

<b>Aylesford</b> Burham Eccles Wouldham	<b>572686 160791</b>	<b>20 June 2011</b>	<b>TM/11/01576/FL</b>
Proposal:	Change of use of allotments land to car park and change of use of strip of amenity land to enable widening of vehicle access		
Location:	Land Adjacent To Allotments Belgrave Street Eccles Aylesford Kent		
Applicant:	Aylesford Parish Council		

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**1. Description:**

- 1.1 A full planning application has been submitted to change the use of the amenity land to the north-east of the allotments to a residents' car park. The car park would be finished with compacted road planings and surrounded by a turfed soil bund. It would provide space for the parking of 24 cars. Two new street lights are shown in the northern and eastern corners of the car park. No details have been provided of the dimensions of the soil bund or the street lights.
- 1.2 In association with the provision of the proposed car park the existing vehicular access to the allotment site is to be widened by incorporating and changing the use of part of the adjoining amenity land.
- 1.3 In support of the application the Parish Council indicates that for many years the lack of off-road parking in the surrounding roads (known locally as "The Square") has created serious problems for the residents. The density of housing, width of streets and amount of yellow lining are all said to contribute to the parking congestion in the area. It is asserted that these parking problems cause a lack of amenity and inhibit access for emergency vehicles. The Parish Council recognises that new parking restrictions would be needed in order to encourage residents to use the car park rather than to park outside their houses.
- 1.4 The Parish Council carried out their own survey of local residents in The Square, to gauge support for the proposal, which produced a response rate of 50%. Of that 50% just under half said they would definitely use the car park but there was a lower level of support for parking restrictions in the roads surveyed (17% overall). The Parish Council decided to go ahead with the current proposal mainly on amenity grounds.

**2. Reason for reporting to Committee:**

- 2.1 The application is being reported to Committee due to the sensitive nature of the proposal on land outside the village confines, and the consequential implications of the impacts of the proposal.

### **3. The Site:**

- 3.1 The allotments are situated to the west of the village outside the settlement confines. The application relates to a rectangular shaped area of land adjacent to the northern end of the allotments. It is understood that the Parish Council has a rental agreement on the land for use as allotments, although there is no local recollection of the site being used in this way. The land is currently used as grassed amenity land and can be reached via an unmade track situated between number 57 Belgrave Street, (an end of terrace property) and a small grassed amenity area. To the east of this amenity area is a small car park for residents' use. To the south-east of the allotments are the terraced houses of Belgrave Street, Alma Road and Cork Street, whilst to the east and north-east are the more recent clusters of residential properties in St Marks Court and St Peters Close.

### **4. Planning History:**

- 4.1 No recent planning history.

### **5. Consultees:**

- 5.1 DHH: The issue of illumination from the two proposed lighting columns needs to be examined by a competent person to ensure that light does not penetrate into other premises and that not more than an adequate level of illumination is designed for the purpose. The applicant may wish to seek expert advice from a lighting engineer. The Clean Neighbourhoods and Environment Act 2005 added light pollution into the list of Statutory Nuisances contained within the Environmental Protection Act 1990. It is thus in the applicants best interests to ensure that any lighting does not affect any nearby neighbours.
- 5.1.1 The Waste Services Manager states that the refuse collection vehicles regularly have problems accessing these roads. The smallest vehicle is utilised but there are still regular issues with parked cars.
- 5.1.2 Contaminated land: On the basis of the available data and information, neither this site nor any adjacent ones are identified as a site of potential concern.
- 5.1.3 Vehicle noise: The impact is considered to be minor, as there is already vehicle noise in the area with comings and goings. I do not envisage that the vehicle noise would increase due to the proposed car park provision.
- 5.2 Kent Fire and Rescue Service: Parking has been a problem for a long time, appliances have problems reaching most parts of The Square. Anything that reduces the on street parking is good for the service. A leaflet drop has been carried out in the area warning of off street parking restricting access and a press release has been carried out in order to educate residents. The residents have seen the fire service struggle to get the appliance near to the incident. Off road parking will clearly make a difference to access for appliances.

5.3 Private Reps: Four letters of representation have been received and comments made about the following:

- Would residents be willing to park their vehicles some way away from their properties? Is the proposal justified?
- Who will be responsible for any accompanying parking restrictions and for the maintenance of the parking area?
- Was the accompanying survey carried out professionally and is the response rate sufficient? There is concern that the proposal may be non-viable.
- No details have been provided of the soil bund.
- It is noted that the current car park is not fully utilised and there is concern about the impact on property values if another area of hard standing were to be located so close to the current facility, along with additional traffic on a track close to a green play area.
- Increase in pollution, light pollution, noise levels and loss of green space.
- Reference has been made to a covenant on the adjacent grass area where it is proposed to use part of this to widen the access road.
- Potential for anti-social behaviour in the car park.

## **6. Determining Issues:**

6.1 The application is considered in relation to several Core Strategy policies. The land forms part of the Bushey Wood “Area of Opportunity” as covered by policy CP16. This is identified as having potential for meeting residential needs post 2021, or beforehand should this prove necessary. It is a requirement therefore to consider whether the development would prejudice the long term development potential of the Bushey Wood area.

6.2 Policy CP26 states that the Council will safeguard land required for the provision of services to meet existing and future community needs. Proposals for development that would result in the loss in whole or part of sites used for community facilities will only be proposed if an alternative facility of equivalent or better quality/scale can be satisfactorily provided at an equally accessible location. Alternatively the applicant must have proved that for the foreseeable future there is likely to be an absence of need or adequate support for the facility.

6.3 Policy CP1 states that all proposals for new development must result in a high quality sustainable environment. The need for the development will be balanced against the need to protect and enhance the natural and built environment.

- 6.4 As the site lies outside the village confines and therefore within the countryside, policy CP14 applies. This policy seeks to restrict development in the countryside to certain specified categories, none of which includes the type of development that is proposed in this application. The site is also within the mid-Kent Strategic Gap, the object of which is to resist development that undermines the physical break that separates the Medway Gap, Maidstone and the Medway Towns.
- 6.5 It is necessary, therefore, to consider whether this development outside the settlement confines is acceptable in principle and whether the loss of the strip of amenity land to form the access, without alternative provision, is appropriate. As part of the consideration of these factors, it is appropriate to examine whether there is demonstrable need for the facility. It will also be necessary to consider any local amenity impact of the proposed use.
- 6.6 By way of background, it would be beneficial for Members to be aware of the general issues surrounding parking in this locality. For many years the Borough Council had a specific funding allocation within the Capital Plan to address parking management issues in this part of the village. The fundamental problem has been the identification of a suitable site for alternative parking that did not carry with it a range of difficult issues including land acquisition. Moreover, the opportunities to practically manage the current on-street parking patterns are hugely challenging, not least because any proposals for more active management are most likely to result in a significant loss of on-street spaces. In practice these matters proved to be insurmountable obstacles to any progress and led to funding being removed from the Capital Plan during the review of the plan three years ago.
- 6.7 Access within The Square at Eccles has long been problematic and has been in a state of “tolerated equilibrium” for some years. The Borough Council in its parking management role on behalf of the Local Highway Authority, Kent County Council, installed some waiting restrictions a few years ago. This was partly in response to Kent Fire and Rescue concerns about access and the delay that arose as a result in the response to a particular incident. The waiting restrictions introduced were a careful balance between improving access without overly constraining residents parking opportunities. On the basis of our experience at that time I consider that more radical or extensive introduction of controls would have encountered considerable opposition and that may still be the case, even if some additional off street parking were to be provided though this current project.
- 6.8 It is clear from the responses from the Fire Safety Inspector and the Waste Services Manager that on-street parking within and in the vicinity of The Square does present problems for access. It is commendable therefore that the Parish Council has been able to approach this proposal afresh to find a potential way of resolving the search for a suitable site and to bring it to the planning application stage. Should the application find favour and the proposed car park be implemented then the result would be an additional opportunity for residents’ parking which is at a premium in this locality. The extent to which that in itself will

relieve the parking congestion in the local streets without further intervention by means other than through planning controls is unknown and will need to be monitored, but the availability of a new car park has the potential to assist the overall parking picture.

- 6.9 The application has limited detail of construction details and, if the scheme is to be progressed, the Parish Council would need to work it up in suitable detail.
- 6.10 As mentioned above Bushey Wood is identified as an “Area of Opportunity” with the land having the potential to meet residential needs in the post 2021 period, or sooner if necessary. The site clearly lies outside the Eccles village confines but forms part of an area that may possibly be used for residential purposes at some stage in the future. The use as a car park would extend out into this area but is a use that could be reversed or indeed accommodated in a different way, if the site were to be needed for wider residential development in the future. I therefore consider that the use as a car park would not necessarily permanently affect the long term development potential of the area or, therefore, cause an unacceptable or irreversible breach of the intentions of the Core Strategy policy background. .
- 6.11 This site appears to be used for informal recreational purposes. The formation of an area of hardstanding for car parking will clearly result in a change in character of part of this green space. Whilst it is appreciated that the proposal will lead to the partial loss of an *undefined* community facility it can also be argued that it will create a community service facility of a different sort serving some of the community living nearby in terms of additional parking space. Viewed in this context, I believe that the local case of need and the apparent level of public support for the facility may be regarded as sufficient to warrant making an exception to the terms of policy CP14 regarding the types of development that are normally acceptable in the countryside, beyond settlement confines. Similarly, given the scale and nature of the proposed facility, and its location relative to the existing built-up area, I do not believe that it would significantly erode the Strategic Gap.
- 6.12 In terms of policy CP1 it is noted that the proposal will include a soil bund although dimensions of width and height are not known. If this were to be planted with suitable native species then this would soften the appearance of the car park.
- 6.13 In order to reach the proposed car park it would be necessary to widen the existing vehicular access by making use of a narrow strip of land that forms part of the adjoining small amenity area. The planning history for this amenity space has shown that it is covered by a Section 52 legal agreement (this being the precursor to Section 106 agreements under earlier legislation) dating from 1988 that relates to its use as open space. This Section 52 agreement requires the land to be transferred to the Parish Council with that Council, in the transfer, to covenant directly with the developer that the Parish Council would not use it (or permit it to be used) for any purpose other than as public open space. The Parish Council is

therefore under an obligation to keep this land as open space unless they have obtained a release from the covenant (either from the Lands Tribunal, or from the party who is entitled to the benefit thereof), before carrying out any proposal to widen the access for purposes that are not related to an open space use. That said, restrictive covenants affecting land are not material for the purposes of assessing planning applications, and the Local Planning Authority should determine this application on its planning merits even if the applicants may also be required to obtain other consents in order to facilitate implementation.

- 6.14 Turning to the issues raised by the change of use of the piece of amenity land that forms the main body of the application site, it is pertinent to note that Eccles is deficient in Amenity Green Space. However, the land in question holds no current designation in the Open Space Strategy and therefore will not technically increase this deficit if lost. It could however be argued that it does currently have some amenity value. From a Leisure perspective the retention of this land as open space would be preferred and it could be used as a future extension to the adjoining open space or the existing allotments. Ultimately, however, the Borough Council as LPA cannot require its retention as amenity land.
- 6.15 The comments of the correspondents have been given very careful consideration. The site is some 30m. from the nearest dwelling and would be reached via an existing unmade track at the end of the terrace of residential properties. This track is already available for use by the occupants of Belgrave Street to reach their parking facilities to the rear of their houses and also to gain access to the allotments. The use of the track to gain access to the land as a car park would increase the number of vehicle movements, probably most noticeably in the morning and early evening.
- 6.16 With regard to the survey that was submitted in association with the application, it is understood that this was carried out by the Parish Council itself and not a professional organisation. Nevertheless, it may be afforded a certain weight, when taken in conjunction with the other issues that have been discussed above.
- 6.17 The issues of property values and possible covenants are not planning matters that can be taken into account in the determination of the application.
- 6.18 I recognise that this proposal is not strictly in accordance with policies CP16 and CP14. In terms of the principle of the development being located on this particular site, there are clearly a number of issues to be balanced. It is also worth noting that, in practice, it may not succeed in wholly achieving the objective of relieving the congestion on-street. Nevertheless, it is appreciated that the Parish Council has attempted to address a difficult problem by initiating this project for the community. On balance this proposal may represent the best available opportunity to provide for local residential parking.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 10.06.2011, Notice dated 10.06.2011, Location Plan ECCLES CAR PARK 1 dated 10.06.2011, Site Plan ECCLES CAR PARK 2 dated 10.06.2011, subject to:

**Conditions**

- 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 No development shall be commenced until scaled drawings of the proposed soil bund and street lights have been submitted to and approved in writing by the local planning authority. Such details as are approved shall be carried out concurrently with the development.

Reason: In order to secure a satisfactory standard of development.

- 3 No development shall take place until details of the surfacing and draining of the vehicle parking area have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the parking area is brought into use and shall be so retained at all times thereafter.

Reason: To ensure a finish to the parking area consistent with the character and appearance of the locality.

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