

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: 8 June 2018

Reason for Referral to Planning Committee – Deferred from April's Committee

Neighbourhood Plan: No

Case Summary

Members may recall this application was deferred from April's committee meeting to enable further consideration of a scheme that was submitted under late correspondence. Since this time the Parish Council has met with the Local Highway Authority and come up with a solution that has addressed the LHA's concerns. The LHA no longer objects to the development.

Permission is sought for the change of use of former allotment land to a community car park. The car park would provide 26 x 7x2.5m spaces on grass reinforcement mesh and would use the existing cemetery access that would be widened and upgraded as part of the proposal.

The previous proposal was for 24 car parking spaces using two existing accesses onto School Lane using an 'In' and 'Out' circuit. The 'In' would utilise the existing cemetery access and the 'Out' would utilise an existing field access. This proposal resulted in an objection from the LHA as the applicant (the Parish Council) did not control the land to the east of the eastern access and therefore long term visibility could not be certain.

The current proposal means that there is sufficient land on either side of the access / exit to ensure long term visibility.

The current proposal will result in the loss of a conifer tree, removal of the existing gates at the entrance to the cemetery and relocation of the existing boundary fence with School Lane to provide visibility splays.

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 of an area of largely unused grass that was historically allotments. The car park would provide 26 x 7x2.5m spaces on grass reinforcement mesh and would utilise the existing cemetery access that would be widened and upgraded.

The proposal would result in the loss of a conifer tree, removal of the existing gates at the entrance to the cemetery and relocation of the existing boundary fence adjacent to School Lane to provide the necessary visibility splays.

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.

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: **NO OBJECTION** subject to conditions.

Environment Agency: No further comments to make in relation to amendments.

Previous comments stand: **NO OBJECTION** – informatives relating to contamination and SUDS provided

CSNN: No further comments to make in relation to amendments.

Previous comments stand: **NO OBJECTION** although 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?

Planning Committee
4 June 2018

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 further comments to make in relation to amendments.

Previous comments stand: **NO OBJECTION**

PROW Officer (NCC): No further comments to make in relation to amendments.

Previous comments stand: **NO OBJECTION** although 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 Third party objection 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,
- The plans do not make allowance for the need to relocate the telephone pole which could result in major disruption to communication facilities,
- The car park should be restricted to term time and no overnight usage,
- There should be a height restriction
- The access should be moved between the opposing accesses of Nos 19 and 21.

Planning Committee
4 June 2018

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 of 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 or 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

Planning Committee
4 June 2018

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

Since the previous Planning Committee meeting the Parish Council and Local Highway Authority have met and agreed upon a scheme that meets the needs of the PC without detriment to highway safety and has resulted in the removal of the LHA's objection.

The existing cemetery access would be widened and upgraded under the current scheme which will enable future control of visibility splays in both directions.

An existing conifer tree would need to be removed, as would the existing cemetery gates. It is not considered these losses warrant refusal.

The existing fence that abuts the highway will need to be moved back to provide the visibility splays. The fence would continue across the existing eastern access to a point that would enable pedestrian access to FP6 (a public right of way that runs along the east of the site).

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.

Planning Committee
4 June 2018

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.
- The plans do not make allowance for the need to relocate the telephone pole which could result in major disruption to communication facilities – if the pole needs relocating then it will be at the applicant's expense and done in compliance with the appropriate utilities company as per the LHA's informative that will be appended to any permission granted,
- The car park should be restricted to term time and no overnight usage – covered by CSNN
- There should be a height restriction – covered by CSNN

PROW The issues surrounding the *PROW* are really civil matters. Notwithstanding this, the car park does not encroach on the *PROW*.

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 outstanding issue of highway safety has been satisfactorily addressed and it is therefore recommended that this application be approved 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: 06.
- 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 vehicular access indicated for improvement on drawing no.6 shall be upgraded / widened to a minimum width of 5 metres and provided with kerb edged radii of 3 metres in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. 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: In the interest of highway safety and traffic movement in accordance with the NPPF and Development Plan.
- 4 Condition: Vehicular access to and egress from the adjoining highway shall be limited to the access shown on the approved only. Any other access or egresses shall be permanently closed to vehicular traffic concurrently with the bringing into use of the new access.
- 4 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.
- 5 Condition: Prior to the commencement of the use hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 5 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.
- 6 Condition: Prior to the commencement of the use hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with the NPPF and Development Plan.