

4.6 – SE/14/01799/FUL Date expired 5 August 2014

PROPOSAL: Retention of 3 no. pay and display ticket machines and provision of accessibility ramp.

LOCATION: Car Parks, Nightingale Way, Swanley

WARD(S): Swanley St Mary's

### **ITEM FOR DECISION**

This application was referred by members of the Development Control Committee at the meeting held on 20/05/2014 to enable consideration of the application alongside the application for advertisement consent (reference 13/03811/ADV).

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The hereby approved accessibility ramp shall be installed in strict accordance with the details hereby approved and made available for public use within 2 months of the date of this decision. The ramp shall be retained and maintained as such thereafter.

To ensure that the development is inclusive and makes satisfactory provision for the safe and easy access of those with disabilities in accordance with the NPPF, policy EN1 of the Sevenoaks District Local Plan (2008) and emerging policy EN1 of the Allocations and Development Management Plan (Submission Draft, November 2013).

2) The development hereby permitted shall be carried out in accordance with the following approved plans: ZEB 801/005, ZEB801-P-040.

For the avoidance of doubt and in the interests of proper planning.

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the

improve the economic, social and environmental conditions of the area,

- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice that led to improvements to the acceptability of the proposal.

### Description of Proposal

- 1 Retrospective planning permission is sought for the retention of three pay and display ticket machines within the existing car parks. The application also proposes the installation of a single accessibility ramp to facilitate level access.

### Description of Site

- 2 The application site comprises 4 ground level car parks located within Swanley town centre. The car parks are all accessed via Nightingale Way, a private road to the south of the site beyond which lies the railway. The car park benefits from a number of pedestrian routes linking to the shopping centre to the north east. To the west of the site lies a doctors surgery and Swanley recreation ground with Swanley library and information centre located to the north.
- 3 The site is not located within the Green Belt or AONB and it is not located within or adjacent to a Conservation Area.

### Constraints

- 4 Urban confines of Swanley

### Policies

#### *Sevenoaks Core Strategy*

- 5 Policies - SP1, L04, L05

#### *Sevenoaks District Local Plan (SDLP)*

- 6 Policy - EN1

#### *Emerging Allocations and Development Management Plan (ADMP)*

- 7 Emerging Policy – EN1

### *Other*

- 8 National Planning Policy Framework (NPPF)
- 9 National Planning Practice Guidance (NPPG)

## Planning History

- 10 13/003810/FUL: Retention of 3 no. pay and display ticket machines and associated advertisements for car park facility. Withdrawn 15.04.2014
- 11 14/02451/FUL: Change of use to car washing and valeting facility (Sui Generis). Refused 24.09.2014

## Consultations

### *Swanley Town Council:*

- 12 'No comments'.

### *Kent County Council (Highways):*

- 13 'Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority'.

## Representations

- 14 Notification letters were sent to the occupiers of 79 commercial and residential properties surrounding the site. A press notice was published on 23.06.2014 and a site notice was displayed on 27.06.2014. The statutory consultation period ended on 20.07.2014.
- 15 5 objections received, including from employees of The Oaks Surgery and Child Health Clinic and from the Chairman of Patient Voice. Summary of objections below:
- Recreation ground and car park left to Swanley by the Hart Dyke family and their intention for parking to be free should be honoured;
  - Difficult for patients visiting surgery to know how long they will be, often leading to overpayment;
  - Unreasonable that staff of surgery on low incomes have to pay to park;
  - Money taken should be put back into the local community.

## **Chief Planning Officer's Appraisal**

### Principle of development

- 16 It is important to note that the site comprises an existing car park within Swanley town centre and that no planning controls exist to prevent the introduction of parking charges by the landowner. Covenants like those understood to relate to the use of this site cannot be enforced through the planning system; the existence of planning permission will not override the authority of those benefitting from a restriction. Whilst the objections to the imposition of parking charges are acknowledged it is not a matter over which the Council as local planning authority has any jurisdiction. The parking machines comprise modest sized structures related to the established use of the land and do not raise any land use implications. The main issues therefore relate to:

- Design and impact on the character and appearance of the surrounding area; and
- Accessibility; and
- Safety and security.

*Design and impact on the character and appearance of the surrounding area:*

- 17 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Adopted policy EN1 of the SDLP and emerging policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 18 The development comprises three terminals, two of which are located within the first (eastern) car park and one within the last (western) car park. The terminals comprise modestly sized free standing structures of less than 2m in height and approximately 0.3m in width and depth. The proposed ramp would comprise a simple low level timber structure. Although located in isolated positions away from surrounding buildings the structures are considered to be compatible in terms of height and scale with other items of street furniture in the locality. The terminals and ramp would be acceptable when read in the context of surrounding bollards and street lighting and would not detract from the general character or appearance of the car park in accordance with relevant policy.

*Accessibility:*

- 19 The NPPF states that planning decisions should aim to ensure that developments create safe and accessible environments. Policy SP1 of the Core Strategy states that new development should create safe, inclusive and attractive environments and adopted policy EN1 of the SDLP and emerging policy EN1 of the ADMP state that proposed development should be inclusive and where appropriate make satisfactory provision for the safe and easy access of those with disabilities. Both the eastern and western car parks provide designated accessible parking bays for disabled users. Notwithstanding confirmation from the agent that blue badge holders are exempt from parking charges (for the first 3 hours), none of the signs displayed within the car park confirm this and when visiting the site I observed cars parked within accessible parking bays displaying pay and display tickets. On this basis it is considered reasonable to require the terminals to be inclusive to all and to make appropriate provision for those with disabilities in accordance with relevant planning policy.
- 20 As a minimum I consider that appropriate provision should include step-free access to the terminals. All three terminals are located on a raised island equivalent to pavement level and set away from the kerb edge such that they are not accessible from the road. Whilst there is one crossover facilitating step-free access to the two terminals in the first (eastern) car park, there is currently no crossover facilitating level access to the single terminal in the western car park. The proposed ramp would provide level access to the single terminal in that location. Subject to a suitable condition requiring it to be installed within 2

months of the date of the decision and for it to be maintained and retained thereafter the proposals are considered to be acceptable in this regard.

*Safety and security:*

- 21 The NPPF states that planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. As existing the car park is open 24 hours and parking charges apply at all times. It is not considered that use of the terminals poses any significant threat to the safety or security of people using them. Although the terminals are not individually illuminated, the car park as a whole is lit by street lighting and the terminals benefit from good levels of natural surveillance by reason of their central and prominent locations. The Council's Community Safety team has no records of reported anti-social behaviour in this location since 2006 and it is not considered that the development would have any impact on actual crime or fear of crime.

**Conclusion:**

- 22 The terminals are considered to be acceptable in terms of size and design and subject to an appropriate condition to require provision of the accessibility ramp the development would be inclusive and provide appropriate facilities for those with disabilities in accordance with the NPPF, policy SP1 of the Core Strategy, policy EN1 of the SDLP and emerging policy EN1 of the ADMP.
- 23 Recommendation: Approve subject to conditions.

Contact Officer(s): Matthew Durling Extension: 7448

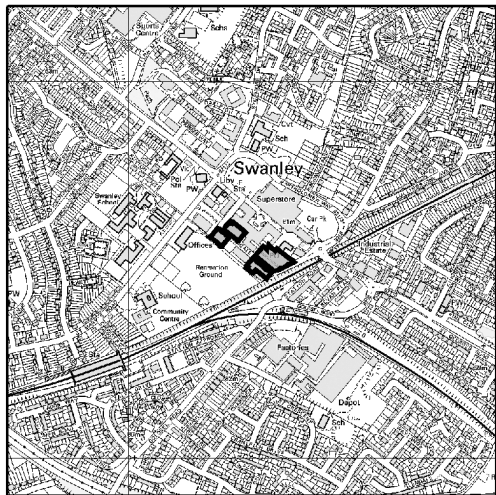
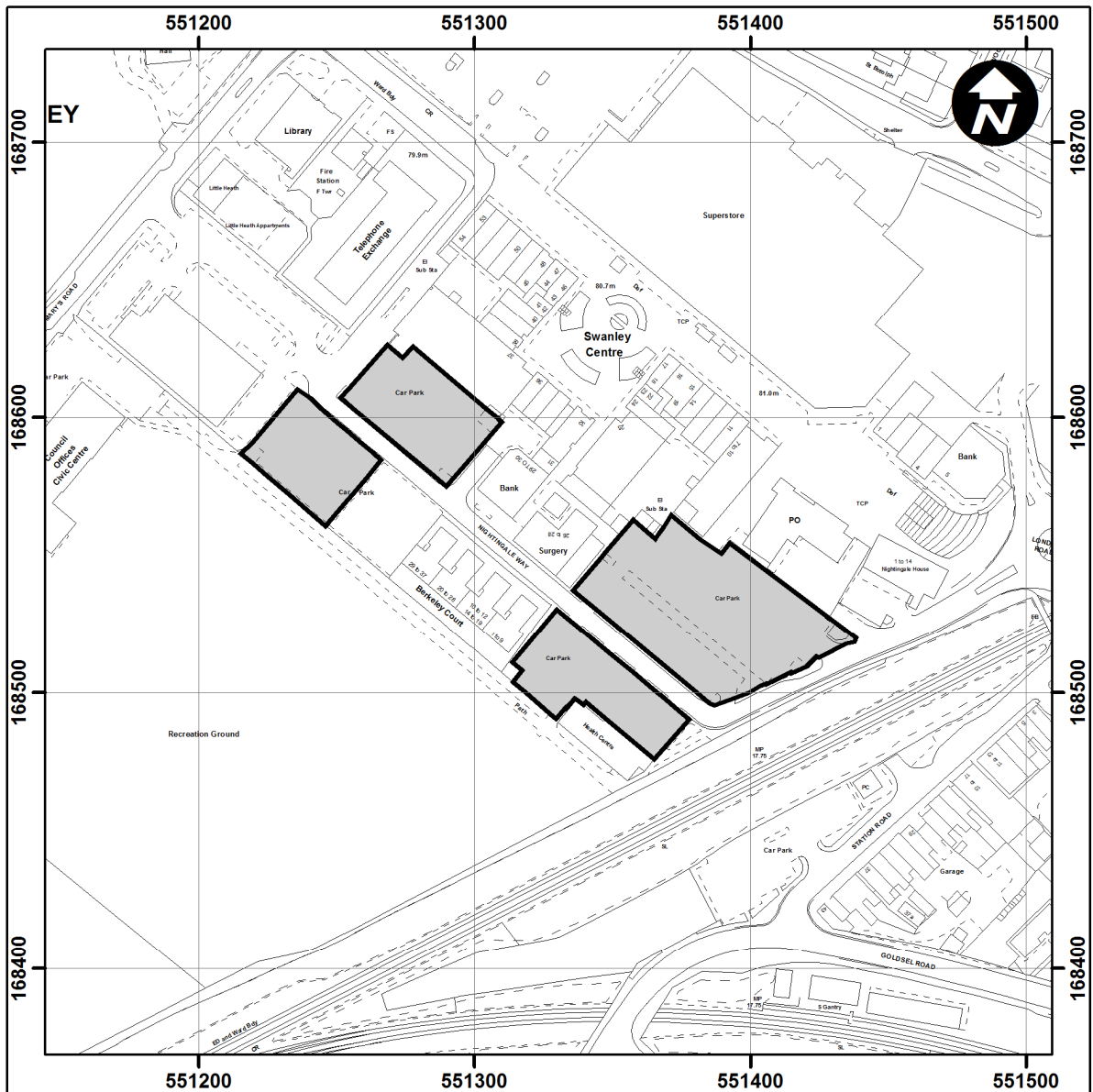
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MY3ICCBK8V00I>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MY3ICCBK8V00I>



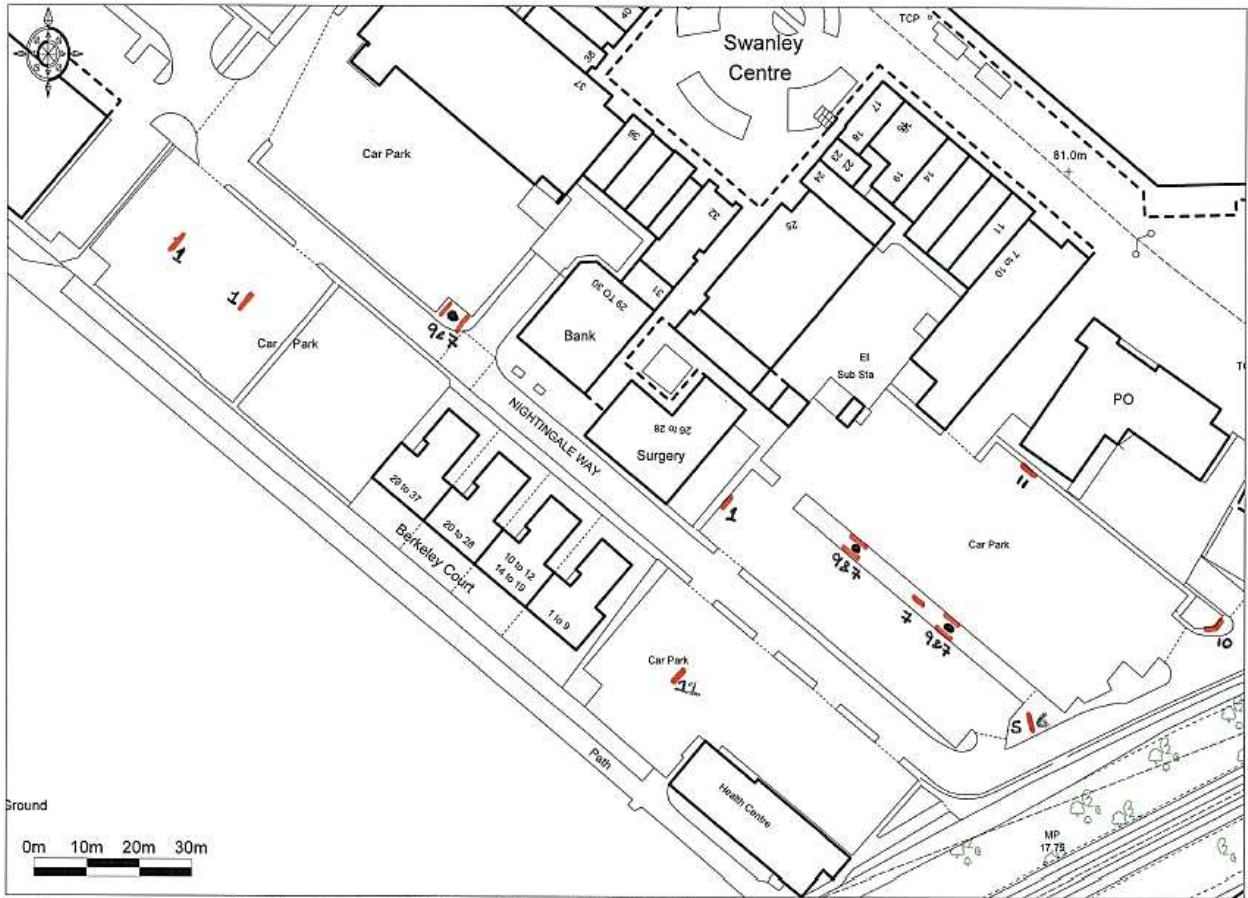
# Site Plan

Scale 1:2,500  
Date 01/04/2014



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# Block Plan



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- Pay and Display Machines
- Signage location and type.