

Land adjoining Deal Leisure Centre, Tides, Park Avenue, Deal – DO/15/38 (KCC/DO/0458/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 11 March 2015.

Application to remove condition 15 of planning permission DO/14/521 to remove the provision of car parking spaces and manoeuvring area at Land adjoining the Deal Leisure Centre, Tides, Park Avenue, Deal, Kent, CT14 9UU – DO/15/38 (KCC/DO/0458/2014).

Recommendation: permission be granted.

Local Members: Mrs Eileen Rowbotham & Dr Mike Eddy **Classification:** Unrestricted

Background and site

1. This application proposes to remove the requirement for the implementation of planning condition 15 of planning permission DO/14/521 granted planning consent under delegated authority on 7 July 2014 for the construction of a new Youth Centre and extension to the existing Leisure Centre car park. This planning condition required the applicant to provide six car parking spaces and manoeuvring area as shown on the approved plans before the new Youth Centre building is first occupied or brought into use.
2. Construction of the Youth Centre is currently underway on land which formed part of a disused tennis court. The development is located within the Tides Leisure Centre site and Dover District Council owns the land comprising the application site and the Leisure Centre. The Tides Leisure Centre lies to the west of the application site with an Indoor Tennis Centre located immediately to the south of the Leisure Centre building. A Skateboard Park is situated to the south of the Youth Centre building. The main Deal to Dover Railway line runs along the eastern boundary of the Youth Centre site, set on an embankment. Park Avenue which provides access to the site is located approximately 100m (328ft) to the north of the Youth Centre site and a skateboard park is situated to the south with playing fields located to the south and west of the site
3. There are no site-specific Development Plan Policies identified in connection with the application site itself, although there are open space allocations to the fields to the south and west of the site. Additionally, general policies are set out in paragraph (7).

Relevant Planning History

4. An application for a Skate Park was granted under permission reference (DOV/08/00209) in April 2008. Planning consent for the erection of a tennis hall to the south west of the Youth Centre site was granted in December 2009 (DOV/09/00858). Both of these applications were determined by Dover District Council. As previously outlined, planning permission for the construction of a new Youth Centre and extension to the existing Leisure Centre car park was granted in July 2014 by Kent County Council. (DO/14/521) Further to the grant of planning consent, conditions covering the submission of details of external materials, fencing, archaeological watching brief, surface water drainage scheme and construction management plan pursuant to conditions 3, 5, 8, 10 and 11 of the aforementioned permission have been discharged.

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Wider Site Location Plan



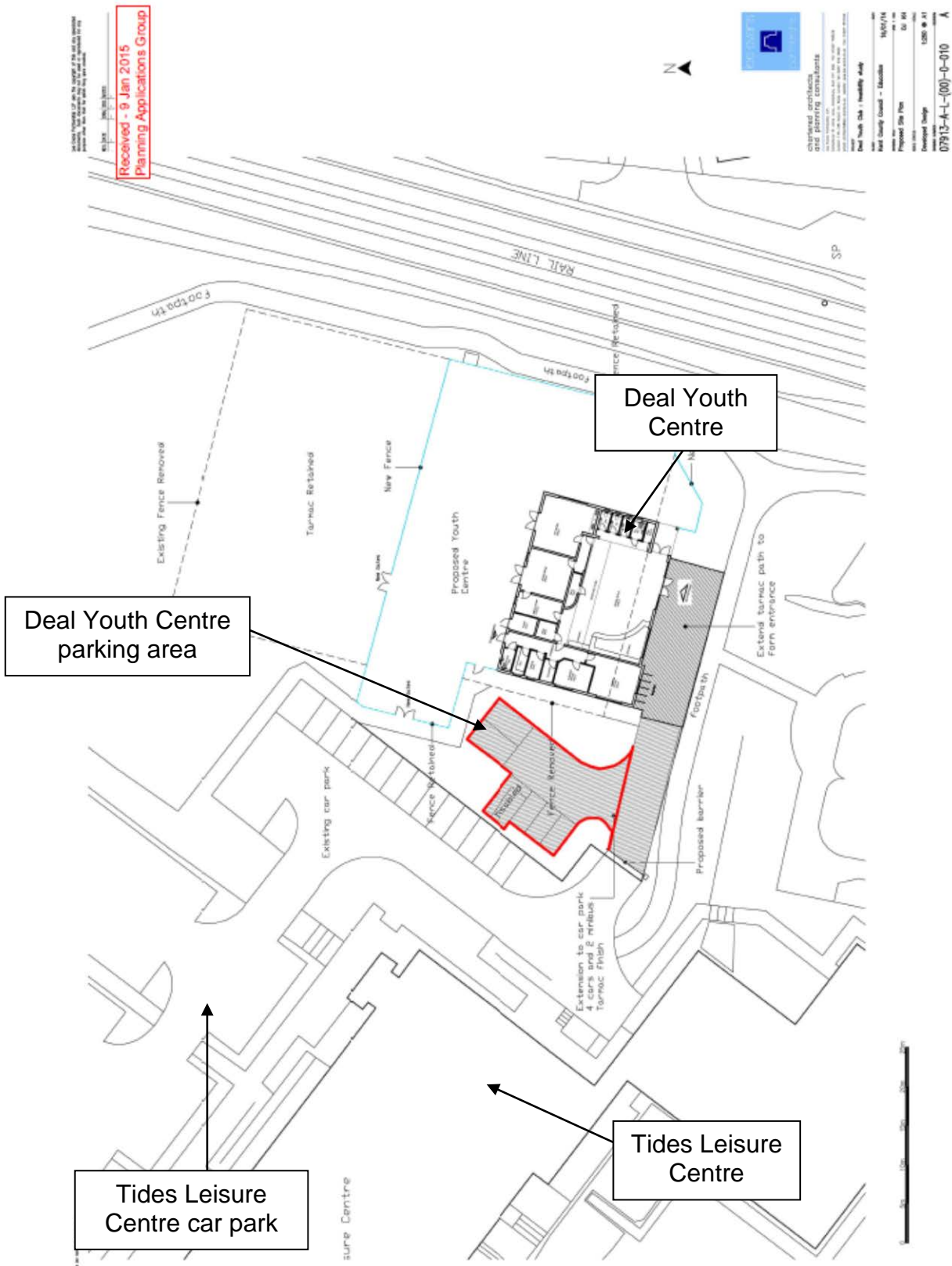
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Aerial View



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Site Location Plan



Proposal

5. This application has been submitted by Kent Integrated Adolescent Support Services and relates to an application that was granted planning permission in July 2014 for the construction of a new Youth Centre and extension to the existing Leisure Centre car park under permission reference DO/14/521. The single storey building will act as a replacement for the existing Youth Centre at Linwood, Mill Road situated approximately 200m to the north west of the site. The existing Youth Centre building is a Victorian house adapted for the current use and is no longer deemed fit for purpose. The new Youth Centre building is of a single-storey brick built construction with pitched roof, incorporating roof lights on the roof ridge. The building will measure 23.5m (77.1ft) by 18.5m (60.7ft), with a height of 7.4m (24.3ft) and will provide an internal floorspace of 434m² (4633ft²). The new Youth Centre building will provide space for a number of activities. The Centre will operate between the hours of 08:00 to 22:30 on weekdays and on Saturdays with operation restricted to 10:00 to 19:00 on Sundays. It is anticipated that ten members of staff would be employed at the Youth Centre.
6. This Section 73 application is requesting planning permission for the removal of condition 15 on planning consent reference DO/14/521 and consequently non-compliance with the requirement of that condition to provide a car parking and manoeuvring area for the use of Youth Centre staff. The car parking area, as currently permitted, would provide four car parking spaces including one disabled bay and two minibus spaces with a manoeuvring area. The applicant wishes to remove the requirement to provide the car park extension to bring the Youth Centre development in line with the budget allocation. The tender cost of the new building currently under construction has been shown to exceed the budget and the applicant states that a value engineering exercise has identified potential financial savings associated with the provision of these external works. Furthermore, the applicant has also provided reasons as to why it is considered that the car parking and manoeuvring area are not essential and these are considered in the discussion section.

Planning Policy Context

7. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:
 - (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance (March 2014)** sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

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In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings

(iii) The adopted 2010 Dover District Council Local Development Framework Core Strategy Policies:

Policy CP6 *Infrastructure*

Development generating a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place or there is a mechanism to ensure that it is implemented at the appropriate time. Developers should consider if existing infrastructure can be used more efficiently, or whether demand can be reduced through promoting behavioural change, before proposing increased capacity through extending or providing new infrastructure.

Policy DM1 *Settlement boundaries*

Location of development shall be within urban boundaries and rural settlement confines unless justified by other development plan policies of ancillary to existing development or uses.

Policy DM11 *Location of development and managing travel demand*

Development that would increase travel demand should be supported by an assessment to quantify the amount and type of travel likely to be generated.

Policy DM12 *Road hierarchy and development*

Access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent, which outlines road hierarchies.

Policy DM13 *Parking provision*

Parking provision should be based upon the characteristics of the site, locality, nature of the proposed development and its design objectives. Provision for non-residential development should be informed by Kent County Council Parking Standards Guidance (formerly Structure Plan Supplementary Planning Document 4).

Consultations

8. **Dover District Council** – Raise no objection subject to Kent County Council being satisfied that the proposal would not result in any undue hazards or effects to highway users and pedestrians.

Deal Town Council – Object to the proposal on the grounds that car parking was required when the application for the construction of the Youth Centre was submitted

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and should still be a requirement as the Town Council considers that parking is limited and a problem in this area.

Kent County Council Highways and Transportation – Raise no objection in respect of highway matters considering the information submitted on parking availability; the information submitted with the original application on likely parking demand; and the parking controls in place. Therefore, it is considered that there is unlikely to be any significant impact on the highway.

Local Members

9. The County Council Local Members Mrs Eileen Rowbotham and Dr Mike Eddy were notified of the application on 14 January 2015.
10. A letter of representation was received from Dr Mike Eddy expressing his strong opposition to the proposed removal of the requirement to provide parking provision at the Youth Centre site. Dr Eddy acknowledges that the Tides Leisure Centre car park is large and in close proximity to the Youth Centre site but states that the Leisure Centre car park is used by the Leisure Centre users during the day and by local residents at night due to on-street parking pressures within the local area. Further areas of concern include the view that users of the Youth Centre would park in the Leisure Centre car park, displacing vehicles on to adjacent roads, further exacerbating traffic management on Mill Road. In Dr Eddy's view, if preferential treatment for non-compliance of a planning condition is given to a public sector applicant then this could provide a case for private sector applicants acting in a similar vein, particularly since the reason given by the applicant for non-compliance is to make financial savings in the overall development. Furthermore, the parking provision and manoeuvring area were considered necessary on planning grounds in the granting of planning consent for the Youth Centre development and Dr Eddy considers that this element of the development should still be necessary on planning grounds.

Publicity

11. The application was publicised by the posting of 2 site notices on a fence leading to the Youth Centre construction access and on Park Avenue. The individual notification of 29 neighbouring properties was carried out as part of the application.

Representations

12. I have received no letters of representation from local residents.

Discussion

Introduction

13. The application seeks planning permission for the removal of condition 15 of planning permission reference DO/14/521 and consequently non-compliance with the requirement of that condition to provide a car parking and manoeuvring area for the use of youth centre staff. The car parking area, as currently permitted, would provide four car parking spaces including one disabled bay and two minibus spaces with a manoeuvring area. The application is being reported to the Planning Applications

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Committee as a result of the objections received from Deal Town Council and the local County Member, Dr Mike Eddy.

14. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph 7 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations including those arising from consultation and publicity.
15. The main aspects to consider are the implications of the proposal on the local road network, including parking and traffic implications.

Parking, Traffic and Highway Safety

16. Within the application for the construction of the Youth Centre, the applicant indicated that the parking spaces would be used for overnight parking for the Youth Centre's mini buses and occasional vehicle. The Tides Leisure Centre car park is managed by an external contractor and is a pay and display facility. The Leisure Centre car park has 125 parking bays including 119 pay and display bays, 6 disabled parking permit bays and motorcycle bays. The applicant has had discussions with Dover District Council and has agreed the use of the Leisure Centre car park by members of staff at the Youth Centre. Additionally, it is expected that the majority of young people attending the Youth Centre will not have their own vehicles. There is a drop off facility within the Leisure Centre car park which can provide a pick up/drop off point for young people attending the Centre.
17. This application is accompanied by a car parking survey carried out within the Tides Leisure Centre car park on two weekdays and Saturday between 09:00 and 19:00 hours in November 2014. The survey results show that during the survey period, at no time was the car park approaching full capacity, indicating that sufficient parking capacity would be available to accommodate Youth Centre staff and staff and visitors to the Tides Leisure Centre. It is also considered that the removal of the car parking provision would not lead to any significant increase in parking within the Tides Leisure Centre car park, or an increase in on-street parking demand on the local highway network.
18. Dover District Council Local Development Framework Core Strategy policy DM 13 outlines that parking provision should relate to the characteristics of the site, locality and nature of the proposed development. Consideration should be taken into account that the Youth Centre development is located within the wider Tides Leisure Centre site, which includes parking provision. The nature of the proposed development and the parking demand that it would generate has been assessed by the applicant and considered by Kent County Council Highways and Transportation officer as part of the original application for the construction of the Youth Centre. At that time it was accepted that the parking provision was sufficient to accommodate parking for staff members employed at the Youth Centre. As part of the Section 73 application for the removal of the parking provision, I consider that the applicant has demonstrated from the car parking survey that there is sufficient car parking provision within the Leisure Centre car park to accommodate the small number of additional vehicles from Youth Centre staff. Consequently, I consider the development would still be in accordance

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with policy DM 13 of Dover District Council's Core Strategy (2010) without the additional spaces.

19. The removal of the planning condition requiring the applicant to provide six vehicle parking spaces and manoeuvring area has been assessed by Kent County Council Highways and Transportation and no objection has been raised on highway grounds. The information submitted by the applicant on parking availability, together with the information submitted as part of the original application on likely parking demand, has been assessed and it is considered that the removal of the parking provision on the youth centre site is unlikely to have any significant impact on the local highway network.
20. The removal of condition 15 of planning permission reference DO/14/521 has been considered on its planning merits and the impact this would have on parking provision within the adjacent Leisure Centre car park and the local highway network. It also needs to be borne in mind that minimum parking standards are no longer imposed on any developers but rather maximum standards to avoid unnecessarily encouraging vehicle movements. The parking standards recommend that 1 parking space for every 2 members of staff is appropriate. This amounts to the provision of 5 parking spaces with no spaces required for attendees due to the majority of attendees being below the legal driving age. Recognition also needs to be made that the Leisure Centre car park is a public facility available for all users.
21. Based on the technical consultee advice provided by the County Council's Highways and Transportation Officer, information provided by the applicant in support of the application and local development plan policies, I would consider that there are no material grounds on which to refuse the applicant's request to remove the provision of parking spaces and manoeuvring area from the Youth Centre development.

Other matters

22. Concerns have been raised regarding the appropriateness of changing aspects of an approved development. It should be noted that an applicant is within their right to apply for a variation or removal of a planning condition and may be successful if an appropriate justification can be put forward by the applicant. In this case, I would consider that sufficient analysis of the impact of non-compliance with this condition has been provided by the applicant.

Conclusion

23. Concerns have been raised regarding the impact of the proposed development on traffic and highway safety issues. However the County Council's Highways and Transportation Officer considers that there is unlikely to be any significant impact on the highway. I therefore consider the proposed development of the Youth Centre would still be in accordance with the general aims and objectives of the relevant Development Plan Policies and the sustainability principles of the National Planning Policy Framework. I recommend accordingly.

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Recommendation

24. I RECOMMEND that permission BE GRANTED for removal of condition 15 of planning permission reference DO/14/521;
25. I FURTHER RECOMMEND that the applicant be advised by informative that all previous conditions on planning permission reference DO/14/521 are still valid and remain unaltered.

Case officer – Hardeep Hunjan

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Background documents - See section heading
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