

Full planning permission is sought to vary condition 2 of planning permission 23/00350/FUL to show a reduction in parking spaces from 47 to 17.

The site lies within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map. Chemical Lane predominantly consists of employment development (B1, B2 and B8 uses). The boundary between the Borough and Stoke-on-Trent City Council is to the east of the application site, along the West Coast Main railway line.

**The 13 week period for determination of the planning application expires on 15<sup>th</sup> May 2024.**

### **RECOMMENDATION**

**REFUSE** for the following reason:

The proposed development would result in a significant shortfall of parking spaces for vehicles within the curtilage of the site. This would therefore result in the potential overspill of vehicles parking within the designated service yard/manoeuvrability areas and within the public highway resulting in the increased likelihood of highway danger occurring. The development is therefore contrary to Policy T16 of the Newcastle-under-Lyme Local Plan 2011 and the guidance and requirements of the National Planning Policy Framework 2023.

### **Reason for Recommendations**

The changes to the site layout would result in a significant reduction in parking provision which is not considered to be sufficient to serve the level of B2 general industrial floor space within the site. This reduction in parking would therefore give rise to increased risks of on street parking from the overspill of vehicles and this in turn would present an unacceptable highway safety concern for motorists, pedestrians and cyclists.

### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

The applicant was made aware of the concerns raised in respect of the application and afforded an opportunity to comment on or potentially to address these issues. However, no further correspondence has been received and so the applicant has failed to address the concerns of the Council. Therefore the development cannot be considered a sustainable form of development and the application must be refused.

### **Key Issues**

This proposal seeks full planning permission to vary condition 2 of planning permission 23/00350/FUL to show a reduction in parking spaces from 47 to 17.

The sole issue to consider in the determination of the application is the impact on parking and highway safety.

Paragraph 114 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Policy T16 of the Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem.

## Classification: NULBC UNCLASSIFIED

Planning permission was granted under application reference 22/00467/FUL for the erection of a new industrial unit with a gross floor area of 1128 square metres. 47 parking spaces were provided within the curtilage of the site split across two car parks, one forward of the existing industrial building and one to the rear. This level of parking was compliant with the standards set out within the Local Plan and the Highway Authority raised no objections.

This application is now seeking to revise the layout of the site and associated parking spaces. The car park forward of the existing industrial unit is to be removed entirely. This would leave one car park to the rear of the new unit which would have 17 spaces. Within their submission the applicant has stated that this reduction in parking spaces coincides with a change in the operations of the business and the associated staffing numbers.

They state that the original planning application was originally for 50 members of staff in the building, plus an assumed number of 20 within the existing building which at the time was to remain. A subsequent variation of condition application (reference 23/00350/FUL) changed several design elements of the building which included the re-orientation of the office space and removal of a large number of office desks. These changes would reduce the number of office staff from 35 to 15 and warehouse staff dropping from 15 to 5. Therefore the applicant considers that the total number of staffing on site would now be 20, and on that basis the level of parking provided would be commensurate with the operations of the business.

In reviewing the submission, the Highway Authority (HA) considers that the reduction in parking spaces, when assessed against the scale and floor area of the approved B2 industrial uses both in the new and existing building is a significant shortfall below the Newcastle-under-Lyme Parking Standards, and that this raises a highway safety concern.

Further clarification from the HA states that the parking standards are based on the gross floor area of the building and that the position regarding staffing numbers is not robust to support the relaxation of the parking standards as proposed. In addition, Chemical Lane is of poor condition and geometry, where on street parking is already an issue in places and therefore a potential significant overspill of parking onto the highway would raise an unacceptable highway safety concern. Therefore the HA object to the proposed revisions.

Paragraph 112 of the NPPF states that maximum parking standards for non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework).

The standards outlined within Local Plan appendix Table 3.2 are maximum standards and so it has to be accepted that these standards are not fully compliant with the provisions of the NPPF. It is accepted therefore that some shortfall below these standards may not necessarily result in highway safety issues. However, this application site is host to two general industrial buildings. The building approved by planning permission 23/00350/FUL has a floor area of 1128 square metres. The other existing building on site, which has been retained and therefore has an extant use, has a floor space of 1562 square meters. Therefore, accounting for a worst case scenario here there is a total of 2,690 square metres of operational general industrial space that would only be served by 17 parking spaces.

Whilst the applicant has outlined that due to their personal business model additional parking would not be required, the Local Planning Authority must consider the use class of the building and total floor area that can be utilised. A different operator could take ownership or occupation of the buildings at any given time in the future that may operate the buildings to their full capacity, which would leave a significant shortfall in parking spaces. Therefore given that there is not sufficient parking within the site, this gives rise to an increased risk of vehicles parking directly on Chemical Lane. Chemical Lane is a relatively narrow road serving a number of industrial and commercial units. There are no parking restrictions on Chemical Lane and it is not uncommon for vehicles to park on the highway in association with the business present there. As a result, there is a further risk that overspill parking, given the severe shortfall in parking from the application site, would present a highway safety issue.

## Classification: NULBC UNCLASSIFIED

Therefore in light of the above, it is considered that the proposed development would result in a significant shortfall of onsite parking to serve the industrial use. As a result this would pose as an increased risk to highway safety of vehicles, pedestrians and cyclists on Chemical Lane by virtue of additional vehicles having to park within the highway. As a result the proposed development is contrary to the policies of the Development Plan and the aims and objectives of the National Planning Policy Framework.

### Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

## APPENDIX

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP3: Spatial principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy T16: Development – General Parking Requirements

### **Other Material Considerations include:**

[National Planning Policy Framework \(NPPF\) \(2023\)](#)

[Planning Practice Guidance \(NPPG\) \(2019\)](#)

### Relevant Planning History

22/00467/FUL - Erection of Industrial Unit – Permitted

23/00350/FUL - Variation of condition 2 of planning permission 22/00467/FUL to substitute the approved plans with revised plans to amend the design – Permitted

23/00554/FUL - Demolition of Newspaper House and Erection of Warehouse – Withdrawn

### Views of Consultees

**The Highway Authority** object to the proposed development as it fails to provide adequate provision for the parking of vehicles within the site curtilage resulting in the potential overspill of vehicles parking within the designated service yard/ manoeuvrability areas and within the public highway resulting in the increased likelihood of highway danger occurring.

### Representations

None received.

### Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00086/FUL>

### **Background Papers**

Planning files referred to  
Planning Documents referred to

### **Date report prepared**

1<sup>st</sup> May 2024