

PLANNING APPLICATION NUMBER:P08/1926

Type of approval sought	Full Planning Permission
Ward	HAYLEY GREEN & CRADLEY SOUTH
Applicant	Mr Jamie Rexworthy
Location:	THE STOCKINGS REST HOME, 25, LUTLEY LANE, HAYLEY GREEN, HALESOWEN, B63 1EH
Proposal	CHANGE OF USE FROM RESIDENTIAL CARE HOME (C2) TO CHILDRENS DAY NURSERY (D1). RESUBMISSION OF REFUSED APPLICATION P08/1461.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application relates to an existing residential care home, formerly a dwellinghouse, located at the end of a frontage of residential dwellings
2. The property is a modern detached building, which has undertaken a number of extensions to the front, side and rear. A gravel driveway is located to the frontage of the site, with separate access and egress points.
3. The driveway runs along the south of the property, leading a detached bungalow erected in circa 1998 to the rear of the main residential care home. Beyond this there is allocated parking for the bungalow and private gardens.
4. Part of the garden is allocated within the Green Belt. Beyond this to the west of the site, there is a horse paddock, which falls within a wider countryside setting. There is also grazing land to the north of the application site.
5. Willow brook is a large detached dwelling which adjoins the southern boundary, this has quite an extensive L-shaped garden running parallel with the application site and wrapping around several other properties on Lutley Lane. Part of this garden is allocated as a Sites of Local Importance for Nature Conservation.
6. Directly opposite the site, there is an established residential estate, in particular the gable end two dwellings located at the end of Mendip Road (cul-de-sac) face toward the application site.

PROPOSAL

7. This application is a resubmission of previously refused planning application P08/1461, and seeks approval for a change of use of the property from residential care home (C2) to a children's day nursery.
8. Supporting information has been submitted outlining that;
 - There would be 9 members of staff employed at site (5 full time and 4 part time)
 - Up to 50 children would be accommodated in the building
 - Proposed hours: 7.00am to 7.00pm Monday to Fridays
 - 17 parking spaces to the frontage
9. The main amendment to this application is the provision of a central point of access/agrees to overcome concerns with an inadequate visibility splay.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P08/1461	CHANGE OF USE FROM RESIDENTIAL CARE HOME (C2) TO CHILDREN'S DAY NURSERY (D1)	Refuse	07/11/08
P08/0506	CHANGE OF USE FROM RESIDENTIAL CARE HOME (C2) TO CHILDREN'S DAY NURSERY (D1). (RESUBMISSION OF REFUSED APPLICATION P08/0167)	Refuse	20/05/08
P08/0167	CHANGE OF USE FROM RESIDENTIAL CARE HOME (C2) TO CHILDREN'S DAY NURSERY (D1)	Refuse	13/03/08
P04/1774	ERECTION OF SINGLE STOREY EXTENSION TO CREATE AN OFFICE.	Approved with conditions	22/10/04
P00/50856	CHANGE OF USE FROM DWELLING HOUSE AND GROUND FLOOR EXTENSION TO FORM EXTENSION TO EXISTING RESIDENTIAL CARE HOME.	Approved with Conditions	27/07/00
98/50891	ERECTION OF DETACHED BUNGALOW.	Approved with Conditions	10/09/98
95/50883	TWO STOREY AND SINGLE STOREY REAR EXTENSIONS TO PROVIDE 10 ADDITIONAL BEDROOMS AND ANCILLARY ROOMS, AND ASSOCIATED	Approved with Conditions	16/11/95

	PARKING.		
88/51601	CHANGE OF USE TO RESIDENTIAL CARE HOME AND ERECTION OF 2 STOREY EXTENSION.	Approved with Conditions	20/10/88
CC/78/1851	ERECTION OF HOUSE AND GARAGE.	Approved with Conditions	14/12/78
CC/77/2213	ERECTION OF DETACHED DWELLINGHOUSE.	Approved with Conditions	20/11/78

10. The most recent planning application was refused on the following ground;

- *The proposed use would be detrimental to highway and pedestrian safety in the vicinity of the site, due to utilising an inadequate visibility splay jeopardising egress arrangements to/from Lutley Lane. As such the proposal is contrary to Policies DD4 - Development in Residential Areas and Policy DD6 - Access and Transport and Infrastructure of the Unitary Development Plan.*

11. Prior to this, planning application (P08/0506) was refused on the following grounds;

- *The proposed use would be detrimental to highway and pedestrian safety in the vicinity of the site, due to utilising an inadequate visibility splay jeopardising egress arrangements to Lutley Lane. As such the proposal is contrary to Policies DD4 - Development in Residential Areas and Policy DD6 - Access and Transport and Infrastructure of the Unitary Development Plan.*
- *The lack of an undertaking to make a contribution towards Transport Infrastructure Improvements would result in an increase in the demand on local transport infrastructure with no compensation or enhancement, thus resulting in harm to the wider community around the site, and is therefore contrary to the requirements of UDP Policies DD7 - Planning Obligations and the Planning Obligations SPD.*

PUBLIC CONSULTATION

12. Direct notification was carried out to all adjoining and adjacent premises as a result of which 13 letters of objection were received, concerns/suggestions are summarised as follows;

- Increase of vehicles coming into/out of drive and increased traffic and parking on Lutley Lane would cause highway danger on highway, both to pedestrians and vehicular users. Horse and riders also use road.
- Parking on street would impede use of driveways of existing properties
- Adequacy of on-site parking is questioned - will increase parking on adjacent roads, e.g. Mendip Road and Birley Grove
- The surrounding area has been for many years, primarily agricultural and residential.
- Noise and additional traffic movement of a Day nursery catering for 50 or so children would be detrimental to the locality.
- Accidents would increase in Lutley Lane.
- Proposal will affect public transport due to position of bus stop next to and opposite the entrance to 25 Lutley Lane
- There is adequate provision of nurseries in this area

13. Suggestions are summarised as follows;

- Opening hours should be no earlier than 8.00am and no later than 6.30pm
- Should be maximum of 25 children for first 12 months
- No outside playground
- Council has never undertaken traffic surveys along Lutley Lane.
- Lutley Lane should be improved to cater for additional traffic
- Drive should be tarmaced to reduce noise
- No parking of vehicles outside applicants area.

OTHER CONSULTATION

13. The Head of Environmental Health and Trading Standards: raises no objection, subject to a condition limiting opening hours.

14. The Group Engineer, Development: raises no objection, subject to a condition regarding the parking layout.

RELEVANT PLANNING POLICY

15. Adopted UDP (2005)

Policy DD4 – Development in Residential Areas

Policy DD6 – Access and Transport Infrastructure

Policy AM14 – Parking

Policy S14 – Community Development

Policy CS3 – Community Facilities

Policy SO1 – Green Belt

Policy DD7 – Planning Obligations

16. Supplementary Planning Documents

Parking Standards and Travel Plans

Planning Obligations

ASSESSMENT

17. The key issues in determination of this application are the impact upon;

- Character and appearance of the area
- Residential amenities of nearby occupiers
- Highway safety, and
- whether provision is made for a contribution toward Highway Infrastructure Improvements

Impact upon character and appearance of the area

18. Policy S14 outlines that the Council will assist in the maintenance of local communities through the promotion of such areas as communities, education and health and social care services, which meet the needs of local people and are easily and safely accessible to all.

19. Policy DD4 suggests that non-residential development will be allowed where amongst other things, there would be no adverse impact upon the character of the

area; the scale, nature and intensity of use of the proposed development would be in keeping with the surrounding and that no detrimental effect upon highway safety would result and adequate provision for the parking and manoeuvring of vehicles associated with the proposed development is made whilst preserving the character and amenity of the area.

20. The nature of the current use has already to some degree altered the character of the area, although this very marginally due to still retaining a residential element. It is considered that the children's day nursery would be an entirely different use, however, this in itself is not entirely inappropriate and needs further examination.
21. It is not unusual to have children's day nurseries within residential areas. Whilst the Head of Environmental Health does highlight the potential for increased noise generated from children playing at the site, and from increased vehicular movement, this can be protected by the imposition of suitable opening hours.
22. The influx of traffic is likely to be limited to certain periods of the day, i.e. morning drop off and early evening pick up, therefore outside these times traffic generation would be limited, and thereby not adversely affecting the character of the area. Discussion of particular highway issues is found below.
23. Only the part of the garden is within the Green Belt, however, it is considered that the change of use would not materially affect the openness of the Green Belt in accordance with UDP Policy SO1.

Residential amenities of nearby occupiers

24. As mentioned above, the Head of Environmental Health & Trading Standards has suggested that the children's day nursery is likely to have more of an impact on the amenity of the neighbouring residents. Cars are likely to arrive at the site quite early in the morning and similar times to drop off children.
25. The nearest dwelling to this proposal is a large detached dwelling adjoining the southern boundary – Willow Brook. At present there is a 2m fence, with substantial screening benefits from natural landscaping. Considering that the rear of application gradually declines away from this adjoining dwelling and that children playing within the rear garden would be limited to certain hours of the day, it is not considered that an adverse impact upon these occupiers would occur.

26. The nearest of the properties located in Mendip Road, on the opposite side of Lutley Lane, are dwellings that have side elevations facing the application site. On this basis, with no main habitable rooms affected, it is not considered that there would be an adverse impact upon their amenities.
27. However, the Head of Environmental Health & Trading Standards, recommends that to minimise any potential impact on the amenity of neighbouring residents, the hours of use are restricted to be in line with the applicants suggestion of 7.00am to 7.00pm Monday to Fridays, and at no times on Saturday or Sunday.
28. Most of the adjacent land to the north and west of the site forms part of countryside, and appears to be used for the grazing of animals, with no further residential dwellings likely to be affected.

Highway safety

29. This planning application has parking provision for 17 spaces.
30. Parking Standards and Travel Plans Supplementary Planning Document has a D1 Non-Residential Institution –nurseries (low accessibility) of 1 space per 2 staff member (FTE). Therefore the nursery with 10 staff will require 5 parking spaces. Since no accessibility assessment has been submitted, this development has an assumed low accessibility standard and therefore the baseline standard is not subject to reduction. Off-street parking provision is required to drop-off children where no safe alternative exists.
31. The Group Engineer, Development (GED) has recommended that a parking ratio of 1 parking space per 5 children for the dropping off/picking up of children would not be unreasonable and would therefore expect 10 parking spaces to be provided for the dropping off of children.
32. As the plans indicate the provision of a 2-bed flat at first floor, 2 parking spaces would need to be provided.
33. The site's parking requirement of 17 parking spaces was calculated using the maximum parking standards within the Parking Standards and Travel Plans SPD.
34. Current parking does exist to the rear of the bungalow, and therefore it is considered that the 2 parking spaces required per two or three bed dwelling can be accommodated within the site, separated from the children's day nursery.

35. The GED has suggested that three of the parking bays are substandard; however, as long as a condition is attached for an amended parking layout, then no objection would be raised.
36. The carriageway width for access has been provided of 5m for both the access and egress for the site. A separate dedicated pedestrian access from the public highway to the proposed nursery to encourage walking to the site and to minimise the potential conflict between vehicles and pedestrians has been provided.
37. The repositioning of the access/egress point now meets the required visibility splay as recommended by the GED, and therefore would overcome the previous reason for refusal.
38. The proposal has been amended to provide a satisfactory means of access/egress and with a minor amendment there would be adequate on-site parking to avoid any harm upon vehicular and pedestrian users along Lutley Lane. Therefore the proposal would not have an adverse impact upon highway safety in compliance with UDP Policies DD4 and DD6.

Planning Obligation

39. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions.

Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

Transport Infrastructure Improvements - **£6908.03**

Management and Monitoring Charge - **£500**

Admin charge to draft legal agreement - **£400**

Total Offsite Contribution equates to **£7808.03**

40. The applicant has agreed to the payment of these offsite-planning obligations, and therefore the proposal complies with UDP Policy DD7 and the Planning Obligations SPD.

CONCLUSION

41. The change of use of the property to a children's day nursery is acceptable, as the character and appearance of the surrounding area would not be adversely impacted. With relevant conditions to limit opening hours to weekdays only, it is considered that no adverse impact upon residential amenities would occur. With relevant conditions, it is considered that proposal would not have an adverse impact upon highway safety. The applicant has agreed to the payment of off site planning obligations for Transport Infrastructure Improvements. This proposal is therefore compliant with the requirements of UDP Policies DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, AM14 – Parking, S14 – Community Development, CS3 – Community Facilities, SO1 – Green Belt, DD7 – Planning Obligations and Supplementary Planning Documents - Parking Standards and Travel Plans and Planning Obligations.

RECOMMENDATION

42. It is recommended that this application be approved subject to;

REASON FOR THE GRANT OF PLANNING PERMISSION

The change of use of the property to a children's day nursery is acceptable, as the character and appearance of the surrounding area would not be adversely impacted. With relevant conditions to limit opening hours to weekdays only, it is considered that no adverse impact upon residential amenities would occur. With relevant conditions, it is considered that proposal would not have an adverse impact upon highway safety. The applicant has agreed to the payment of off site planning obligations for Transport Infrastructure Improvements. This proposal is therefore compliant with the requirements of UDP Policies DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, AM14 – Parking, S14 – Community Development, CS3 – Community Facilities, SO1 – Green Belt, DD7 – Planning Obligations and Supplementary Planning Documents - Parking Standards and Travel Plans and Planning Obligations.

INFORMATIVE

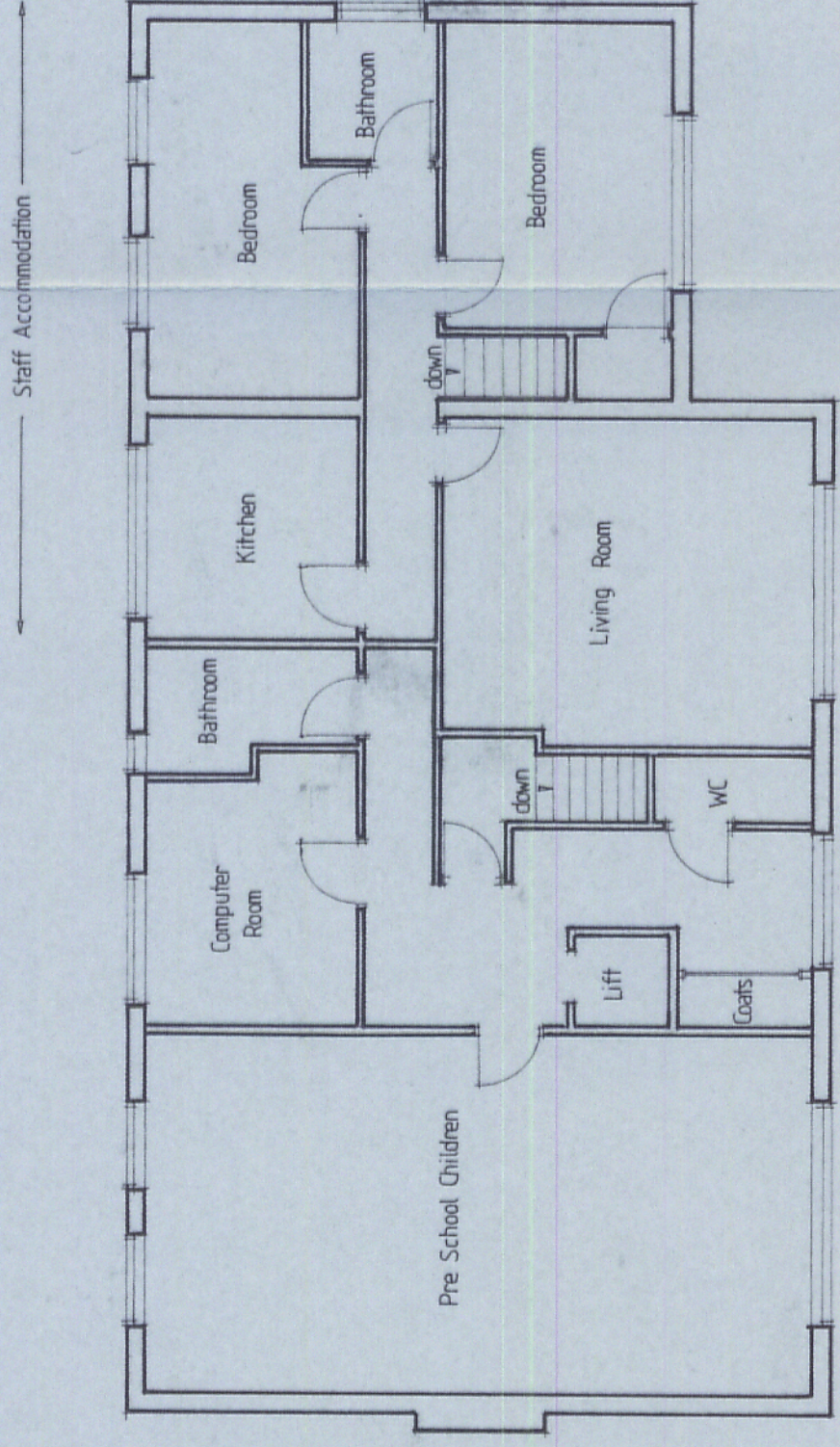
For the avoidance of doubt, this permission relates to drawing marked 2515-1 and 2121-2 and shall be implemented in accordance with these plans unless otherwise agreed in writing with the LPA.

- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision of monies for transport infrastructure improvements has been submitted to and agreed in writing by the Local Planning Authority.
- b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;

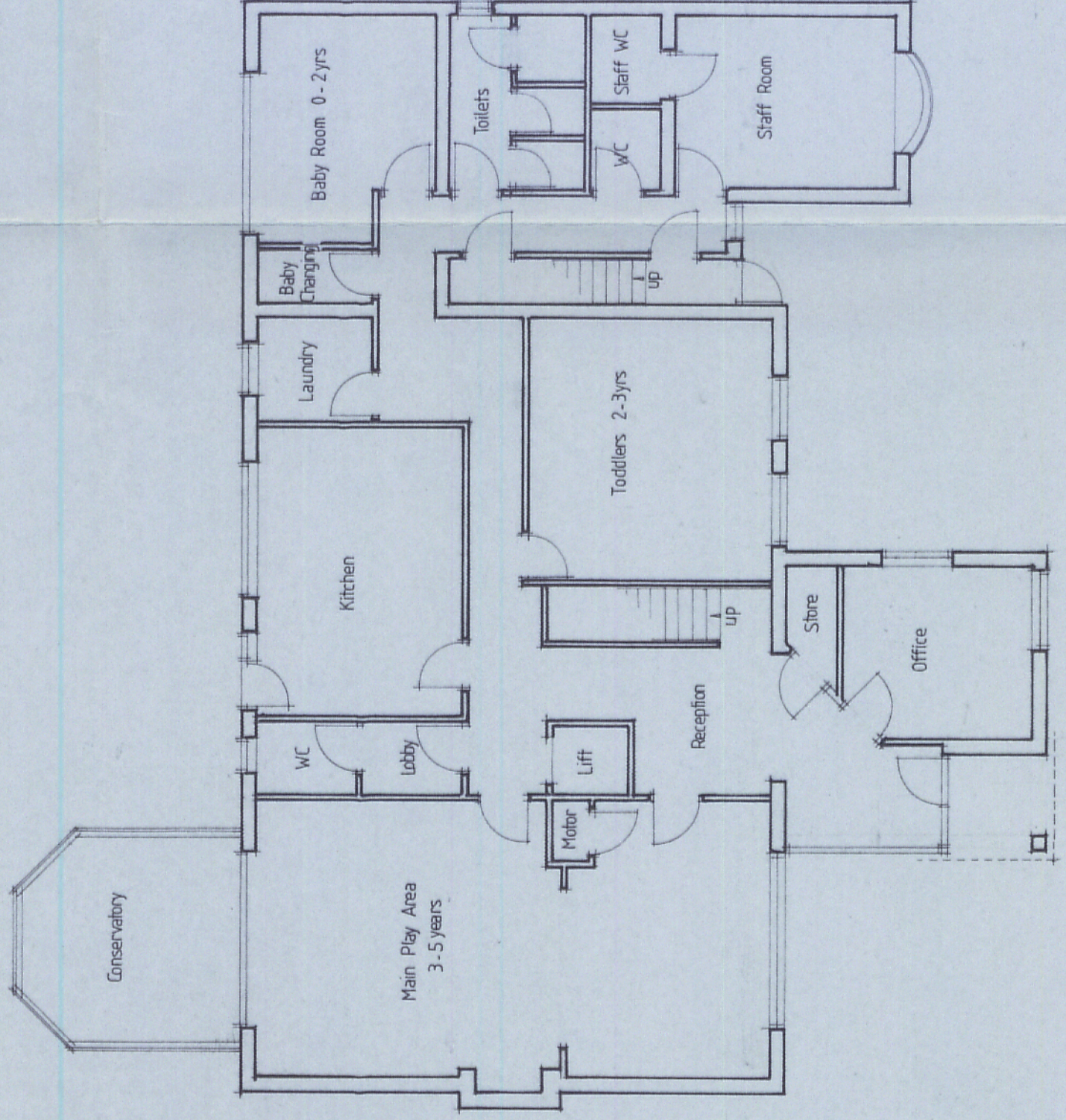
Conditions and/or reasons:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2. The development not beginning until a scheme for the provision of:
 - Transport Infrastructure Improvements
 - Monitoring and Management Chargehas been submitted to and approved in writing by the Local Planning Authority.
- 3. Notwithstanding the layout plan submitted, development shall not begin until an amended scheme for the parking of vehicles has been submitted to and approved in writing by the local planning authority and the proposed use shall not commence until the car park has been constructed in accordance with the approved details and shall thereafter be maintained available for use.
- 4. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.

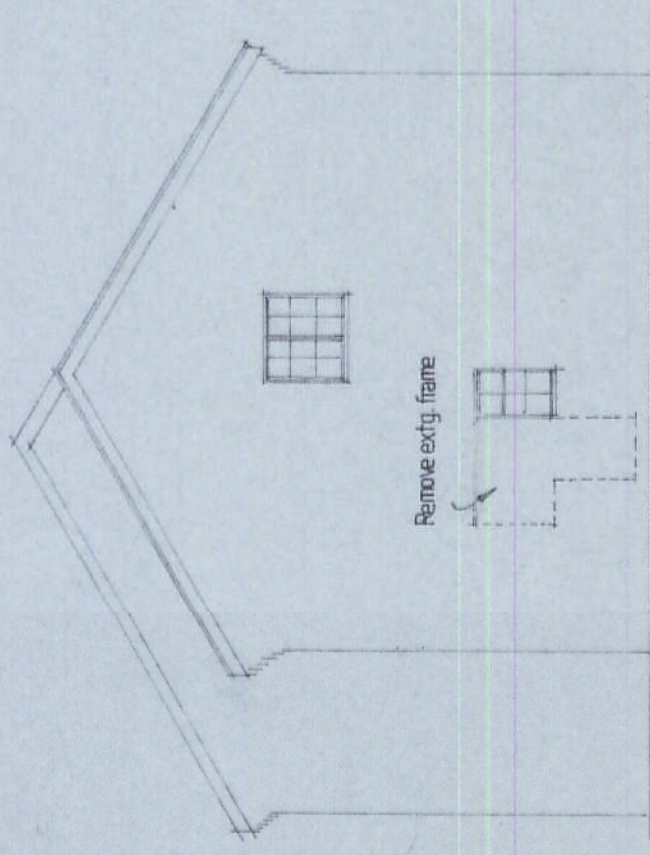
5. The use hereby permitted shall not be open to customers before 07.00 nor after 19.00 hours Mondays to Fridays, nor at any time on weekends or Bank Holidays.
6. No more than 50 children shall use the nursery at any time.



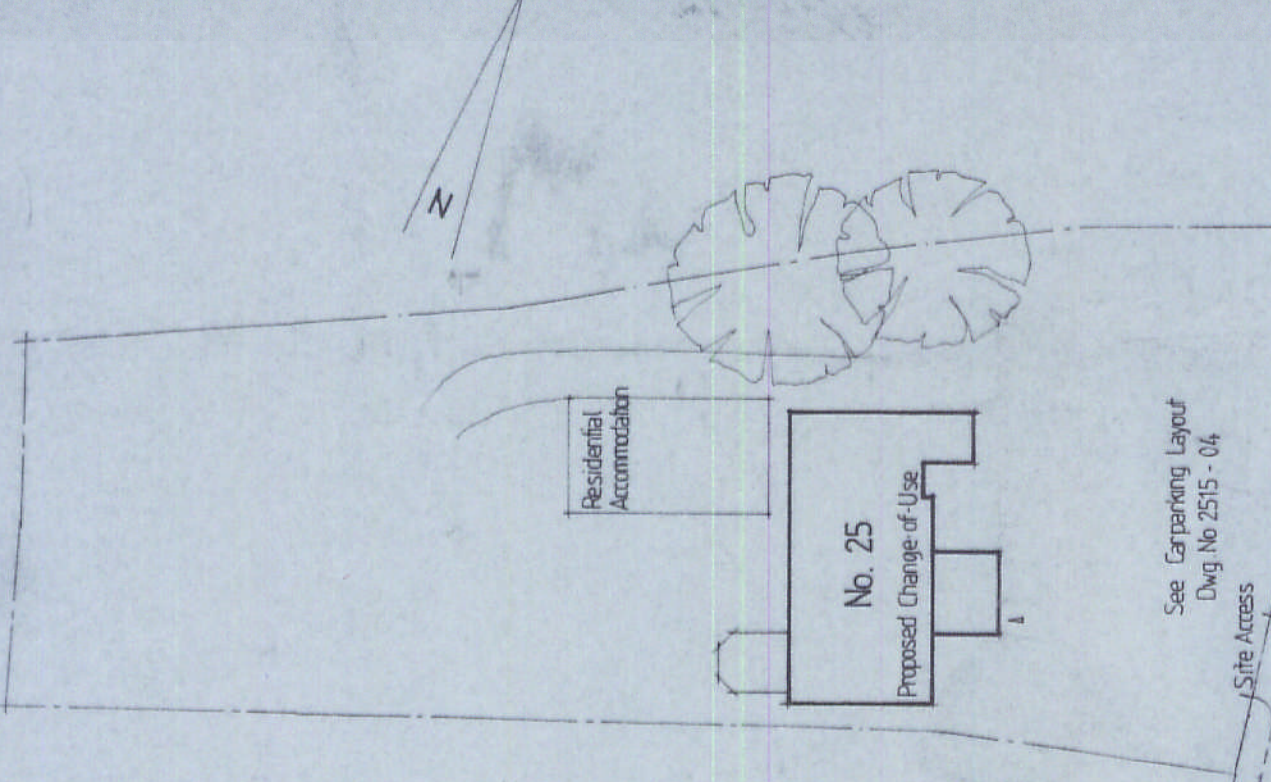
First Floor Plan



Ground Floor Plan



Minor amendment to Side Elevation



ALL BUILDINGS AND OUTBUILDINGS TO BE DEMOLISHED TO MAXIMUM HEIGHT IN FRONT OF NO. 25 LUTLEY LANE

Site Plan Scale 1:500

Rev. A Side elev + parking
Rev. B FACING W.C. AREAS
Rev. C FACING SITE ACCESS
Rev. D Site Access
Dec 08
Jan 08

Proposed Day Care Centre
25 Lutley Lane
Hayley Green
Halesowen

SKETCH PROPOSALS

Scale	Job No.	Dwg No.	Rev.	Date
1:100	2515 - 1			Dec 07

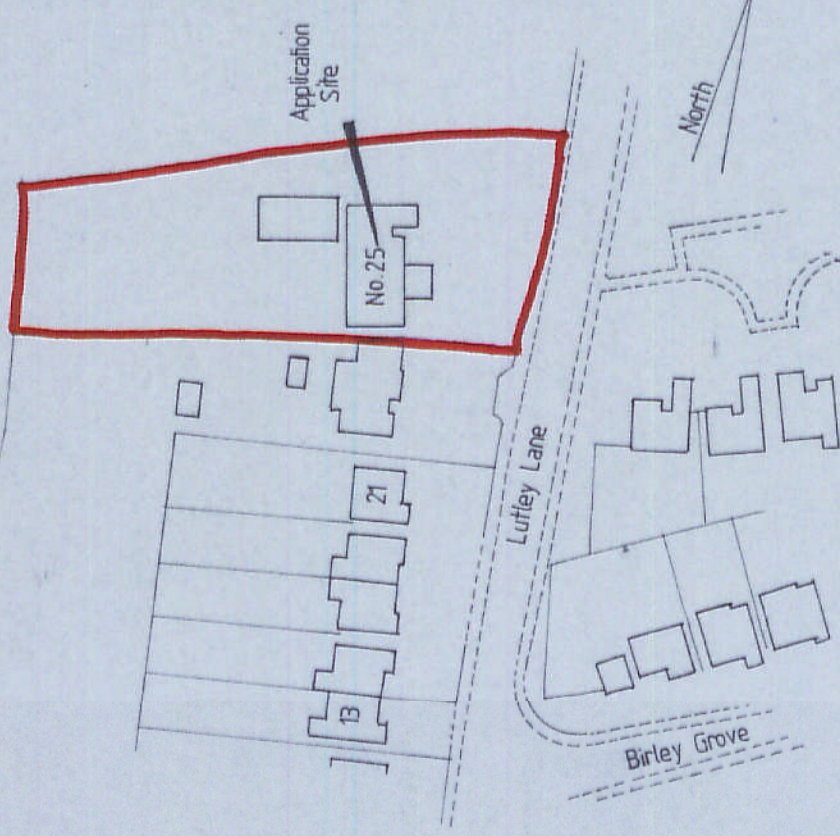
HALAS
DESIGN LTD

195 REDHILL ROAD
NORTHFIELD
BIRMINGHAM
B31 3NS

RECEIVED
29 DEC 2008
DIRECTOR OF THE
URBAN DEVELOPMENT

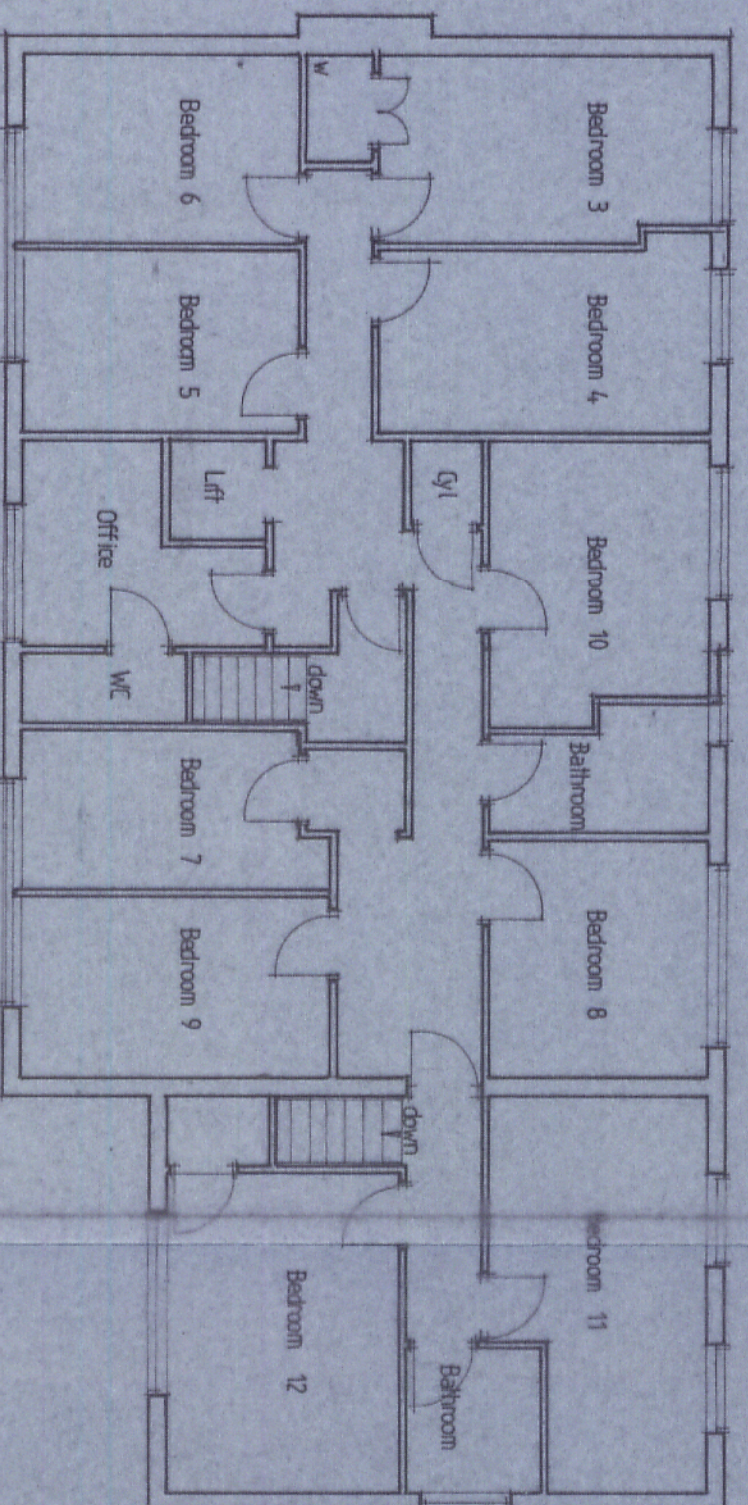
Site location + proposed plans
P08/1926

Architectural Services
Tel: 0121 459 6996

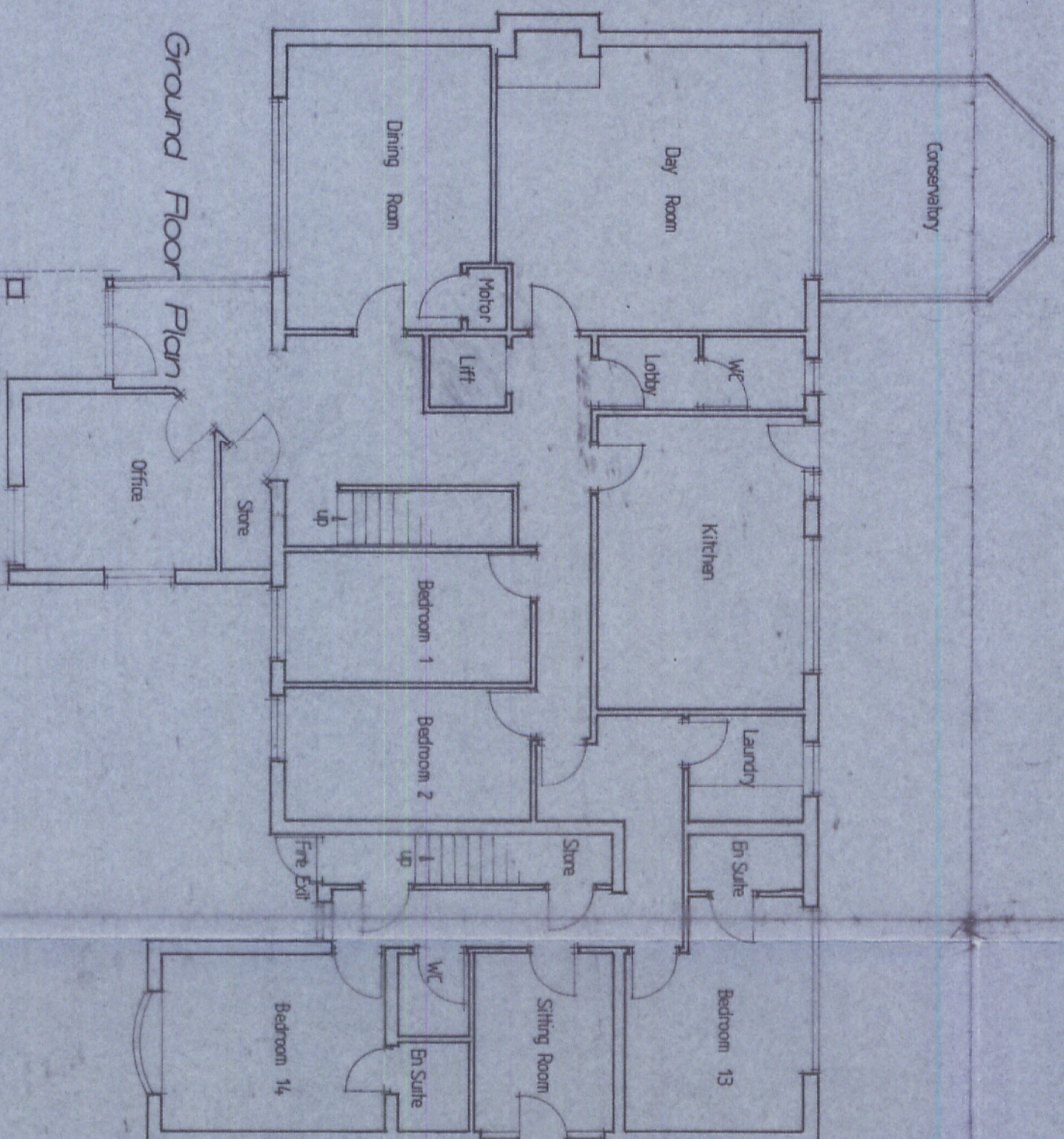


Location Plan

Scale 1:1250



First Floor Plan



Ground Floor Plan

Survey

"The Stockings,"
Lutley Lane
Halesowen

for:
Mr. & Mrs. Moseley

General Arrangement Dwg.

FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING			
Scale	Job No.	Dwg No.	Rev.
1:100	2121	2	
Drawn	Date	Rev.	

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Surveyors • Planning Consultants

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29 DEC 2008

existing floor plans
Feb 1926