

- a) **DOV/17/01263 - Change of use to gym (Class D2) and installation of air conditioning units - Unit 1H, Clock Tower Lofts, Buckland Mill, Crabble Hill, Dover**

Reason for report - Number of contrary views (19)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy

CP6 - Infrastructure

DM1 - Settlement Boundaries

DM11 - Location of Development and Managing Travel Demand

DM13 - Parking Provision

DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015) (LALP)

LA 9 - Buckland Mill

Buckland Mill Planning Brief 2003

National Planning Policy Framework (NPPF) (2012)

Paragraph 7 - Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 states that development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 14 - Presumption in favour of sustainable development for decision-taking (known as the tilted balance)

Paragraph 17 - Core planning principles which identify that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; proactively drive and support sustainable economic development to deliver the home and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 24 - Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 32 - requires all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 56 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 61 Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 70 – To deliver the social, recreational and cultural facilities and services the community needs which should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments; guard against the loss of valued facilities; ensure established facilities are retained for the benefit of the community; and ensure an integrated approach to considering community facilities.

Paragraph 103 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 109 - The planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 120 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues,

responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 123- Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;²⁸ and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

Various historic planning applications associated with the former Mill/Industrial use.

DOV06/01455 – Mixed use development (new build and change of use) comprising detailed proposals (phase 1) for 141 residential units, retail (A1), offices (B1), café/restaurant bar (A4/A5) community hub (D1/B1), open space, landscaping, parking and access and outline proposals (phases 1A, 2, 3, 4) for up to 265 residential units, 80 bed nursing home and access with all matters reserved – Granted subject to conditions.

There have also been a number of non-material amendments to the approved plans since the above application was determined.

DOV17/01260 – Display of 2 internally illuminated advertisements – Withdrawn

DOV/18/00664 – Display of 4 internally illuminated fascia signs – Pending consideration

DOV/18/00079 – Erection of six storey 80 bed carehome with associated access, external parking and landscaping – Pending consideration

e) **Consultee and Third Party Responses**

DDC Environmental Health – The main concern regarding the proposed application is the potential transfer of noise from a ground floor commercial 24/7 gym to residential dwellings directly above. Gym activities include the use of free weights, amplified back ground music and fitness classes.

Sound insulation between residential/residential premises is normally dealt with Building Control under Approved Document E of the current Building Regulations. Approved Document E specifies minimum sound insulation qualities of partitions between properties. However, there is no standard governing the sound insulation

properties of partitions between residential/commercial properties. Commercial uses, such as a gymnasium, generally create more noise than residential premises. We would therefore require the sound insulation between the first floor dwellings / ground floor gymnasium to be of a higher standard than specified in Approved Document E.

Noise created by free weights will need to be mitigated by further floor and ceiling insulation. I therefore recommend a condition requiring the insulation works proposed in the noise impact assessment to be fully implemented.

Due to the proposed use of amplified background music, a PA system for fitness classes, the use of free weights and the use of the gym during unstaffed unsociable hours, we would therefore require a noise management plan which can be addressed by condition. I also advise that the noise management plan details a noise limiting device and the decibel level that it will be set to, as recommended in their noise impact assessment report.

Having viewed the additional information, i.e. air conditioning specification and management plan. I advise that the applicant supplies acoustic data which will result from the operation of the air conditioning unit, detailing how this may impact the residents of the flats above the gym and specify if any additional noise mitigation measures are required by condition.

KCC Highways and Transportation - No objection to the proposed use. I note that the proposals are unlikely to generate a greater number of vehicle movements or parking demand than the permitted uses. I also note that the pertinent conditions under the original planning consent DOV/06/01455 still apply to this building and these include the provision of parking areas shown on the plan prior to the building coming into use.

Environment Agency – No comments - needs to be assessed in accordance with standing advice.

Dover Town Council – Support but would like reassurance that the gym will be fully accessible.

Third Party Representations - A total of 19 representations have been received. 17 letters objecting to the application and two neutral representations. The following comments are a summary of the objections received:

- There is already a new 24 hour gym in Dover
- Noise from the use will be constant (music, doors, cars, weights, car doors, movement etc.)
- Users of the gym will make noise
- Not enough car parking spaces (2500 members)
- Only 15 spaces originally proposed
- Parking in the local area is already very limited causing problems for residents at all times of the day and night
- Already enough anti-social behaviour in the area
- Not suitable for a residential area
- Concern regarding security

Neutral comments relate to:

- This will regenerate the area

- Gillcrest Homes have unrealistic plans
- Use shouldn't open until all car parking and a management system is in place
- More car parking needs to be provided and controlled
- Upgraded sound insulation is installed to protect flats adjacent

f) 1. The Site and Proposal

- 1.1 The site forms part of the redevelopment of Buckland Mill for principally residential purposes but includes a retail unit, community/B1 unit and a restaurant. This site is addressed under policy LA 9 of the LALP and includes the need for a comprehensive residential redevelopment of the site. The outline planning permission for the whole site has expired but detailed permission is still extant for the mill conversion.
- 1.2 The wider site comprises 3.83 hectares and includes a listed building – Buckland House which is now used as a school. The application relates to the ground floor of the former Mill building that is being converted into residential units at the upper floors. It includes the section of the building over the River Dour, at the weir and at the south eastern corner of the wider site, adjacent to the traffic lights and junction of Crabble Hill, London Road and Buckland Avenue.
- 1.3 This section of the existing Mill building (Block H) was originally intended to be a community hub, doctor's surgery or B1 use which had some initial interest from KCC, who have now pulled out. Access to this part of the site is from the approved vehicular access off Crabble Meadows.

Proposal

- 1.4 The proposal is for the use of the ground floor of Block H to be used as a gym (D2 use class) with a floor area of 593sqm instead of the approved community D1/B1 use. The gym would be operated by the Snap Fitness chain and will be a 24 hour member's gym with key fob access only. The floor plan of the gym will be open except for a small spinning room and changing room. Access into the gym would be from the car park to the rear of the Mill building. It is identified that the number of members of the gym is expected to be up to 1,200 in total.
- 1.5 The original application identified 14 car parking spaces adjacent to the building in an approved parking courtyard. A request was made for the provision of additional car parking spaces and a further approved car parking area adjoining the south west of the existing site has now been included. The layout of this car park has recently been amended to accord with the layout of the detailed planning permission. This provides an additional 31 spaces resulting in a total of 45 car parking spaces being available for the proposed use.
- 1.6 The application also includes the installation of air conditioning units which have recently been included in the submission and have been the subject to a further period of consultation. These units are to be sited on a decked area (that formed part of the original detailed permission for the conversion) adjoining the south eastern elevation and adjacent to the River Dour. The units are to be sited on the eastern corner (furthest away from the river) screened by existing trees and landscaping. These will comprise seven condenser units of 1.43m in height and 1.1m in width.
- 1.7 The following documents have been submitted in support of this application:

- Design & Access Statement
- Sequential Test
- Noise Impact Assessment
- Flood Risk Assessment (2009)
- Snap Fitness Management Plan
- Technical details of air conditioning units
- Footfall data from other Snap Fitness units

1.8 A number of amendments have been submitted since submission including a revised site area to enable the provision of additional car parking which has been the subject of a further period of consultation. More recently clarification in respect of how the use operates, proposed air conditioning units and a revised car parking layout to bring this in line with the originally approved car parking layout have been submitted in support of the application.

2. Main Issues

The main issues to consider are:

- Principle of Development
- Impact on Residential Amenity and Noise
- Impact on Character of Building and Visual Amenity
- Highways Considerations
- Drainage and Flooding
- Other Material Considerations

Assessment

Principle of Development

2.1 The application site lies within the settlement confines of Dover, a Regional Centre as identified in Policy CP1 of the Core Strategy, where the focus for urban development is appropriate. The proposal is therefore in accordance with policies CP1 and DM1 of the Core Strategy, as it is within the settlement boundary and provides an urban function. The principle of commercial redevelopment of this section of the building was established by the granting of the 2006 planning application for detailed consent for the conversion of the mill building and associated new build elements and external works which included a B1/D1 use in the section of the building forming this application. In addition the 2006 application also granted outline consent for the rest of the Buckland Mill site but this has subsequently expired.

2.2 Buckland Mill is dealt with specifically under policy LA 9 of the LALP as a key redevelopment site in Dover and relates to the comprehensive redevelopment of the whole site and the need to protect and enhance the key features. The proposed change of use to a gym would not affect the ability of the remaining parts of the site to come forward for a comprehensive redevelopment. The proposed gym use would also be directly adjoining the proposed ground floor retail unit in the existing Mill building which has yet to be commenced and a restaurant/bar at ground level of a new rear extension to the Mill building to the north-west of the application site. It would therefore form part of a group of approved commercial uses on this site.

- 2.3 The proposed car parking spaces and outside works also form part of the original planning permission and are to serve all of the commercial uses, including the gym being proposed.
- 2.4 The NPPF confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise and that sustainable development which accords with the development plan should be approved without delay. Paragraph 14 of the NPPF which is now known as the titled balance, identifies a presumption in favour of sustainable development unless it would cause substantial and demonstrable harm.
- 2.5 In terms of its location and whether it is sustainable, the site is within the urban confines and is reasonably located on public transport routes and close to other local facilities and amenities all of which are within walking distance. The gym use would enhance the community facilities available on site and to the wider area and therefore would provide a social enhancement. It will also bring an existing derelict building into a viable economic use and provide up to 5 jobs which would address the economic aims of sustainability.
- 2.6 A gym use would fall under the NPPF definition of a town centre use, and although the site has a small floor area (593sqm) a sequential test as outlined in paragraph 24 of the NPPF has been undertaken by the developer. Paragraph 24 states:
- 2.7 *“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”*
- 2.8 The submitted sequential test has considered 9 other alternative sites and buildings that are available within the town centre and wider area that are currently on the market. These have been discounted as the applicant (Snap Fitness) requires a large unimpeded space for the gym use and the need for high ceilings. Most of the available units are traditional buildings with heritage considerations and size restrictions, a number would need converting and some don't have available car parking. Although it would be possible to convert a building to provide a suitable space the costs associated with this, or buying and redeveloping a site would not be viable for the Snap Fitness operator. This sequential test although basic has identified that there are no other sequentially preferable sites in the town centre or edge of town centre location that are appropriate for this occupier and this would satisfy the sequential test requirement identified in the NPPF for a small scale gym use. The proposal has therefore addressed and complied with paragraph 24 of the NPPF and is in accordance with the Planning Practice Guidance - Ensuring the vitality of town centres.
- 2.9 It is also worth highlighting that there are a number of other gym uses currently being proposed or have been approved in Dover town centre including a new 24

use gym at the St James site. Questions have therefore been raised over the need for another gym in the town and whether it is required. However, the planning system's role is not to control market forces or competition in the economy and therefore it can not influence the decision of an operator to move to an area. Nevertheless, such a proposal would enhance the recreational facilities on offer and would further boost economic factors in the town as well as providing employment and 5 additional jobs. It would also be bringing a key and prominent building which is identified for redevelopment and regeneration of the town into an economically viable use.

- 2.10 When considering the acceptability of the proposed development, the assessment needs to consider the compliance with the NPPF framework as a whole and policy LA 9. As identified the proposal would comply with policy LA 9 as it does not preclude a comprehensive redevelopment of the whole site and would provide social, economic and environmental benefits to the site and the town. It has been demonstrated that the development accords with paragraph 24 of the NPPF that requires the need to undertake a sequential test and no sequentially preferable sites have been identified. It would therefore be a sustainable form of development that should be approved without delay in accordance with paragraph 14 of the NPPF. For the above reasons it is considered that the proposed development of the site for a gym should be encouraged on this site, subject to other material considerations as set out below.

Impact on Residential Amenity and Noise

- 2.11 The proposed development would be sited below and in close proximity to a number of residential units on and off-site. Although located on a busy junction, a gym use has the potential to generate noise and disturbance to residential properties as a result of noise through the use of equipment internally, music and the general movement of people to and from the proposed use, particularly as this would be a 24 hour use. In addition and recently clarified, all windows to the gym are to be non-opening and external air conditioning units would be required for the proposed use. Paragraph 123 of the NPPF requires development proposals to have regard to the impact of noise arising from new developments on quality of life and to mitigate and reduce to a minimum adverse impact from noise, including through the use of conditions.
- 2.12 Additional information has been submitted in respect of the operation and management of Snap Fitness gyms and how it would implement measures to reduce noise disturbance. Further to this a Noise Impact Assessment has been submitted to address the concerns regarding noise in respect of the required insulation measures. Footfall/user data has also been provided in respect of other Snap Fitness units and technical details of the proposed air conditioning units.
- 2.13 In terms of the use of the gym and the internal transfer of noise to the flats above, the Noise Impact Assessment has identified insulation measures and the use of sound resisting materials, specifying how these should be used, construction requirements and the use of suspended ceilings. It is identified that if all these measures are undertaken, a good level of noise reduction can be achieved and typical gym activity should not be expected to lead to significant adverse impact. A condition has therefore been suggested by Environmental Health to require all measures identified in the report to be fully implemented.

- 2.14 The report also identifies that noise reduction can be achieved by good management practices which can be controlled through a noise management plan which should address controls over the volume of music played, ensuring any fitness classes take place during daytime hours, managing customer behaviour, prohibiting or restricting use of specific equipment at night and scoping the location of certain equipment to ensure correct positioning. Such a plan can be controlled by condition. Environmental Health have suggested a similar condition is applied and the submission of a noise management plan is required including the setting of maximum noise levels within the building.
- 2.15 Environmental Health are therefore satisfied that with these conditions the transmission of noise to the residential units above the proposed gym can be adequately controlled and is unlikely to result in significant adverse harm to future residential amenities. Such measures would therefore accord with paragraph 123 of the NPPF and associated Planning Guidance.
- 2.16 Of further concern is the potential noise and disturbance on residential amenity from the nine air conditioning units proposed which are to be sited external to the building on a raised deck area to the south east of the building adjacent to the River Dour. These are sited adjacent to a busy junction and therefore the background noise levels would already be higher than average however the air conditioning units should not be adding to potential noise disturbance or background noise levels. Although technical details of the air conditioning units have been provided this does not provide noise levels or any method of noise mitigation. It is likely with 9 units that noise mitigation will be required particularly when it is quieter at night. A condition is therefore required in line with Environmental Health requirements for a noise impact assessment of background noise levels, acoustic data and a scheme of noise mitigation to be provided by condition to ensure the protection of the adjacent flats and other nearby residential units from noise and disturbance to residential amenity. It is likely that this could include a form of noise reducing screening which would be appropriate in this location and could use similar materials to the adjoining fencing or decking.
- 2.17 In terms of noise in the form of the movement of people and cars using the gym, particularly during sensitive times of the day (late at night or early in the morning) the submitted Noise Impact Assessment identifies that the level of use is very low and for other similar sized Snap Fitness gyms, the levels of activity between 2300 – 0500 is typically less than 2 members per hour, which increases to around 12-15 members between 0500 – 0700. Furthermore as the gym is run through a secure key system and is monitored by CCTV any anti-social behaviour can be identified and controlled through strict membership criteria that can be further controlled through a Noise Management Plan which can be addressed by a condition. Such a system allows any complaints to be addressed through the control of membership. With such measures in place the control of potential noise can be dealt with and as a result potential noise issues actively managed. For these reasons it is clear that potential noise should not be a constraint to the proposed use of the site as a gym.
- 2.18 A copy of a Snap Fitness Management Plan is submitted to support the application. This identifies the basic terms of conditions, the data base and security measures, the basic warning procedures, audio levels in the gym and the use of customer reminder notices and expected behaviour including the car parking areas. With the suggested conditions it is clear that noise levels and

disturbance can be and will be actively managed. The proposed conditions in respect of noise levels and noise mitigation measures can also control noise further and if necessary be enforced to ensure that the living conditions of the future occupiers of dwellings above and in close proximity to the proposed use can be safeguarded to a reasonable degree.

2.19 Furthermore, it is unlikely that any adverse amenity impacts with regard to privacy and overlooking or loss of outlook are anticipated for either existing or future occupiers of adjoining and nearby dwellings as a result of the proposed change of use. External works, including the provision of car parking, have all previously been approved under the application for the conversion of the mill except the proposed air conditioning units.

2.20 Given the above, it is not considered that the living conditions of any residential properties should be directly harmed by the proposed development.

The views expressed by local residents have been taken into account in the determination of this application and on the basis that the proposal through conditions can safeguard residential amenity, this avoids undue harm to amenities. For the above reasons, the principle of the development is accepted in this regard and accords with paragraph 123 of the NPPF and associated planning guidance.

Impact on the Character of the Building and Visual Amenity

2.21 In terms of the impact on the character of the building and visual amenities of the local area, the proposed change of use to a gym itself will have no material change to the exterior of the building or the external hardsurfaced car parking areas as all these works were approved in detail under the 2006 planning permission. However this permission required full joinery details of all the proposed windows to be submitted for approval and all windows to be set back 80mm from the external face of the building, along with material samples for all hardsurfacing. These conditions will therefore be re-imposed on this approval to ensure the character of the original building is retained as far as possible. In addition, although it may be a temporary measure, details of the proposed boundary treatment around the car parking areas needs to be submitted for approval. The proposed change of use, due to its limited impact overall on wider visual amenities is therefore in accordance with the original planning permission, planning policies and the NPPF.

2.22 Nine new air conditioning units are proposed to be sited external to the building on a raised timber deck area to be sited to the south east of the building adjacent to the River Dour. This deck area was also approved under the 2006 mill conversion application and will not be accessible to users of the gym or residents of the proposed dwellings. (Its original use was to serve as a sitting out area for the community hub or D1 use). Each of the proposed units is 1.43m in height and 1.2m in width and will be sited adjacent to an existing landscaped area and two large trees, (which is currently overgrown and unmanaged). There is also a sub-station in close proximity adjoining the boundary with London Road/Crabble Hill.

2.23 The deck area will however, no longer be accessible to the gym use as all windows and doors are to be fixed shut and non-opening. It was also not intended to be used by residents. This would appear to be unfortunate as it is adjacent to the River Dour, however any alternative use would have been likely to cause a certain degree of noise and disturbance.

- 2.24 The air conditioning units are to be sited in the north eastern corner of the proposed deck under an existing tree canopy and adjacent landscaping. Further to the north east is the existing sub-station which is enclosed by 2m high close boarded fencing and the boundary fence along London Road/Crabble Hill adjacent to the traffic light junction. The sub-station is only visible from the proposed residential units at first floor level in the converted building. These units have small balconies projecting over the proposed deck. The visual impact of the proposed air conditioning units is therefore limited and will largely be screened by existing site features, therefore having a limited visual impact on the local area. They are however likely to be visible from the residential flats above and the gym use. Nevertheless, for the reasons identified above it is likely that noise mitigation measures will be required for the air conditioning units to ensure noise and disturbance is limited. This is normally some form of acoustic louvered screen which is often timber. This would further blend the units into the context of the existing site and further screen them from view.
- 2.25 Accordingly, the proposed units are likely to have a limited visual impact on the immediate area and will be largely screened by existing landscaping from the street scene and acoustic screening from the adjacent units. The impact on views from the River Dour is also therefore limited. Furthermore the site was originally used for plant equipment and has been overgrown for some years. The proposed changes will therefore improve this area overall and will assist in improving the setting of the mill building. It is however considered necessary to add a condition that the deck will not be used for any other purpose including storage to ensure the character of this part of the site is retained. Consequently, the proposed works accord with local and national planning policies and seek to enhance the character of the area.

Highway Considerations

- 2.26 The relevant Core Strategy policies are DM11 and to a lesser degree DM13. DM11 requires planning applications for development that increase travel demand to be supported by an assessment to quantify the amount and type of travel likely to be generated and should include measures that satisfy demand to maximize walking, cycling and the use of public transport. Whilst policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. Although a transport statement has not been provided due to the size of the development being proposed, it is considered that the increased traffic impact would be similar to the approved use and is limited overall. The site is also considered to be in a sustainable location with easy access public transport and the local population. A transport statement is not therefore required for this type of application.
- 2.27 The means of access is from Crabble Meadows, an existing access road adjacent to the River Dour which is to serve this part of the wider site. A total of 45 car parking spaces are proposed to serve this use and the adjacent retail and restaurant uses proposed, (although a further 14 spaces will also be provided at a later date). The proposed layout of the car parking spaces was approved in detail and relates to Phase 1 of the Buckland Mill redevelopment site. The plans originally submitted in respect of car parking provided 18 car parking spaces which was not sufficient. The site area was therefore extended and additional approved car parking included to the south west of the building. This initially had

been redesigned to provide 38 spaces but was not in accordance with the Phase 1 approval and the associated car parking layout which had been designed to replicate a 'French square'. Subsequently revised plans were submitted to accord with the approved car parking layout and associated landscaping that had been considered as part of the 2006 planning permission. Car parking to serve this use therefore comprises 14 spaces directly to the west of the gym building (although 2 will be temporarily lost to provide access to the additional 14 spaces when they are implemented) and a further 31 spaces to the south west. The proposed bridge over the River Dour that links these two spaces is currently being implemented although details in this regard are still outstanding and therefore shall be requested as part of this permission.

2.28 KCC Highways have been consulted on this application and consider the proposals to be acceptable as the use is unlikely to generate a greater number of vehicle movements or parking demand than the permitted use. In addition the conditions attached to the 2006 permission still apply, although there will be a need to reapply some of these on this permission. The development is therefore in accordance with current guidance, including parking standards. In addition cycle parking is also proposed although further details will be required in respect of this application. It is also necessary to include a condition to protect the car parking provision being provided and for details of boundary treatments. Furthermore the original 2006 permission required the submission of a travel plan for all commercial and residential elements of the site and therefore will be requested as part of this application.

2.29 Concerns have been raised by third parties that the development would significantly and detrimentally increase traffic and have an impact on the local highway network which is identified as struggling to cope with existing levels of traffic locally. It has also been stated that existing on-street car parking in the residential areas will also be used to members of the gym and increase an already difficult situation. However, KCC Highways have not raised an objection and an appropriate level of car parking is proposed for the use. The proposal would not result in a severe highway impact and would therefore accord with paragraph 32 of the NPPF. It is therefore considered that the highway aspects of this proposal have been appropriately addressed and are in accordance with all the relevant standards including the NPPF and policy DM13 of the Core Strategy.

Drainage and Flooding

2.30 The site lies within Flood Risk Zones 2 & 3a, where there is the highest risk of flooding. It is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF paragraph 103, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems.

2.31 A Flood Risk Assessment (FRA) dated 2009 that includes consideration of surface water drainage has been submitted in support of the application which considered in detail, including modelling, the flood risk associated with this site as a whole and the potential flooding impact on the wider area. The proposed development of the site included the need to provide flood storage measures on-site along the length of the River Dour. One of these flood storage measures has already been implemented adjacent to the residential conversion and provides 1 in 100 year flood storage capacity. Other flood storage facilities upstream and to the west would also need to be carried forward with any future application for the

remaining parts of the site. Although new development will require an updated FRA in line with changes to national guidance and up to date flood mapping data the basic principles are likely to remain.

- 2.32 Nevertheless, this application is for the conversion of an existing building and no additional footprint is being proposed. In addition a gym use would fall into the EA category of a less vulnerable use and accordingly to the EA Flood Risk Vulnerability Classification development of such a use in Flood Zone 2/3a would be acceptable subject to the submission of an appropriate FRA and development should proceed in line with the EA's Standing Advice. Although out of date, the basic principles of the submitted FRA would still apply and the requirement for a change of use application would require significantly less information than the submitted FRA. Therefore the proposed development accords with flood risk criteria and this has been addressed sufficiently in respect of this application.
- 2.33 In terms of surface water drainage from the car parking area. It is not clear how it is proposed to deal with surface water and run-off and therefore further details of surface water drainage will be required by condition so that there will be no increase in run-off from the site as a result of the proposed development. The 2006 permission also had a condition for foul drainage details to be submitted for approval and therefore this condition will be re-imposed. The application therefore accords with Environment Agency Standing Advice and the NPPF and subject to conditions is acceptable in this regard.

Other Material Considerations

- 2.34 A separate application DOV/18/00664 has been submitted in respect of the proposed advertisements/signage for the gym and is being considered separately and is still pending consideration. The key consideration will be protection of visual amenities and the need to be appropriate for this important building.
- 2.35 Details of external lighting to the entrance and car parking areas have not been submitted but would need to be addressed. External lighting details will therefore need to be included as a condition for further details to be submitted for approval.
- 2.36 Details of refuse storage and collection have not been provided and will also be required. This can be controlled through a condition.

3. Conclusion

- 3.1 Development of this site is acceptable in principle and is in accordance with policy LA 9 of the LALP and the NPPF. Issues in respect of the sustainability of the site, its impact on residential amenities, particularly the control of potential noise and disturbance, the impact on the character of the building and visual amenities, along with highway implications and car parking, and on and off-site drainage and flooding have all been addressed in the report and conditions suggested where necessary. The proposed development is considered to be an acceptable form of development for this site and accords with relevant development plan policies and the NPPF. Consequently it is recommended for approval, subject to conditions.

g) Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to the following conditions to include:

- 1) Standard time condition
- 2) Approved plans list
- 3) Matching materials
- 4) Details of air conditioning units and noise mitigation measures
- 5) Details Noise Management Plan and mitigation measures in accordance with report.
- 6) Insulation completed before use commences and in accordance with report
- 7) Details of joinery to be submitted for approval
- 8) New joinery set back 80mm from the front face of the masonry (17)
- 9) Provision before use commences and retention of car parking spaces unless otherwise agreed with LPA.
- 10) Details of cycle parking and implementation before use commences.
- 11) Restriction to use class gym use only
- 12) Details of all external lighting submitted for approval
- 13) Hard Landscaping samples and a scheme of implementation for car parking areas to be submitted for approval and in accordance with condition 27 of DOV/06/01455 and shall not be varied without approval.
- 14) Soft landscaping of the car parking areas shall accord with the condition 25 of DOV/06/01455 and shall not be varied without approval.
- 15) Details of foul drainage implemented in accordance with the submitted details
- 16) Details of surface water drainage from car parking areas to be submitted for approval and implemented.
- 17) All windows to be fixed shut at all times and doors closed
- 18) BREEAM very good rating
- 19) Details of refuse storage and disposal
- 20) Employee and members travel plan submitted for approval
- 21) Full details of bridge crossing including materials and finish
- 22) Details of all boundary treatments to car parking areas

- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation, to accord with DOV/06/01455 and as resolved by Planning Committee.

Case Officer

Lucinda Roach