

West Malling	567998 158012	(A) 07.03.2006	(A) TM/06/0777/DR3
West Malling And Leybourne		(B) 07.03.2006	(B) TM/06/0778/DR3

Proposal: (A) Removal of condition 10 and 11 of planning permission TM/93/1459/DR3 (Development of public car park and associated access works) to permit overnight parking
(B) Extension of existing public car park and construction of pedestrian access to Ryarsh Lane

Location: Car Park Ryarsh Lane West Malling Kent

Applicant: Tonbridge + Malling Borough Council

1. Description:

(A) TM/06/00777/DR3 & (B) TM/06/00778/DR3:

- 1.1 Both planning applications have arisen from work carried out in connection with the West Malling Local Parking Plan which has been the subject of extensive public consultation.
- 1.2 Application TM/06/00777/DR3 seeks to remove restrictions affecting the long stay car park that were imposed when permission was originally granted for the construction of this facility. Condition 10 prohibits use of the car park outside the hours of 07-00 to 21-30 and condition 11 restricts illumination to the permitted opening hours only. If approved, this proposal would enable lawful overnight use of the car park by local residents and others and the illumination of the car park. (In reality, only condition 10 needs to be removed, since the illumination condition would not technically be breached if the permitted opening hours were extended. However, it would be superfluous to have a condition requiring illumination to only be in operation whilst the car park is in use if the car park has unrestricted 24 hour use).
- 1.3 In addition to the proposals to relax the opening hours of the car park, application TM/06/00778/DR3 seeks planning permission to extend and reorganise the western end of the car park and to construct a new set of access steps leading from Ryarsh Lane.
- 1.4 The extension of the car park would be accommodated by clearing an area of scrubland located immediately adjacent to the western end of the site. These works would provide an additional 11 car parking spaces and this aspect of the proposals also incorporates the erection of new 1.8m boundary fencing and replacement landscaping, including the planting of 8 new trees.

2. The Site:

- 2.1 The site comprises the existing long stay car park within West Malling together with an area of scrub located immediately to its west. The site lies within the built confines of the settlement and falls to the western side of Town Hill and between Ryarsh Lane and the London/Coast railway line. Both pedestrian and vehicular access to the site is obtained from Town Hill. The site lies within the West Malling Conservation Area.

3. Planning History (selected):

- 3.1 TM/93/01459DR3 Approved 03.02.1994
Development of public car park and associated access works.
- 3.2 TM/86/1164 Approved 25.09.1986
Car park (part of current site only).

4. Consultees:

(A) TM/06/00777/DR3:

- 4.1 PC: No objections.
- 4.2 KCC (Highways): No objections.
- 4.3 Network Rail: Views awaited.
- 4.4 DHH (summarised): There is a need to take into the fact that excessive illumination can now be classed as a statutory nuisance following the Cleaner Neighbourhoods and Environment Act 2006 in the consideration of this case.
- 4.5 Private Reps Art 8 Site & Press Notice: 23/OR/OX/0S.

(B) TM/06/00778/DR3:

- 4.6 PC: No objections.
- 4.7 KCC (Highways): The internal arrangements appear acceptable. Bays to be a minimum of 2.4m x 4.8m, 5.5m preferred with end bays widened to 2.7m.

It is proposed to provide a new footpath access direct onto Ryarsh Lane. At this point the lane only benefits from a limited footway. It is beneficial to provide pedestrian guard railing at the kerb side to ensure that pedestrians do not walk direct onto the road. In this instance site constraints may not permit this. However, Ryarsh Lane is not a through route and predominately takes local traffic with low volumes. A large proportion of the road does not benefit from footways and the geometry is unlikely to encourage high speeds. The proposal does not provide for the disabled and therefore it will be used primarily by the able bodied. It may be of

benefit to provide one or two pedestrian hand rails down the side of the steps. No specific lighting details are shown in the vicinity of the steps. The applicant is to ensure that the steps are covered by suitable lighting. It may be that a nearby street lighting column will be adequate. The applicant will need to liaise with the highway manager regarding all works affecting the public highway. All works to be done to his specification and satisfaction. I would support this application

4.8 Network Rail: Views awaited.

4.9 DHH: No objections.

4.10 Private Reps: 23/1R/0X/0S. Concern has been raised that the new access steps to Ryarsh Lane would give rise to the loss of one on-street parking space. It is stated that this is important since local residents are unable to park in the public car during the day time and so the proposals should be amended in some way so that the new steps do not result in this loss of parking.

5. Determining Issues:

(A) TM/06/00777/DR3:

- 5.1 The condition to restrict overnight parking was imposed on the original planning permission for construction of this car park in order to protect the amenities of nearby residential properties against noise and disturbance arising from the starting and manoeuvring of vehicles and any noise generated by the users of those vehicles. The removal of this condition will allow local residents to use the car park during the night to avoid on-street parking.
- 5.2 The condition restricting the hours of illumination was intended to tie in with the permitted opening hours and was imposed only to safeguard the visual amenities of the locality by precluding lighting when it was not needed. This condition clearly needs to be removed in the event that unrestricted opening is permitted in order that the car park is adequately lit and its CCTV systems can operate properly.
- 5.3 The principal issues in this case are, therefore, whether or not the relaxation of the opening hours of the car park and related longer hours of illumination would cause undue harm to the amenities of residents, or, to the visual amenities of the locality – which is a Conservation Area.
- 5.4 Bearing in mind the fact that local parking is at a premium I would support the removal of condition 10 in principle. There would be considerable tangible benefits in opening up the car park for use by residents during the night-time. In reaching such a conclusion I am fully aware that unrestricted opening hours could potentially increase the chances of local residents suffering from noise and disturbance in the event that overnight use of the car park proves popular with individuals other than just local residents (e.g. visitors to the nearby restaurants and bars).

- 5.5 It is difficult to quantify precisely what level and type of use there would be overnight. However, my judgement is that it is likely that overnight use would be relatively low key and predominantly by local residents. On balance and taking a fresh view of the functioning of the car park it is felt that the merits for relaxing this condition are clear.
- 5.6 The impact of illumination must be considered carefully but again it must be kept in mind that the Council has ultimate control over illumination as owner/operator of the car park.
- 5.7 West Malling is a historic town and illumination within historic settlements, and particularly within Conservation Areas, is something that should be adequately justified. West Malling is a relatively busy and active town centre already – it is not a small settlement with little or no commercial premises. Consequently, there are already a significant number of sites and premises that are illuminated over night. Indeed, the settlement is quite extensively illuminated at present during hours of darkness because it is such a local commercial ‘hub’ for surrounding areas.
- 5.8 The context of the site’s location is therefore one that is perhaps less sensitive to illumination than would be the case at other historic towns or villages. Moreover the following factors must also be taken into account:
- the illumination at the site is generally well designed with hooded/shielded down lighters;
 - the illumination is at a lower intensity than one would normally expect for a public car park;
 - the illumination is needed so that CCTV systems can effectively protect the car park overnight. (The potential for crime and disorder is a material consideration and weighs in favour of illumination of this type of site/use).
- 5.9 In the light of all of the above circumstances, I consider that the proposals for the unrestricted use and illumination of the car park can be supported and I recommend accordingly.

(B) TM/06/00778/DR3:

- 5.10 There are two main elements to this planning application. The first is the proposed extension to the car park’s hard surfaced area. Given the location within the built confines of West Malling, such a form of development is considered entirely acceptable.
- 5.11 The development would provide an additional 11 spaces and make a valuable contribution to parking especially for the business sector in West Malling. I acknowledge that the thrust of recent planning policy contained with PPG13 seeks to generally reduce car usage and indeed the availability of car parking facilities,

but the local circumstances of West Malling are such that parking is already severely restricted in its supply and this gives rise to local problems on a frequent basis. In such a context I feel that additional provision can be supported.

- 5.12 Balanced against the benefits arising from the additional car parking spaces is any potential harm caused by the loss of an area of overgrown scrubland and any loss of residential amenity arising from increased activities at the car park.
- 5.13 The scrubland is a very small area and has very little ecological value. The proposals include mitigation measures in the form of eight new trees (4 Norway Maples, 3 Scots Pine and 1 Whitebeam). I find that the new trees will provide an appropriate replacement for the lost scrubland.
- 5.14 With respect to amenity, the additional car parking represents approximately a 10% increase in the capacity of the car park and this is unlikely in my view to give rise to any significant damage to amenity enjoyed by nearby properties, particularly since appropriate close boarded fencing will be installed to screen and enclose the extended area of car park.
- 5.15 Turning now to the new stairs, again, I feel that this development will provide a benefit to the wider locality. They will facilitate easy access from the car park to Ryarsh Lane and will increase local pedestrian 'permeability' for car park users and pedestrians generally (including many local residents).
- 5.16 The small scale and low key design of the stairs will not be detrimental to the character of the Conservation Area. Comment has been made that the stairs will result in the loss of a space on street but I do not accept this since the stairs egress onto an area of footway and not directly onto the highway.
- 5.17 KCC Highways have made some helpful suggestions regarding the new access stairs and I consider that these suggestions should be reflected in an appropriate informative.
- 5.18 I recommend that these proposals be granted planning permission.

6. Recommendation:

(A) TM/06/00777/DR3:

6.1 Grant Planning Permission subject to:

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Informative:

- 1 The applicant is advised to liaise with the Highway Manager with regard to the proposed new footpath access direct onto Ryarsh Lane. In particular, the applicant is asked to discuss the merits of providing pedestrian guard railing at the kerb side of Ryarsh Lane, the provision of pedestrian hand rails down the side of the steps and suitable levels of lighting.

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Contact: Kevin Wise