Living Conditions:** This policy mandates that development proposals must safeguard the living conditions of nearby residents by preventing unacceptable harm from factors such as noise, vibration, and light pollution. The proposed variation aligns with Policy QD03 by ensuring that non-essential feature lighting is turned off at 11 pm to minimise light pollution, while essential security lighting remains operational to maintain safety without adversely affecting residential amenity.

2. **Policy SP37 – Climate Change Mitigation and Adaptation:** Policy SP37 encourages developments to adopt energy-efficient and sustainable solutions. By allowing essential security lighting to remain on, the proposal supports SP37 through the use of targeted, efficient lighting that meets safety needs while minimising unnecessary energy consumption and avoiding excessive glare or spillover.

3. **Policy SE06 – Non-Residential Uses Close to Housing:** Policy SE06 permits non-residential uses near housing provided they do not cause significant disturbance or harm to residents. Implementing a well-designed lighting scheme that includes essential security lighting ensures the site remains safe without negatively impacting nearby residents, thereby satisfying Policy SE06 by balancing operational requirements with residential well-being.

**National Planning Policy Framework (NPPF)**

1. **Paragraph 185 – Mitigating and Reducing Potential Adverse Impacts:** The NPPF advises that planning policies and decisions should mitigate and reduce potential adverse impacts resulting from noise and light pollution. The proposed variation adheres to this guidance by turning off non-essential feature lighting at 11 pm to reduce light pollution, while maintaining essential security lighting designed to minimise impact on the surrounding area.

2. **Paragraph 97 – Promoting Public Safety and Security:** The NPPF emphasises the importance of creating safe places and developments that promote public safety and deter crime. Keeping essential security lighting operational throughout the night aligns with this objective by enhancing site security and contributing to a safer environment for the community.

By considering these policies, the proposed variation to Condition 11 demonstrates a balanced approach that upholds both local and national planning objectives, ensuring the protection of residential amenity while addressing essential security needs.