

Tonbridge **559344 146712** **21 February 2014** **TM/14/00686/FL**
Medway

Proposal: Variation of condition 9 of planning permission
TM/11/02476/FL (new pharmacy) to allow for bollards in three
locations instead of existing chain barrier
Location: Warders Medical Centre 47 East Street Tonbridge Kent TN9
1LA
Applicant: Warders Medical Centre

1. Description:

1.1 This application seeks to formally vary condition 9 of planning permission TM/11/02476/FL (new pharmacy) to allow for a series of bollards to be installed at various points within the car park in place of an existing chain barrier, which is located across the main entrance of the car park. Condition 9 of planning permission TM/11/02476/FL required that:

“Within one month of the commencement of the development a scheme shall be submitted showing how access to the main car park will be controlled outside surgery hours. The scheme shall show car parking arrangements for the out of hours pharmacy facility which shall be monitored for 1 year from the date of its first operation, the date of which shall be notified to the Local Planning Authority. The scheme shall provide details as to options for the relocation of the barrier should the number of spaces identified for the out of hours pharmacy use proves to be inadequate after the 1 year monitoring period.”

1.2 The reason for the imposition of this condition was to ensure that the whole of the main car park was not available for use for those visiting the out-of-hours pharmacy but that, nevertheless, sufficient parking spaces were provided for that service. The intention was to minimise the impact on residential amenity whilst facilitating a valuable community asset.

1.3 Condition 9 was subsequently discharged formally under planning reference TM/12/02498/RD. In discharging the condition at that time, the medical centre proposed a ‘manual car park barrier’ to be installed. However, the approved barrier was never installed and a far less substantial chain between two posts is used to close off the main car park when the surgery is not open. I understand from anecdotal evidence that the operation of this ‘barrier’ is not robustly implemented. The applicant is therefore currently in breach of the planning condition both because the chain detail is not as approved and also because it appears that it is not consistently kept closed at the appropriate times.

1.4 The current application now before Members seeking the variation of the condition claims that the barrier in its current position (when in operation) does not provide for sufficient parking to serve users of the out-of-hours pharmacy. It is proposed

that the introduction of two sets of demountable bollards further into the car park would allow for increased off-street parking within the body of the site during the times of day when the main surgery is closed but the pharmacy is operational. A third set of bollards is also now proposed to be introduced in the same position as the approved barrier and these are to be raised when the pharmacy itself is also closed.

- 1.5 The medical centre opens between the hours of 8am and 6:30pm, Monday – Friday. The pharmacy opens between 7am and 10pm, Monday – Saturday and between 10am and 8pm on Sundays.
- 1.6 The applicant has made the following statement to explain how the bollards would operate:

"On arrival at the site in the morning, the first key holder would lower the proposed bollards (closest and parallel to the East Street) into the recessed pockets below ground level. The two sets of internal barriers would then be lowered to open the car park fully. At the end of the working day for Warders Medical Centre the two inner sets of bollards would be raised restricting vehicular access to the inner areas of the car park. At the end of the working day for the pharmacy the final set of bollards would be raised over night, restricting access to the out of hour's car park."

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Lancaster in light of the complex planning history.

3. The Site:

- 3.1 Warders Medical Centre lies on the southern side of East Street, just to the south of the junction of Hadlow Road/Bordyke. The surgery comprises an imposing 2½ storey, detached Victorian building with single storey modern extensions, with rooms in the roof on the road frontage, landscaped gardens and car parking to the rear.
- 3.2 To the north east there is a high brick wall on the boundary separating the surgery from an access drive serving 2 office buildings and 3 houses which lie to the south east. The remainder of the area is predominantly residential with the surgery car park abutting the gardens of Hermitage Court, a flatted development, and the residential properties in Lyons Crescent.
- 3.3 The site lies within the Conservation Area.

4. Planning History:

TM/85/10854/FUL grant with conditions 18 October 1985

Change of use of dwellinghouse to group medical practice surgery, together with single storey pitched roof extension to side to accommodate waiting room, records office and toilets.

TM/95/51531/FL Grant With Conditions 2 January 1996

proposed upgrading of existing administration and treatment facilities, including replacement of section to the NE part of the rear elevation

TM/95/51532/CA Grant With Conditions 2 January 1996

Conservation Area Application: demolition of part of building to facilitate replacement extension

TM/96/01664/RD Grant 31 December 1996

details of external materials to be used on roof and walls pursuant to condition 2 of consent TM/95/51531/FL (upgrading of facilities)

TM/05/00680/FL Grant With Conditions 6 April 2005

Single storey extension and internal alterations

TM/09/02823/FL Approved 1 April 2010

Part demolition and removal of an existing window to the rear of the main existing Victorian building. Erection of a new single storey pharmacy building with a new link to main existing building. 3 new car park spaces and 1 new loading bay

TM/11/02476/FL Approved 25 November 2011

Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste

TM/12/02498/RD Approved 22 October 2012

Details of the operation of the security barrier pursuant to condition 9 of planning permission TM/11/02476/FL (Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste)

TM/12/03198/RD Approved 26 November 2012

Details of lighting and screening pursuant to conditions 7 and 8 on planning permission 11/02476/FL (Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste)

TM/12/03735/FL Application Withdrawn 15 January 2013

Laying out and use of part of rear garden to accommodate 12 parking spaces

TM/12/03750/FL Approved 12 February 2013

Proposed timber louvers to screen air conditioning units

TM/14/00685/FL Pending Consideration

Creation of car park (total of 10 spaces) and associated access, including bollard lighting, tree removal and shrub clearance

5. Consultees:

5.1 KCC (Highways): No objections.

5.2 Kent Police: No objections but raise concerns as to how the out of hours business will be managed/controlled. Suggestions made as to how site should be managed and liaison with Kent Police encouraged.

5.3 Private Reps: 61 + site + press notice/0X/0R/4S. Letters of support make the following remarks:

- Bollards would allow staff and patients to have access to extended parking during surgery hours and would prevent unauthorised parking out of hours.
- Allows for users of the pharmacy to park legitimately.
- Parking currently in inadequate.
- Chain has been stolen once and has been repeatedly broken by patients and staff driving over it.
- Vehicles currently park on the highway during the week.

6. Determining Issues:

- 6.1 There are two main issues for consideration in respect of this application. Firstly, whether a barrier in the previously approved location (if robustly and correctly managed) would provide adequate parking to serve the out of hours pharmacy or whether additional parking is required (as put forward by the applicant) in the interests of highway safety and residential amenity. Secondly, whether the relocation of the barrier to the alternative positions within the car park would cause a greater level of disturbance to the surrounding residents to the detriment of their residential amenities. I intend to discuss each of these aspects in turn below.
- 6.2 The existing arrangement allows for two parking spaces to be used alongside a set down point on the part of the car park between the barrier and the access with East Street. The applicant claims that this is proving inadequate and that further parking is needed for users of the out of hours pharmacy. The applicant states that, as a result, patients tend to park along East Street/Lyons Crescent which are subject to parking controls. Unfortunately, neither has the applicant provided nor does the Council hold any statistical data connected to the parking along East Street that can be used to verify this claim. However, anecdotally I understand that the on street spaces in the vicinity of the site are very well used. Furthermore, reports from local residents have been received by the Council's Parking Team regarding illegal parking taking place on double yellow lines in East Street. Such parking appears to occur at times of the day when Council enforcement officers do not patrol or because the parker has moved on by the time officers arrive. It is true that the out of hours pharmacy operates at a similar time to the hours when the greatest problems appear to occur in terms of unlawful parking but these are also the times of day when officers either do not patrol or have extremely limited resources to deal with any problems. As such, there is no clear evidence to support an unequivocal correlation between the opening of the pharmacy and unlawful parking caused by the pharmacy use.
- 6.3 The increase in the number of spaces proposed to serve the out-of-hours pharmacy from 2 to 16 has not been justified by the applicant and, in my view, seems excessive. There is no clear evidence to demonstrate that such a large increase in provision is required in connection with the operation of the pharmacy alone.
- 6.4 Policy CP2 of the TMBCS requires new development to be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres. Although this policy is directed at new development, the thrust behind it can equally be applied in this instance. Warders Medical Centre is well related to the town centre and various public car parks are located in the near vicinity. I would suggest that many of the users of the pharmacy could reasonably make use of these facilities. The applicant has not produced any substantive evidence that suggests robust attempts have been made to encourage such behaviours in their patients through development of a Travel Plan for example. I would have expected

evidence to support these claims as part of such a submission. Having studied the medical centre's website, I can advise that it contains no information regarding local transport links and does not advise as to the location of nearby public car parks.

- 6.5 Adding more parking spaces to support the pharmacy needs to be assessed in terms of TMBCS policy CP24 which sets out the general criteria for all new development, including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which requires that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.6 In granting planning permission for the pharmacy, it was recognised that its opening outside surgery hours was likely to have the most noticeable impact, in this residential area. The medical centre sought to overcome this by proposing the installation of a barrier close to the access/exit point onto East Street to prevent access to the main body of the car park during the hours of operation of the pharmacy. The two sets of bollards now proposed to be installed at two separate points within the car park, to be operational whilst the surgery itself is closed but the out of hours pharmacy is open, would allow for 16 car parking spaces to be used. I appreciate that the parking spaces closest to the boundary shared with the properties fronting Lyons Crescent would still not be accessible due to the specific siting of the bollards. However, the bollards would allow for the use of the 16 further spaces, which are located far deeper into the site than the existing arrangement allows for and this could take place up to 10pm Monday to Saturday and 8pm on Sundays.
- 6.7 It should also be mentioned that the position of the two sets of bollards within the car park, whilst preventing parking from taking place closest to the Lyons Crescent boundary, would also render the one way system adopted throughout the car park to be obsolete when in operation. The 16 spaces may not be fully occupied at any one time, but the absence of the one way system is likely to lead to localised conflicts in movements around the car park, which could in turn lead to further disturbance as drivers are required to make unorthodox manoeuvres, potentially late at night.
- 6.8 It is difficult to determine the exact level of noise that might be emitted from the car park as every activity and occasion could generate different levels of noise. However, I consider that the arrangement that will ensue as a result of this

proposal would give rise to generally increased noise and disturbance to the nearest residents at times of the day where they should reasonably expect to enjoy enhanced levels of peace and quiet.

- 6.9 Section 17 of the 1998 Crime & Disorder Act requires local authorities to do all that they reasonably can to prevent crime and disorder. The design and layout of roads, housing, public buildings and public amenities all have an influence on the potential for crime. Paragraph 69 of the NPPF states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 6.10 The Kent Design Guide and 'Secured by Design' both place emphasis on the importance built environments can play in preventing crime and in alleviating the fear of crime. They refer to a need for natural surveillance of public and semi-private space, the need for car parking to be visible from homes, a clear definition of space, coupled with appropriate lighting solutions and appropriate means of boundary treatments and soft landscaping (to avoid a person being able to conceal themselves).
- 6.11 Briefly, the Kent Design Guide identifies safe and secure design as deterring crime – buildings facing onto streets and footpaths with windows facing onto them; with car parking visible from homes. Since most crime depends upon concealment, the main aim should be to create public spaces that are well used and overlooked by dwellings or other uses and located where they can be seen from adjoining public highways and rights of way, not in a corner of the development, behind housing, industrial or commercial uses.
- 6.12 'Secured by Design' recommends that the certain security aspects should be considered when designing development proposals, although I recognise that the focus in respect of this document is on new residential development.
- 6.13 In it's representations, Kent Police has referred to these documents and has raised concerns regarding the potential for anti-social behaviour to occur within the car park. It initially requested the inclusion of a third set of bollards to be positioned at the car park entrance when the out of hours pharmacy is closed in order to prevent such behaviours. This has been incorporated by the applicant and now forms part of the planning application. However, until 10pm at night, six days a week, a large proportion of the car park would be open to all and there is no indication as to the level of surveillance or management that might be adopted to ensure no anti-social behaviour occurs during these times. The applicant has not provided any detail concerning what measures might be put in place to ensure the car park is not accessed by members of the public other than those visiting the pharmacy.

- 6.14 This may also give rise to events of anti-social behaviour including bad language, revving of cars and loud music which would cause annoyance to nearby residents. As a result of this proposal, there would be nothing to prevent other individuals or groups entering the car park during the opening hours of the pharmacy. One measure in ensuring this does not occur would be to require the applicant to submit a management plan covering a number of matters such as detailing how shift managers might be provided with necessary training to tackle any incidents, to keep a log of events, taking action as a result of external complaints, liaising with the police, installation of appropriate signage and CCTV. Kent Police has mentioned such management opportunities in its representations.
- 6.15 In these circumstances, I am aware that the existing security barrier is not regularly implemented by staff and this gives me little confidence in recommending to Members that a condition requiring such a management scheme would overcome the above concerns and render this proposal acceptable in planning terms. Such a scheme would only be successful if robustly implemented. I would only be inclined to further investigate this as a feasible, realistic option if there was any clear evidence of an undisputed need for such an increase in parking to serve the pharmacy. As I have explained, I am not convinced that such a case exists.
- 6.16 In light of these considerations, I recommend that planning permission be refused for the following reasons:

7. Recommendation:

7.1 Refuse Planning Permission for the following reasons:

- 1 The proposed variation of condition would lead to an unsustainable, over intensive use of the car park until 10pm Mondays – Saturdays and 8pm on Sundays which would have an unacceptable impact on the residential amenities of the properties bordering the site by virtue of the disturbance arising from additional traffic movements, manoeuvring and associated activities in an otherwise tranquil area at times of the day when those residents could reasonably expect to enjoy their properties. For these reasons, the proposal is contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.
- 2 In the absence of a robust management strategy concerning the operation of the car park during the opening hours of the out of hours pharmacy, the Local Planning Authority is not convinced that the proposal would not give rise to anti-social behaviour and activities that could cause harm to the residential amenities of the neighbouring properties. The proposal is therefore contrary to the requirements of paragraph 69 of the National Planning Policy Framework 2012.

Informative:

- 1 The applicant is strongly encouraged to consider developing a Travel Plan dealing with the ways in which staff and patients visit Warders Medical Centre in an attempt to encourage more sustainable ways of travelling.

Contact: Emma Keefe