
Cabinet Member for Business, Enterprise and Employment

18th January 2016

Name of Cabinet Member:

Cabinet Member for Business Enterprise and Employment – Councillor Maton

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Foleshill

Title:

Petition – Extra Car Parking Request – Eagle Street, Foleshill

Is this a key decision?

No

Executive Summary:

To respond to the petition requesting:

“Coventry City Council to release the freehold land located behind Eagle Street Play Centre to Jamia Mosque, Eagle Street to enable users to park cars and keep on street parking to a minimum.”

The petitioners request is primarily to permanently change the use of land from public open space to off street parking to deal with on street parking pressures associated with prayers at the Mosque on Friday lunchtimes. This would require planning permission for change of use and the declaration of this land as surplus to open space requirements, before it could be disposed of by the Council. Foleshill is under-provided for all types of greenspace and officers’ advice is that planning permission for a change of use and declaring the site surplus to requirements on the basis of lack of need is unlikely to be forthcoming. Therefore the Council is unlikely to be in a position to sell the land to the Mosque for off street parking and the Cabinet Member is recommended to refuse the petitioners request on this basis.

The Council does not have any other land in the vicinity of the Jamia Mosque that could be used to help with parking during busy prayer periods. The Council could assist the Mosque with off street parking at the nearest public car park, if they wanted to run a park and ride service at their expense.

At the request of the petitioner, this report was deferred by one Cabinet Member cycle, to investigate a proposal to de-adopt part of Eagle Street. The conclusion of this further investigation is that Highways officers would not be supportive because of impeded access to the school nursery and sports field and any proposal would be objected to by the adjacent school.

Recommendations:

The Cabinet Member for Business Enterprise and Employment is recommended to:

- 1) Receive and note the petition.
- 2) Refuse the petitioners request on the basis set out in this report.
- 3) Offer to help the Mosque with its parking pressures, through the use of public car parking if they wanted to run a shuttle service at their expense, during busy prayer periods.

List of Appendices included:

Appendix 1 – Site plan of identified location for car parking – Land rear of Eagle Street Play Centre, Eagle Street

Other useful background papers:

N/A

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Petition – Extra Car Parking Request – Eagle Street, Foleshill

1. Context (or background)

- 1.1 A petition bearing 293 signatures has been submitted by Cllr Abdul Khan, a Foleshill Ward Councillor, requesting that 'Coventry City Council release the freehold land located behind Eagle Street Play Centre to Jamia Mosque, Eagle Street to enable users to park cars and keep on street parking to a minimum.
- 1.2 The request for extra car parking spaces has been petitioned because Jamia Mosque worshippers are currently parking on the adopted footpath, 'double parking' and blocking each other's cars knowingly, when there is no available parking at the time of Friday prayers between 1.00pm - 2.30pm.
- 1.3 Approximately 700-800 worshippers are believed to attend Jamia Mosque regularly on Fridays and the petition was signed by residents and worshippers from across the city. The area surrounding Jamia Mosque is largely residential and adjacent to John Gulson Primary School and playing fields.
- 1.4 Due to the location of the Mosque, existing parking facilities is limited to on-street parking in surrounding streets and some off street parking under the Mosque's control. Residents and worshippers share the available spaces during the busy prayer times.
- 1.5 The land identified is currently held by the Council as public open space and managed as a small pocket park by Streetscene and Greenspace, Place Directorate (see Appendix 1). The pocket park has footpath links through the neighbourhood and a multi-use games area (MUGA) as well as grassed areas, trees and hedges. Adjacent to the public open space is John Gulson Primary School Playing Fields. The site is at the rear of Eagle Street Play Centre, an open access play centre used for afternoon and Saturday morning play sessions.
- 1.6 The Mosque previously requested the purchase of this land in 2005 if they could secure planning permission for a change of use. Provisional agreement was reached subject to the grant of planning permission but the proposal did not proceed to planning on land use or formally for approval. The land that the Mosque has identified would provide an additional net 17 parking spaces and is shown on the attached plan.
- 1.7 The change of use of the land to the rear of the Eagle Street play centre is essentially a planning issue. The Local Planning Authority if it received an application for such a change of use would have to balance the conflicting pressures of allowing permanent loss of green space in an area that is under provided with greenspace with those of providing additional off street parking to deal with parking pressure at Friday prayers. The Council's planning officers have been consulted on the proposal and their informal views are that unless there is the opportunity for significant compensatory improvement to the remaining greenspace in the area, then the loss of this greenspace in an area that is short of greenspace is unlikely to be recommended as it would be contrary to the Council's planning policies in this respect.
- 1.8 The Council's parking enforcement officers have been consulted about parking activities in the vicinity of the Mosque in the prior year. On street parking is lightly regulated in this vicinity with only double yellow lines at the junction of Eagle Street and Stoney Stanton Road where regular complaints are received. In the year September 2014-August 2015, 103 Penalty Charge Notices were issued in Eagle Street and George Street for on street parking offences. Only 20% of these were issued on a Friday, and most of these were for double parking or parking on single or double yellow lines.

- 1.9 The Council's Streetscene and Greenspace officers have been consulted and have informed that the pocket park is well used by members of the local community, to play sports in the games area or on the grass and also to walk their dogs and relax. The pocket park provides much needed greenspace in Foleshill which is deficient in all types of greenspace within the Ward. Officers would not support the application for the Mosque to acquire this land for off street parking and believe this could set a precedent for requests to purchase other areas of greenspace in areas of where greenspace is under pressure.
- 1.10 The Council's education officers have been consulted on whether any of the school playing fields could be released for parking. They have indicated that the school playing fields are under sized for a school of John Gulson's size and that when the school was expanded in 2011, the school were required to prepare a School Travel Plan because of the limited parking facilities in the area.
- 1.11 No external consultation with local residents has been undertaken about the mosques proposal.
- 1.12 The Council owns no other sizeable parcels of land nearby to offer the Mosque to create alternative off street parking provision for its worshippers on Friday lunch times.

2. Options considered and recommended proposal

- 2.1 Option 1 – Developing the land to rear of Eagle Street Play Centre for car parking
- 2.2 The Cabinet Member cannot make a decision on the petitioners request to purchase the public open space in the absence of a planning permission for a change of use and a service declaration that the land is surplus to requirements. The informal planning officer advice is that a change of use is unlikely to receive planning permission. Informal officer advice from Streetscene and Greenspace is that it would not support releasing this land from public open space use. Nonetheless, if the Cabinet Member is minded to support the request the following steps would need to be taken. The petitioners would need to submit a planning application, which would expose their proposal to public consultation. If this was successful the Cabinet Member for Culture, Leisure, Sports and Parks would be invited to declare the land surplus to requirements. The disposal of public open space is subject to a requirement that the proposed disposal is advertised and if objections received to the disposal these need to be considered before a disposal can take place. If all of these steps are achieved and the Council is free to dispose, then the disposal value needs to be agreed at a level that represents best consideration in accordance with the Local Government Act 1972. In any event Council officers would advise against a freehold disposal and would recommend a leasehold disposal as a means of controlling the proposed use. The costs associated with making a planning application, any planning mitigation measures, advertising, laying out and fencing the site, disposal value and fees would have to be met by the Mosque.
- 2.3 Option 2 – Alternatives to meeting the petition request.

If the Cabinet Member is not minded to support the disposal and conversion of open space to parking, the only alternative that the Council can assist the Mosque with, is to consider using the nearest off street public car parks to provide dedicated spaces at the prevailing tariff, and the Mosque to operate a bus shuttle at their expense between the Mosque and the car park during the period of worship. The nearest public car park is in Leicester Row. If this is not acceptable to the Mosque, the Mosque needs to recognise that it occupies a constrained site with limited nearby parking to support it.

2.4 Option 3 – De-adopting part of Eagle Street

2.5 The petition lead also asked Council officers to consider the possibility of Highways supporting the de-adoption of a section of Eagle Street. Subsequently, officers investigated if this could be at all possible by liaising with Highways, John Gulson Primary School and Education.

2.6 There were strong reservations from the school to this proposed de-adoption because it would impact the nursery which uses the access from the proposed de-adopted Eagle Street on a frequent and daily basis, it would also impact the pedestrian access to the adjacent primary school sports field. Highways officers would not be supportive of any application to de-adopt part of Eagle Street.

3. Results of consultation undertaken

3.1 A site meeting was held with the lead petitioner and discussion highlighted the need for extra car parking in this location, for the reasons outlined earlier. Internal consultation only has been undertaken with relevant Council officers only. No external consultation has been undertaken on the Mosques proposal. The identified site was discussed in brief and it was agreed that further investigations and Cabinet Member report was necessary.

3.2 A meeting was arranged with the school to discuss the petition and proposal to de-adopt part of Eagle Street. The school made it very clear that they would not compromise the safety of the children by supporting an application to change the use of Eagle Street.

4. Timetable for implementing this decision

4.1 Not applicable at this stage.

5. Comments from Executive Director of Resources

5.1 Financial implications

There are no financial implications for the Council with this report at this stage. Any future financial implications resulting from consideration of the issues will be the subject of a separate report.

5.2 Legal implications

In line with the Council's procedure for dealing and responding to petitions bearing 5 or more signatories the Council is required to inform the public on how it plans to deal with the petition

If the Council were to agree either a freehold disposal or a leasehold disposal of the land to the Mosque there legal implications identified within the report, namely:-

Officers would need to be satisfied that the Council obtained the best consideration reasonably obtainable for the disposal of the land in accordance with the requirements set out in S.123 of the Local Government Act 1972.

The land is currently held as public open space and in turn pursuant to the requirements under S.123 (1) of the Local Government Act 1972, a notice would need to be placed in the Coventry Telegraph, for two consecutive weeks, advising that the Council is seeking to

dispose of the land. The Council would be obliged to consider any objections received in response to the notice.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The balance between loss of greenspace and increase of parking will be determined through the planning process as the most sustainable outcome.

6.2 How is risk being managed?

No risks have been identified

6.3 What is the impact on the organisation?

The impact to the organisation will be minimal however; it may generate additional work for colleagues in Resources Directorate (Legal Services) if a sale contract is administered.

6.4 Equalities / EIA

No equality impact assessment has been carried out as the recommendations do not constitute a change in service or policy.

6.5 Implications for (or impact on) the environment

If approved, the environmental impact would mean less vehicle traffic on the adopted footpaths but at the expense of loss of greenspace.

6.6 Implications for partner organisations?

None

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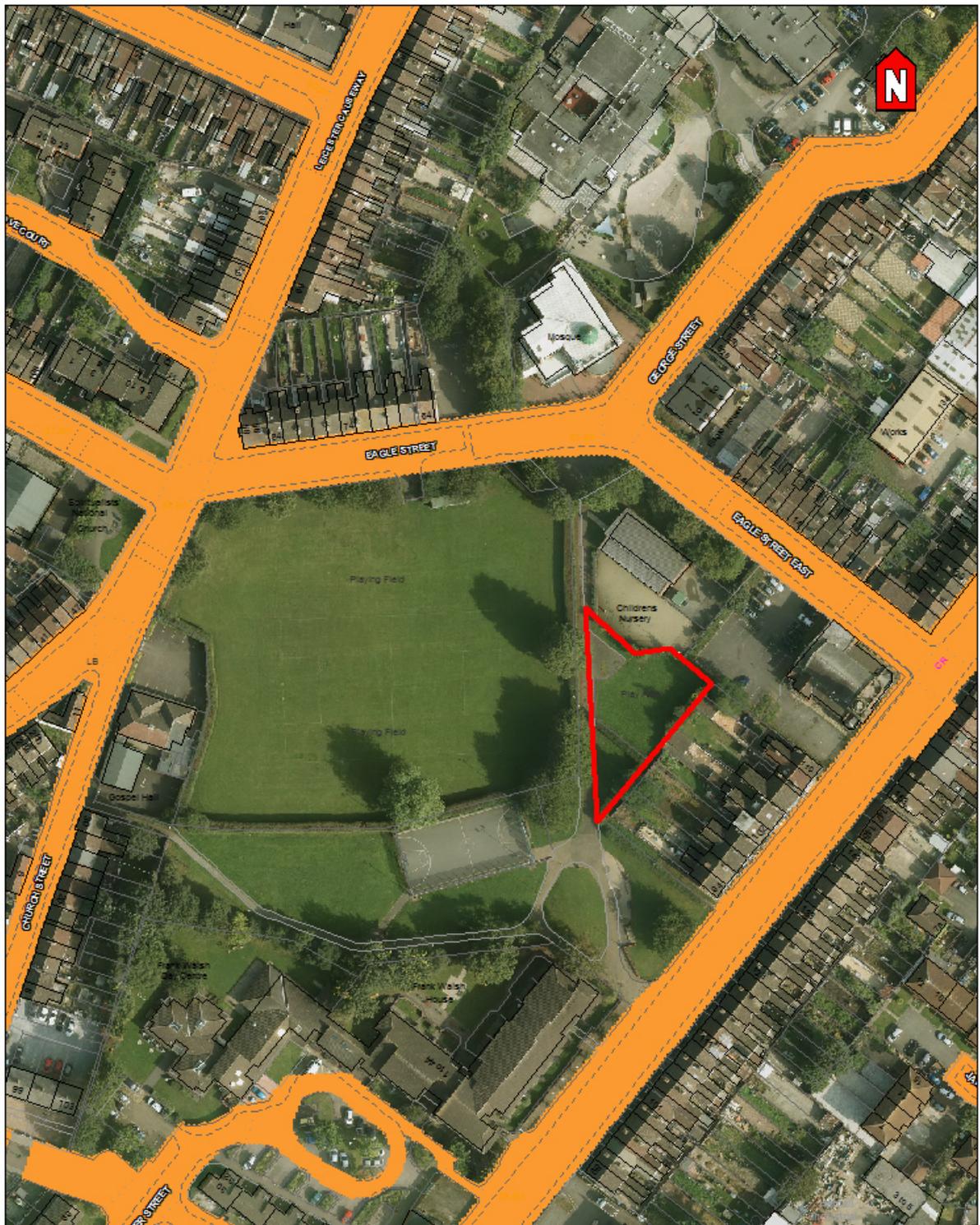
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Appendices



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Eagle Street, Foleshill

Scale NTS Drawn by AW Date 04.11.2015

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