

AGENDA ITEM NO: 8/1(e)

Parish:	Northwold	
Proposal:	Development of parish council land to change use from allotment land to community car park	
Location:	Parish Council Land School Lane Northwold Norfolk	
Applicant:	Northwold And Whittington Parish Council	
Case No:	18/00138/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 26 March 2018 Extension of Time Expiry Date: 13 April 2018

Reason for Referral to Planning Committee – Officer Recommendation is contrary to the Local Highway Officer recommendation.

Neighbourhood Plan: No

Case Summary

Permission is sought for the change of use of 0.11ha of former allotment land to a community car park. The car park would provide 24 x 7x2.5m spaces on grass reinforcement mesh and would utilise two existing accesses onto School Road using an 'In' and 'Out' circuit. The 'In' would utilise the existing western access and the 'Out' would utilise the existing eastern access. The latter would also continue to provide field access for land to the rear of the cemetery (which itself is to the rear of the allotment).

Key Issues

Principle of Development
Highway Safety
Neighbour Amenity and Crime and Disorder
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Permission is sought for the change of use 0.11ha of largely unused grassed land that was historically allotments. The car park would provide 24 x 7x2.5m spaces on grass reinforcement mesh and would utilise two existing accesses onto School Road using an 'In' and 'Out' circuit. The 'In' would utilise the existing western access and the 'Out' would utilise the existing eastern access. The latter would also continue to provide field access for land to the rear of the cemetery (which itself is to the rear of the wider former allotments).

SUPPORTING CASE

The following supporting statement was submitted by the applicant:

Background: For many years now, there has been a significant parking problem in the vicinity around the Norman Primary School in Northwold, when parents and carers drop off and pick up children at the school in the morning from about 8.30 to 9.15am, and 2.40 to 3.20pm. Vehicles park in School Lane and Normandy Close, causing congestion and access issues and subsequent potential motor accidents and injury to both adults and children. The Parish Council regularly receives complaints from residents of Normandy Close regarding vehicles blocking the pavements and preventing access to private driveways at the above times. One resident, who has cancer, attended a Council meeting last year pointing out that an emergency ambulance would be unable to get to his house as a result of the congestion and access problems.

The village hall, which is opposite the school, and visitors to the cemetery will also benefit from the additional parking.

Usage: The main purpose of the proposed community car park is to alleviate the parking problems at the school in the early morning and mid-afternoon, reducing congestion and the likelihood for potential accidents and injury, as well as solving the problems experienced by the residents of Normandy Close. The car park is about 100 metres from the school, on the same side of the road and connected by a footpath alongside the road. Usage as an overflow car park for the village hall and for visitors to the cemetery will be occasional only. The area, therefore, will not be in constant use and will not result in extra traffic using School Lane. Overnight parking will not be allowed, and this will be clearly signed.

Surface: The proposed area has to remain "green" and therefore the heaviest grade grass reinforcement mesh will be used to protect the surface. The supplier's literature states that the mesh will limit grass wear, worn grass, rutting and muddy areas, and is ideal for vehicles up to 7.5 tonnes. As the area will only have limited usage, it is not envisaged that it will become rutted and muddy, and will not therefore result in mud being carried onto School Lane.

Exit Visibility: On the Eastern side of the proposed exit is a private bungalow, No. 30 School Lane. At present, there is no obstruction in the front garden of the property causing a visibility problem for vehicles exiting the car park. However, the Parish Council will monitor the exit visibility, and if this becomes a problem as a result of actions taken by the owners of No.30 School Lane, the Council will take appropriate measures to resolve the problem.

Monitoring: The Parish Council will monitor the use of the car park in respect of the condition and stability of the surface, repairing and temporarily closing the area where necessary, and any misuse of the area by vehicles and individuals, taking appropriate action where necessary including the installation of lockable gates / barriers. (Please note, there has been open access to this area for many years with no history of problems or complaints)

PLANNING HISTORY

No recent relevant history

RESPONSE TO CONSULTATION

Parish Council: Are the Applicant

Highways Authority: OBJECT on the grounds that as far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide and maintain adequate visibility at the site egress. The proposed development would therefore be detrimental to highway safety contrary to the NPPF and Development Plan Policy CS11.

Environment Agency: NO OBJECTION – informatives relating to contamination and SUDS provided

CSNN: I have concerns over this proposal, given the residential location and proximity to several dwellings. The principle of a car park would seem a sensible idea, but the aspect of concern to this team is 'out of hours' usage, such as in the hours of darkness. Community parking areas, unless controlled, often give rise to noise complaints from nearby residents, as they unfortunately attract persons who use the facility to loiter, play loud music from cars, leave litter and even drugs paraphernalia, and generally cause anti-social behaviour (ASB).

The plans provided do not indicate any gates. Within the submitted documents a Parish Councillor indicates that the car park will be monitored in terms of the deterioration of the surfacing and whether mud will be deposited on the highway. Monitoring in the hours of darkness for ASB, in our experience, is more onerous. The Councillor also states "the car park will not be in constant use.... The prime usage will be for less than 2 hours per day for parents/carers dropping off and collecting children at the school. Other envisaged minimal usage is as an overflow car park for the village hall and for visitors to the cemetery." Whilst parking for the cemetery and school appears not to pose any issues, unless there was an evening event at the school, the overflow use for the village hall could result in quite frequent evening use. This would be at a time when background noise levels drop and therefore noise from vehicles and people could be an issue for occupiers of 30, 19, 21, 23 and 25.

I felt the actual usage proposed would not raise an objection from me, if given the assurance that the Parish Council installed appropriate signage to remind legitimate users of the proximity of neighbours etc., a high level barrier and gates; however the 'uncontrolled' usage outside of the times envisaged remains a concern. How can ASB be prevented?

With this in mind I have contacted the Parish Council representative to discuss the following aspects - How does the Parish Council propose to control the usage so it does not become excessive in comparison to what they currently envisage? Whilst clearly proposed as a village benefit, have the negatives of unwanted use been considered? Can the site be gated to prevent unwanted persons with vehicles loitering and causing a nuisance after the core working day i.e. 5.30pm onwards? As a very minimum, they may wish to install barriers to prevent caravans from gypsy and traveller encampments. Are they proposing signage?

After some discussion, the Councillor has confirmed that the existing land is such that ASB could occur already as the land is grassed with open access. Additionally they will be closely monitoring the usage and, if needed, would be prepared to install gates to lock the facility at night and signage to advise the car park cannot be used after dark. Given the land is accessible now, and not allotments, I am less concerned and I feel that gates are not yet required. I have advised we could take action, informally or formally, if complaints were received, and at that point we could request gates were fitted/other measures were taken.

I have agreed that I will not object, but that I will require the EPA Informative to be appended to any approval issued.

Natural England: NO OBJECTION

PROW Officer (NCC): We would highlight that the PROW known as Northwold Footpath 6 is coincident with the proposed car park exit and is aligned inside the western boundary of

the eastern part of the site. The full legal extent of the PROW must remain open and available for the duration of the development and subsequent occupation. This includes the additional of any structures, as well as any parking on the legal alignment.

There is no public right to drive along the footpath, and therefore there is no responsibility upon the Highway Authority to maintain the route to facilitate private vehicular access. It would be expected that any damage caused to the footpath by the exercise of the private rights remains with the right holders to repair.

REPRESENTATIONS Two letters of objection have been received from one third party representative. Their concerns relate to:

- Increased risk of surface water flooding unless adequate drainage is provided,
- Noise 24/7,
- Light pollution at night,
- Increased litter problems,
- Potential oil spillage into the water course,
- Congestion on a narrow residential road around the entrance,
- Concentration of traffic along a narrow residential road,
- More risk of accidents on the A134 as traffic would tend to use the high risk junction.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM16 – Provision of Recreational Open Space for Residential Developments

DM22 - Protection of Local Open Space

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are:

- Principle of Development
- Highway Safety
- Neighbour Amenity and Crime and Disorder
- Other Material Considerations

Principle of Development

The site lies outside both the development boundary and conservation area.

The site currently comprises an area of former allotment that is not laid out as such and is therefore an unprotected area of grass with two vehicular accesses.

Development Management Policy DM16 specifically seeks to retain allotments where there is a current of predicated demand. In this instance the land has not been used as for allotments for at least 10 years. There is also plenty of other allotment land in the immediate vicinity. This suggests that there is not currently any unmet need for allotments in the locality.

Development Management Policy DM9 encourages the retention of existing community facilities and the provision of new facilities particularly in areas with poor levels of provision and in areas of major growth. DM9 goes not to state that development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss or, if not
- b) it is no longer viable or feasible to retia the premises in a community facility use.

In this instance both the current and proposed uses are considered to represent 'community facilities', with a greater need identified for the car park than for allotments. Additionally the use of grass reinforcement mesh would not rule out relatively simple reversion in the future.

It is widely acknowledged that parking within the vicinity of schools generally leads to on-street parking and congestion. It is understood that this is the case in this instance although the time of the site visit did not coincide with school opening or leaving time and as such this was not witnessed first-hand.

The proximity of the proposed car park, to not only the school, but the village hall and cemetery suggests that it will benefit the wider community both in terms of those using the school / cemetery / hall and those living nearby that are affected by the disamenity caused by current on-street parking.

For the above reasons it is considered that the development is in general accordance with policy and guidance and the principle of development is acceptable.

Highway Safety

The Local Highway Authority (LHA) objects to the proposed change of use on the grounds of highway safety due to the lack of ownership of land to the east to ensure long-term visibility is retained. The main issue with the visibility in this direction is a hedge belonging to the adjacent bungalow (No.30 School Lane). Currently the hedge does not restrict views, but the LPA is concerned that it could in the future. Your officers consider that, due to the bend in the road, the hedge would only become a visibility problem if it actually encroached onto the highway in which case the LHA has powers to ensure it is cut back. The hedge is also not very large and the cutting back of it (if necessary) would not be an onerous task and one that could be dealt with by the Parish Council with the agreement of the LHA and the owner of No.30. It should also be noted that if the current or future owners of No.30 wished to change their frontage boundary treatment (for example to a fence) it could not exceed a height of 1m without the requirement for planning permission.

The LHA suggests that a central access / egress should be provided with the visibility splays in both directions being under the control of the applicant which would remove this uncertainty.

The applicant suggests that the cost implications of this are prohibitive and that it would mean a hearse would have to go through the car park on route to the cemetery.

On the flip side of the LHA's argument one has to question if visibility was restricted (which it currently isn't) would the exit be so poor that it would cause greater safety issues than the current on-street parking causes?

This is the main issue with this application and an issue that Member's need to carefully balance.

Neighbour Amenity and Crime and Disorder

It is considered that the Community Safety and Neighbourhood Nuisance Team (CSNN) have fully considered neighbour amenity and crime and disorder issues, and given the current unrestricted vehicular accesses onto the site, it would be difficult to sustain an objection on these grounds. Your officers have nothing further to add and believe CSNN's approach to be both pragmatic and acceptable.

It should also be noted that your officers do not consider that the change of use would increase vehicular activity, but address an existing need that is currently met by on street parking.

The main neighbour amenity issues would be to the properties to the immediate east (No.30) and immediately opposite the car park (Nos.21, 23 and 25). The former due to all the cars that are currently dispersed along School Lane and other streets in the vicinity of the school and village hall being in one location adjacent to their property; the latter primarily due to car headlights. In this regard it is likely that the greatest use of the car park will be during school hours and primarily at school opening and closing times when car lights are not required. It should be noted that none of the occupiers of these properties objected to the proposed change of use.

Other Material Considerations

In relation to third party comments not covered above:

- Increased risk of surface water flooding unless adequate drainage is provided – the risk of a surface water drainage event is 1:1000 years. The EA has no objection to the proposed development and it is unlikely, due to the proposed car park material (grass reinforced mesh) that surface water drainage will largely be the same as existing. The use of grass reinforced mesh can be conditioned if permission is granted,
- Noise 24/7 – Parking will be in association with existing events and is therefore unlikely to be 24/7;
- Light pollution at night – other than car lights, no lighting is proposed;
- Increased litter problems – covered by CSNN,
- Potential oil spillage into the water course – the EA are aware of the proposed development and the groundwater risk ranking and raise no objection. They do suggest informatives which will be appended to any permission granted,
- Congestion on a narrow residential road around the entrance – it is likely that the car park would ease congestion,
- Concentration of traffic along a narrow residential road – as above,
- More risk of accidents on the A134 as traffic would tend to use the high risk junction – the LPA cannot see how provision of this car park will increase the risk of accidents on the A134.

PROW The issues surrounding the PROW are really civil matters. Notwithstanding this, the car park does not encroach on the PROW which runs to the east of the site (and not the west as stated in the consultation response).

CONCLUSION

Development Management Policy DM16 seeks to retain allotments. However, the site has not been used as allotments for a considerable number of years. The proposal is therefore essentially seeking to change one community use to another. It is therefore in principle acceptable in planning terms. It is not considered that neighbour nuisance would be increased to any material degree, and for the majority it would result in betterment. The main issue therefore is Highway Safety. Your officers believe, on balance, that the proposed car park would be as safe as the existing on street parking. However this is contrary to the Highways Officer's opinion on long-term security and maintenance of the visibility splays, and Member's need to give this due regard.

On balance the application is recommended for approval subject to the following conditions:

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plan drawing no: 03.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.

- 3 Condition Prior to the commencement of the use hereby permitted the existing vehicular access to the east of the site that will be the used as the exit to the car park hereby permitted shall be upgraded / widened to a minimum width of 3.5 metres. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 3 Reason To ensure satisfactory access / egress into / from the site and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with the NPPF and Development Plan.
- 4 Condition Prior to the commencement of the use hereby permitted the existing vehicular access to the cemetery (that will be used as the entrance to the car park hereby permitted) shall be upgraded / widened to a minimum width of 4.8 metres. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 4 Reason In the interest of highway safety and traffic movement.
- 5 Condition Prior to the first use of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. (The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 1 metre above the level of the adjacent highway carriageway).
- 5 Reason In the interests of highway safety.
- 6 Condition Prior to the first use of the development hereby permitted the car parking area and access and exit routes shall be laid with grass reinforcement mesh and thereafter be retained in that condition unless otherwise agreed in writing by the Local Planning Authority.
- 6 Reason To avoid carriage of extraneous materials onto the highway in the interests of highway safety in accordance with the NPPF and Development Plan.