

**The Application** is for the change of use from a residential care home (use class C2) to day care centre (use class D1) with ancillary overnight respite care (use class C2), and associated car parking.

The site lies within the Urban Area of Newcastle under Lyme as identified on the Local Development Framework Proposal Map.

The application is accompanied by a request from the applicant for the removal of an agreement entered into under section 52 of Town and Country Planning Act 1971 (a precursor of a section 106 obligation). The agreement relates to a planning approval granted in 1987 for a side and rear extension to the residential care home and the formation of a car park (ref. no. N15678). The purpose of the agreement is to ensure the land opposite the residential care home is used for a car park associated with the care home.

**The 8 week determination for the planning application period expires on 18 January 2013.**

### **RECOMMENDATIONS**

**(a) Permit subject to conditions relating to the following matters:**

- (i) Standard Time limit condition.**
- (ii) Approved plans/drawings/documents.**
- (iii) Approval of all external facing to the proposed retaining walls and surfacing materials.**
- (iv) The proposed car parking area to fully implemented and available for use prior to development being brought into use.**
- (v) Any other appropriate conditions as recommended by the Highway Authority.**

**(b) That the applicant be advised that the local planning authority is willing to discharge the Section 52 agreement subject to the implementation and the making available the revised parking arrangement at Allendale House as being recommended above in (a).**

### **Reason for Recommendation**

The proposed use of the premises is considered acceptable and the revised proposal relating to the provision of an alternative parking arrangement which provide an adequate level and safety of parking and servicing. The proposal accords with the provisions of the development plans and there are no other material planning consideration that would justify refusing the proposed development.

### **Statement as to How the Local Planning Authority has Worked in a Positive and Proactive Manner in Dealing With This Application**

Following the withdrawal of the previous application, the Council has engaged with the applicant to secure amendments to ensure that adequate and accessible parking spaces are provided. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the National Planning Policy Framework.

### **Policies and Proposals in the Approved Development Plan Relevant to This Decision:-**

#### West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy UR3: Enhancing the Role of City, Town and District Centres

#### Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (SSSP)

Policy D1: Sustainable Development  
Policy D2: The Design and Environmental Quality of Development  
Policy T1A: Sustainable Location  
Policy T13: Local Roads

## Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Strategic Aim 3 Reduce the need for travel, improve accessibility and increase opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure and the progressive provision park and ride and facilities to promote walking and cycling

Policy SP2: Spatial Principles of Economic Development

Policy CSP10: Planning Obligations

## Newcastle under Lyme Local Plan 2011 (LP)

Policy T16: Development – General Parking Requirements

Policy T18: Development – Servicing Requirements

Policy C22 Protection of Community Facilities

## **Other Material Considerations Include:**

### **National Planning Policy Framework (March 2012)**

Circular 05/2005 Planning Obligations

Manual for Street

### **Relevant Planning History**

1984	N13371	Change of use to a rest home for the elderly - permit
1985	N14280	Alterations to roof space to form staff restrooms – permit
1986	N15161	Single storey extension to form bedroom – refuse
1987	N15678	Extensions and formation of car parking area – permit
1988	N17409	Bay window – permit
1989	N18190	Two dormer windows – permit
2004	04/00535/FUL	Alterations and extensions to provide additional single bedrooms and ensembles – permit
2005	05/00166/FUL	Alterations and extension to provide additional single bedrooms and ensembles -permit
2006	06/01121/FUL	Rear conservatory – permit
2008	08/00068/FUL	Extensions and alterations including demolition of bungalow at the rear – refuse
2008	08/00883/FUL	Extensions and alterations including rebuilding of bungalow of bungalow at the rear – permit
2012	12/00504/FUL	Change of use from a residential care home (use Class C2) to day care centre *use Class D1) with ancillary overnight respite care (use Class C2) and associated car parking

### **Views of Consultees Relating Planning Application 12/00710/FUL**

**Police Architectural Liaison Officer**, when commenting upon the previous application 12/00504/FUL, had no objections to the proposal commenting on the previous application.

The views of **Highway Authority** are awaited and will be reported on the advanced supplementary report or at your meeting.

### **Views of Consultation Carried Out Relating to the Request to Discharge the Section 52 Agreement**

The views of **Highway Authority** are awaited and will be reported on the advanced supplementary report or at your meeting.

## **Representations**

A letter of objection has been received raising concerns regarding highway safety, on street parking issues, Milehouse Lane being used as a short cut, increase in traffic and noise.

## **Applicant/Agent's Submission**

The submission is supported by:

### **(i) Planning, Design and Access Statement**

- **Introduction** to the proposal including details of the current residential care home use, advising the existing use has a capacity to care for 17 elderly persons and that an existing day care centre in Stoke on Trent has been closed.
- Description of the **Site and Surroundings**.
- **The Planning History**.
- **Design and Access Statement** provides information under the following headings :-
  - Use and Amount** – the proposed use would provide a day care centre for young adults (18+). The young adults would be physically disabled or have moderate learning difficulties, and the facility would provide them with independent living, social and community skills. The premises would offer up to 15 spaces per day and these would be booked and planned in advance.

The users would be dropped off by mini bus at 0900 hours and collected at 1600 hours Monday to Friday. The further session is being proposed on Friday evening 1800 hours to 2130 hours. Overnight respite would be made available for 5 persons (for those who attend the Friday Evening session) from Friday evening to Monday morning, thereby the use would be a 24 hours over these periods.

Staffing number would remain the same as the existing use being five full time staff including the applicant.
  - Layout and Landscaping** – No changes are being proposed for the external design of the building, changes are being proposed to the access and forecourt at front of the application building providing 4 no. car park space and an area for a minibus to drop off visitors. This arrangement would have a separate entrance and exit.
  - Scale** – remains the same as the existing
  - Siting and Access** – remains the same as the existing with the exception of alterations proposed for the vehicular access and parking arrangements.
- **Relevant Planning Policy**.
- **Key Issues** – advising these would be the principle of the proposal, residential amenity and impact on the highway network/car parking provision including consideration of the removal of the Section 52 Agreement.

### **(ii) Car Parking Demand Review report prepared by a Transport Consultant**

- **Car Parking Demand Assessment** which was carried out over two days in July 2012 and identifies the availability of a number of on street parking spaces in the vicinity of the application site.
- **Allendale House Parking Areas Assessment** advising the car parking area, which is subject to the section 52 agreement is not currently in use and hasn't been since the applicant took over the management of the residential care home some 10 years ago. The parking area directly in front of Allendale House can accommodate approximately eight vehicle however there is no turning facilities in this area and as such vehicles can not enter and exit in a forward gear.
- **Existing use of Allendale House Assessment** this advises none of the resident own vehicles and a total of 5 full time staff are currently employed who do not drive to work and gain access to work by either as a passenger in vehicles, public transport users and pedestrians, therefore no staff parking is required. This also identifies visitors to the site are medical practitioners, beauty technicians or family or friends visiting residents. An assessment has been undertaken of the visitor log book to the premises over a month period and this identifies that an average of 4 visitors arrive at Allendale House per day.

- **Proposed use of Allendale House Assessment** this advises this proposed use would not have ad hoc visitors to the site. The existing staff would be retained and as such no staff parking would be required. Visitors to the site would be brought in by minibus each day and the minibus would be kept off site.
- **Alterations to the site frontage** this advises the amendment would improve facilities for the operation of the site including an in/out arrangement
- The **summary/conclusion** advises that the existing or proposed use does not create the demand for parking requirements and as such the area of land opposite the site section 52 land is not required for parking and therefore the Section 52 should be revoked.

These documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/AllendaleHouse](http://www.newcastle-staffs.gov.uk/planning/AllendaleHouse)

### **Key Issues**

This application is a resubmission of a previously withdrawn application for a similar proposal. The previous application was reported to Committee on 2 October, 2012, when Members resolved to grant permission subject to conditions including one which required the use of the existing car park area at the corner of Milehouse Lane and Kings Avenue. Members also resolved to reject the request to discharge the section 52 agreement as a result of the planning condition proposed on the planning application. Prior to the issue of the planning approval the applicant's agent withdrew the application.

Given that the previous application established the principle of the use and that it did not adversely harm the residential amenity of adjacent occupiers, and given that there have been no changes in planning policy which would result in a different conclusion, the key issues in the determination of this application are:

- Highway issues.
- Whether the section 52 agreement should remove or altered.

### **Highway issues**

The previous submission indicated the provision of 4 car parking spaces on the forecourt area of Allendale House, however, the Highway Authority objected to this proposal due to the parking spaces provided were not adequate in size (the submitted details indicated the 4 parking spaces as being 4.1 metres by 1.7 metres whilst the minimum dimensions of a parking space should be 4.8 metres by 2.4 metres and if parallel parking spaces, as proposed, 2 metres by 6 metres). As such, given that the intention was to lose the car parking area opposite, the Highway Authority considered that the proposal failed to make adequate provision for the parking of vehicles for the proposed use resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. The Highway Authority considered that any amendment to the parking spaces to ensure that they were of a standard size may have resulted in inadequate space being available for the mini bus to access and exit the site in a forward gear when dropping off users and that this would result an increase in the likelihood of highway danger due to drivers having to manoeuvre out in Milehouse Lane. Finally they expressed concern that the proposed gradient of the access was too steep.

Whilst the proposed parking was considered inadequate it was recommended that planning permission be granted subject to a condition which required that the car parking area opposite Allendale House was retained for use in association with the use of the property. As indicated above the application was withdrawn prior to the issue of the planning approval.

Since the withdrawal of the planning permission discussions have taken place with the Highway Authority and local residents regarding the proposal and amended parking arrangements are proposed within this application.

Appendix 3 to the LP indicates that for a day care centre the maximum car parking standards are 1 space per 4 people, which in this case equates to 4 parking spaces. The surrounding area is predominately residential with a mix of on and off street parking provision. The on street parking is provided in parallel parking bays adjacent to the public carriageway. The representations received indicate that there are problems associated with on street parking in the locality and in view of this concern it is considered necessary that an appropriate number of parking spaces are secured.

The residential care home at Allendale House has been operating for a number of years, following the granting of planning permission in 1984, since then the site has received planning approval for a number of alterations and extensions, however, a number of these have not been implemented and have subsequently lapsed. One proposal which was granted planning permission in 1987 and subsequently implemented involved rear and side extension and the formation of a car area opposite the site, on the corner of Milehouse Lane and Kings Avenue. This approval was granted following the completion of a Section 52 Agreement under the Town and Country Planning Act 1971. The Agreement sought to secure the laying out and surfacing of the car park area and its subsequent maintenance as such and to ensure that the site remained in same ownership as Allendale House for normal car parking purposes by owners or staff and visitors.

It has been stated in this submission the car park area secured by Section 52 Agreement has not been used for car park purposes for a period of 10 years until recently when the car park has been made available for use.

With the current application it is proposed that the required car parking and associated vehicle movements are contained within the site of the Allendale House, with three spaces on the site frontage and one space to the rear of the property served off the existing driveway which also provides access to the applicant's residential property. The forecourt area is currently used as an informal parking area, however, it has no turning facilities and is currently served by a single access and as such vehicles cannot enter and exit in a forward gear. The submission provides an additional access point that would then provide a vehicular entrance and a separate egress.

This proposal also involves the reduction in the ground levels of the forecourt to overcome access gradient concerns; this will involve the construction of internal retaining walls adjacent to the property as well as underpinning the foundations.

Whilst the views of the Highway Authority are awaited it is understood they are generally supportive of the approach taken in this application. In light of this it is considered that the applicant has demonstrated that adequate parking provision can be secured on the site of Allendale House which can be safely accessed.

#### Removal of the Section 52 Agreement

The applicant has requested that the Local Planning Authority consider removing the Section 52 Agreement on the grounds that the existing and proposed uses no longer generates the demand for amount of parking and/or any parking requirements can be met on the site of Allendale House.

As indicated above the proposal for the change of use of the property can now provide a suitable level of safe parking and servicing on the site of Allendale House, therefore the request to remove the Section 52 Agreement could be agreed. However, before the Local Planning Authority discharges the agreement the parking provision detailed within the application should be provided in accordance with the approved details. As such it is recommended that the agreement stay in place and the area of land is maintained and remains available for parking until a time when the LPA are satisfied alternative parking arrangements are available for use.

#### **Background Papers**

Planning files referred to

Planning Documents referred to

#### **Date Report Prepared**

7 December 2012