

**A05**

**F/TH/17/0450**

PROPOSAL: Change of use from car park to communal garden use.

LOCATION: Car Park Dalby Square MARGATE Kent CT9 2ER

WARD: Cliftonville West

AGENT: Mr Sam Causer

APPLICANT: Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered PGA\_001 Rev A, PGA\_002 Rev A, PGA\_003 Rev A and PGA\_004 Rev A received 11 May 2017

GROUND:

To secure the proper development of the area.

3 The proposed development shall be carried out in accordance with the approved planting plan numbered PGA\_004 Rev A received 11 May 2017 and the approved planting schedule entitled 'Planting for Dalby Square North Car Park' received 29 March 2017.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

4 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of the site as communal gardens, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

**GROUND:**

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

5 Prior to the commencement of development hereby permitted, a detailed construction management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include the following information:

- Provision of construction vehicle loading/unloading and turning facilities on site for the duration of construction.
- Provision of parking facilities for site personnel and visitors for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities for the duration of construction.

Development shall be carried out in accordance with the approved details.

**GROUND:**

In the interests of highway safety.

**INFORMATIVES**

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents including a Section 278 letter of agreement are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

## SITE, LOCATION AND DESCRIPTION

The site is located within the built confines of Cliftonville, within the Dalby Square Conservation Area and comprises a small car park to the north of Dalby Square. The site, together with the existing garden to the south was originally laid out as enclosed ornamental gardens, for public use by surrounding residents. The gardens have been altered over the years to include lawn and hard surfaced tennis courts, together with incorporating a range of landscape designs, reflecting the changes of use of the area. In the early to mid-1960s the northern section of the gardens, which is the subject of this application, was converted to a car park.

The existing car park operates as a free car park owned by Thanet District Council, providing 18 parking spaces. The site is constructed of hard surfacing and is surrounded and segregated from the garden area to the south by steel railings. The car park is bounded on both sides by largely 3 and 4 storey Victorian terraced houses, and a single storey leisure complex to the east. The square is open to the north, abutting Ethelbert Crescent, with views across open space (formally a putting green) enabling sea views from the site. A one way traffic system partly operates in the area.

## RELEVANT PLANNING HISTORY

5/3/1956 - The use of the land as a car park - Granted

F/TH/03/1421 - Environmental improvement incorporating redesign of central area for use as a community garden, improvements to footways and on street parking, redesign and reduction of car parking area, change of use and creation of children's playground, change of use and installation of underground recycling facilities, installation of new street furniture, walling, railings and light, tree, shrub and herbaceous planting - Granted 28/01/04

## PROPOSED DEVELOPMENT

In 2012 Thanet District Council secured funding from the Heritage Lottery Fund for a restoration project in Dalby Square. This application forms part of the overarching restoration of the area, which seeks to improve and reinforce the historic character of Dalby Square, including its public spaces.

The proposal seeks to replace the existing hardstanding with landscaping to enable the restoration of the car park to a communal enclosed garden, as originally designed.

The garden will predominantly comprise lawn, with a captured gravel pathway to the centre and will be designed with densely planted areas to the north and south entry/exits, together with a 1.2m perimeter hedge and perimeter trees planted at approx. 7m intervals. The existing perimeter metal railings will be extended and painted black. The subterranean bottle banks to the south east of the site and the bike racks to the south west will be retained.

The application has been amended, following consultation with KCC Highways. The proposal will involve the removal of the 18 existing car parking spaces will relocate 7 new car

parking spaces, including 1 disabled space, across the former car park access to the west. This will result in an overall loss of 11 car parking spaces. 2no. existing standard car parking spaces will be converted to disabled spaces to the east of the site and 2no. dropped kerbs will be installed to the east and west of the site, opposite one another.

The submitted design and access statement outlines that community engagement and public consultation has been undertaken prior to submission. This states the majority of residents support the restoration of the site to a communal garden as a flexible green space for surrounding residents and seek to promote social cohesion.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006 (Saved Policies)**

D1 - Design Principles

D2 - Landscaping

H10 - Areas in Need of Special Action

TR17 - Retention of Existing Car Parking

Cliftonville Development Plan Document 2010

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. No letters of representation have been received.

## CONSULTATIONS

**Kent County Council Highways** - Thank you for your consultation and additional information provided by the applicant regarding the proposals at Dalby Square, Margate planning application TH/17/0450.

Further to my comments on 19th April, and based on the details submitted I am satisfied that the proposals will not have a detrimental effect on the public highway.

I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1.) All works are to be completed as shown on drawing: PGA\_002 Rev A, and all highway works are to be delivered under a s278 letter of agreement with the highway authority.

2.) A full construction management plan (CMP) must be produced and will need to include the following:

- Provision of wheel washing facilities prior to commencement of work on site and for the duration of demolition (site preparation) and construction
- Provision of construction / demolition vehicle loading/unloading areas prior to commencement of work on site and for the duration of construction.
- Details regarding proposed routes to the site for construction and demolition vehicles.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

**INFORMATIVE:** It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Conservation Officer - Although the buildings are of importance to the character and appearance of the area, the open space at Dalby Square also contribute to the significance of the Conservation Area. The square was an integral to the architectural design and adds to the social and historic significance of the area.

In my view the proposed scheme would facilitate the improvement of the open space and the character and appearance of the Conservation Area as a whole.

## COMMENTS

This application is brought to Planning Committee, as Thanet District Council is the applicant. The main considerations with regard to this application will be the consideration of the principle of development, the impact the proposal will have on the character and appearance of the Conservation Area, the residential amenity of neighbouring property occupiers and highway amenity and highway safety.

### **Principle**

Policy TR17 relates to the retention of off street public car parking within the Town Centres and Cliftonville shopping area. The Cliftonville shopping area is not defined by the Local Plan, however it is reasonable to assume this relates to the linear District Centre of Northdown Road and car parks in close proximity, such as Harold Road Car Park. Dalby Square car park is located within a residential area, adjacent to the sea front to the south. As such this car park is not considered to encompass a public car park within the Cliftonville shopping area, and therefore the provisions of this policy are not applicable to this proposal.

The site is part of a wider designated Area in Need of Special Action. Policy H10 permits appropriate redevelopment and refurbishment of property together with environmental

improvements to support the regeneration of these designated areas. The proposal seeks the environmental improvement of the site as part of a wider regeneration strategy for Dalby Square and is therefore consistent with Policy H10.

The individual site is not covered by any specific designations within the Thanet Local Plan. Furthermore there are no applicable policies within the Cliftonville Development Plan Document relating to the site or the proposal. Therefore the proposed restoration of the car park to communal gardens is considered to be acceptable in principle, subject to the consideration of all other material planning considerations.

### **Character and Appearance**

As the development is located within a Conservation Area the Local Planning Authority must have regard to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the area.

The enclosed ornamental gardens were integral to the original design of Dalby Square which is one of two surviving garden squares within Margate. The existing car park originally formed part of this planned garden. The site currently comprises hardstanding and associated car parking which is of no visual merit and detracts from the significance of the surrounding Conservation Area.

The proposed removal of the hardstanding from this central area and replacement with landscaping will constitute the environmental improvement of the area, resulting in a softer appearance of the site. The proposed design of the garden will reflect and complement the design to the existing gardens to the south, thereby providing a coherent public space for the benefit of the community. Furthermore the proposal will restore the original garden as the central focal area of the square, reintroducing the historical context to the site. The Conservation Officer supports the application and considers the proposed scheme to facilitate the improvement of the open space, which contributes to the significance of the Conservation Area. The proposal is therefore considered to enhance the special character and appearance of the Conservation Area, in accordance with Policy D1, D2 and the National Planning Policy Framework.

### **Living Conditions**

The development does not propose any built form and therefore there will be no impacts in terms of loss of light, loss of outlook or loss of privacy to residential properties as a result of the proposal.

The proposal would reduce car parking and the associated noise and disturbance from vehicle movements from the area, and would extend the existing public open space northwards. This is considered to be a relatively modest addition to an existing situation. Therefore it is considered that the proposal will result in no significant impacts in terms of residential amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

## **Highways**

The proposal will involve an overall loss of 11 car parking spaces and will redistribute 7 parking spaces across the western boundary of the proposed garden, including 1no. disabled space and will alter 2 existing parking spaces to the east to disabled spaces. The design and access statement states that the site provides 18 out of 138 parking spaces within the square.

The existing car park contributes a relatively small amount to the overall parking provision within the area. The proposed use of the site will not increase the parking need within the area, and there is considered to be sufficient capacity of on street parking to serve the area. The proposal will re-provide the 3no. disabled spaces within the existing car park, thereby retaining an acceptable amount of disabled parking spaces.

The width of the road and the amended layout of the proposed parking spaces to the west of the site will provide sufficient space for a refuse truck to pass safely.

The proposed 2no. dropped kerbs to the east and west of the site will enable acceptable disabled access to the garden.

Kent County Council Highways have been consulted and do not consider the proposal to have a detrimental effect on the public highway, subject to safeguarding conditions and informatives. The proposal will be conditioned accordingly. Therefore the proposal is considered to be acceptable with regard to highway safety and highway amenity.

## **Conclusion**

The proposed restoration of the site to a communal garden is considered to accord with Policy H10 which supports environmental improvements to encourage the regeneration of the area. The proposal will restore the historical context of the square, and the design and appearance of the garden is considered to enhance the special character and appearance of the Conservation Area. Furthermore the proposal would be of no detriment to the living conditions of neighbouring properties, or the local highway network. It is therefore recommended that members approve the application.

## **Case Officer**

Jenny Suttle

TITLE: F/TH/17/0450

Project Car Park Dalby Square MARGATE Kent CT9 2ER

Scale:

