

**Planning Committee – Wednesday 29th May 2024**

**Update Report of the Head of Service**

**This Update Report has been checked on behalf of Legal Services by Penelope James**

**Item 6.1**

**Application No: P/2024/00083**

**Change of use from a single residential dwelling (Use Class C3(a)) to use as a children's home (Use Class C2) for up to five children with associated bin and cycle stores**

**Branscombe, 17 Bridge Street, Stretton, Staffordshire, DE13 0EL**

**Two additional neighbour representations submitted since the publication of the agenda.**

One item has been distributed to members of the Planning Committee on behalf of a large number of Stretton residents who are very concerned. This document is attached at Appendix 1 for your information.

Comments from the second additional representation:

- Smell of bins, bins will be for 9 people, the bin store should be moved to the other side of the house
- Concerns about noise, the rear garden although large, backs onto 7 or 8 rear gardens of surrounding properties, with some elderly neighbours
- Traffic at certain times is horrific in Bridge Street and parking is a real concern. Already a parking issue with a number of vehicles parked on Bridge Street
- Bridge Street is a very busy route used for access to schools and to the A38
- A lot of vulnerable and elderly people in the area, this use is a real mistake in this quiet community
- Although recognise that children's homes are needed this area is not suitable
- The house was designed as a 3/4 bed house and not built for this number of children
- Staffordshire already have sufficient children in care places, this home is not needed
- Not in the best interests of Stretton

**Amernded Site Layout Plan**

It is also noted that the amended site layout plan moved the position of the bin store from the eastern side of their house to the western side of the property, set away from the boundary beyond the proposed cycle store, see extract plan below.



### **Officer Comments**

A large number of the points raised by the additional objections were raised during the course of the application and covered in the main report.

It is noted that the property has been a 6 bedroom (plus a study) house for over 15 years and as pointed out in the main report, each of the bedrooms is double sized and therefore the house could accommodate up to 12 residents as a family home without any planning consent. Equally this could entail more than 5 cars parked at the property and large numbers of people/children using the rear garden. The extent of activity from a large family of 12 is considered to be likely to be greater than that as the proposed use as a care home for up to 5 children.

Objectors have referred to policies and appeal decisions in other Local Authorities around the country, it should be noted that all planning applications are dealt with on their own merits and in line with the policies in their own Local Plan. One appeal decision referred to dates back to 2010, some 14 years ago and it must be recognised that the needs and requirements for homes for children in care have changed in the intervening period.

The applicant has confirmed that 81 Church Road is not currently operating as a care home under the certificate of lawfulness consent and they have made a recent appeal against the refusal of consent. That case was of course itself considered on its own planning merits.

Whilst the objectors make reference to the SCC Sufficiency Strategy document, it should be noted that this refers to the whole of Staffordshire County. SCC Children and Families Services have confirmed that there is a demonstrated need for children's care home places in Burton and East Staffordshire generally.

Staffordshire Police have advised that the relevant PCSO's are in contact with the other two children's care homes operated by the applicant in the Borough and have no concerns regarding either property.

It should be noted that despite any planning consent for the use of a property as a children's care home, the home cannot operate without Ofsted registration. Whilst concerns have been raised about the future operation and management of the home, the responsibility for the

monitoring and control of the home is under the remit of Ofsted and is outside of the control of the local authority or the County Council.

The revised location of the bins store overcomes the objection raised by one of the objectors. The bin storey no longer sits adjacent to the boundary.

**Recommendation – Remains as per officer report – Grant Permission Subject to Conditions**

For further information contact: Barbara Toy

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## Item 6.2

**Application No: P/2023/00318**

**Alterations, new build works and extension to existing agricultural building to provide for increased eaves and ridge heights and floor area, re-cladding and installation of solar panels to accommodate a proposed change of use for the construction of holiday lodges – being a commercial/light industrial use (Class E(f)(iii)) - along with associated parking provision and access alterations**

**Wallash Farm, Wallash, Mayfield, Staffordshire**

### **Additional submissions by an Interested Party (local resident).**

There have been a series of additional submissions from one local resident further to the publication of the committee report; with the main points being summarised as follows:

- The road access is a major strong concern along with of course planning a change of use from agricultural (which when the initial planning was allowed on this building that is what it was always intended for) to very high end industrial woodworking and it should not be allowed within a village.
- The access would impact on all residents in the area and the traffic movements would be downright dangerous to even consider wide loads using this road if the only way to access is to use the both sides of the carriage way, how can that be right? What if a delivery vehicle is held up or stuck and an emergency vehicle would need access? And was delayed?
- The applicants have only detailed the lodge deliveries going from site and have not had to provide any documentation/evidence on what types of vehicles (sizes & types)/quantity of vehicles that will be making daily deliveries; also vehicles taking away any waste materials etc from site and would heavy lifting equipment be needed also for transportation ?
- From the request made by Mayfield Parish Council (as set out in the Committee report) it was expected that a full detailed report - from the County Highway Authority - would be provided as this scheme impacts all the residents in this area. It is questioned as how can this not be stated in this application and this should be detailed before any further decisions are made
- It is pointed out that *“the applicants family next door to the proposed development site have been trying to keep Moorlands Drive clear of traffic over the last few months They have been putting notices on vehicles which have been parking correctly at all times to deter them from parking also putting this on social media etc Numerous Vehicles have legally parked on this road for approx 20 years with no issues, all legally parked and considerate to other residents. It is only since this application has been made that they have done this to stop cars parking which would possibly assist with the planning application.? The access on this road is definitely not suitable and should not be allowed.”*

The local resident also commented on the issue of public speaking at committee (see below)

### **Applicants Additional Submission**

The applicants have submitted a revised plan showing the turning area within the application site re-positioned to ensure that it is clear of the definitive route of the public right of way which crosses the lands at Wallash Farm.

### **Officer Comment**

In respect of the additional submissions on highway safety matters made by the local resident, the County Highway Authority have advised that is not for the Local Highway Authority to provide a Transport Statement/Assessment to support an application and point out that the National Planning Policy Framework sets out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment. This small scale development is not considered to generate a “significant” level of traffic especially when considering that they will be conditioned to three lodges a year and only have three staff. The County Highway Authority are therefore content that their comments as set in the Committee report are commensurate to the nature of the proposed development.

With regard to the points being made by the local resident on introduction of the proposed use (along with its material impacts on the locality), officers consider that this matter has been addressed fully in the officer report to Committee.

With regard to the applicants revised plans submission this completes the amendment of all the application drawings to take into account the alignment of the definitive public right of way as it crosses the site and therefore will necessitate an amendment to the drawing list in condition 2. The officer recommendation remains one of a grant of planning permission subject to conditions.

**Recommendation – Remains as per officer report – Grant Permission Subject to Conditions and subject to the following amendment to the list of approved drawings/document in condition 2.**

**That the ‘Drawing No: 12297 - 001 - Swept Path Analysis and Proposed Widened Access - dated as received 01-11-2023’ be replaced with ‘Drawing No: 12297 - 001 - Swept Path Analysis and Proposed Widened Access (revised) - dated as received on 22.5.2024.’**

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\* The local residents concerned have advised that due to personal circumstance they cannot attend to speak at the committee and therefore they had requested another party to speak on their behalf but they point out that ‘*..our representative has not been allowed to speak at the Committee meeting at present he has been put on a reserve list, so therefore we will not have the opportunity to raise our objections in front of the Committee next week or to the highways regarding our concerns. Why is the list so limited for objectors I know other Councils are not this restrictive with objectors at planning meetings.*’

In relation to public speaking, the Borough Council’s constitution sets out the protocol for planning committee, whereby speaking opportunities are allocated on a first come, first served basis and are limited to:

- a member or clerk of the relevant parish council;
- A member of the public supporting the application;
- Two members of the public opposing the application;
- The applicant or their agent.
- Ward Councillor

In this case the two slots for the two members of the public opposing the application have already been allocated. The local resident has been advised of the situation accordingly.

For further information contact: Alan Harvey

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### Item 6.3

**Application No: P/2024/00114**

**Reserved Matters application relating to P/2012/01467 for the erection of a single detached industrial/ warehouse unit, with ancillary offices, covering Use Classes E1, B2 and B8, providing 9,393 sq m (GIA) (9,669.5 sq m GEA) of floorspace, with associated vehicle parking, cycle storage, yard space, circulation, lighting, landscaping, access road, access point off the access road, and other ancillary development.**

**Quintus - Phase 3, Branston Lock, Tatenhill Lane, Branston, Staffordshire, DE14 3PD**

#### **Amendments to the Recommended Conditions**

**Condition 1** – amend the list of approved documents in relation to landscaping, to ensure that the Strategic Green Infrastructure Landscaping that fall outside of the red line boundary does not form part of the approved plans as will be determined under the discharge of Condition 24 on the outline consent.

Amended list of approved documents for Condition 1:

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Site Location Plan Drawing 23008 0501 Rev P03 dated as received on 13-02-2024

Proposed Site Layout Plan Drawing 23008 0602 Rev P.09 dated as received on 01-02-2024

Proposed Building Layout Drawing 23008 1001 Rev P01 dated as received on 01-02-2024

Proposed Office Layout Drawing 23008 1002 Rev P01 dated as received on 01-02-2024

Proposed Building Elevations Drawing 23008 1301 Rev P01 dated as received on 01-02-2024

Proposed Roof Layout Drawing 23008 1005 Rev P01 dated as received on 01-02-2024

Proposed Building Section Drawing 23008 1101 Rev P01 dated as received on 01-02-2024

Proposed M and E Compound Details Drawing 23008 0705 Rev P01 dated as received on 01-02-2024

Proposed Refuse Enclosure Details Drawing 23008 0704 Rev P01 dated as received on 01-02-2024

Proposed Cycle Shelter Details Drawing 23008 0703 Rev P01 dated as received on 01-02-2024

Proposed Fencing Details Drawing 23008 0702 Rev P01 dated as received on 01-02-2024

Proposed External Surfacing Drawing 23008 0701 Rev P01 dated as received on 01-02-2024

External Materials Schedule dated as received on 01-02-2024

External Lighting Assessment Report by mba Consulting Engineers dated as received on 01-02-2024

Indicative External Lighting Layout Drawing 23LP055-MBA-EX-SP-DR-E-0001 Rev PL2 dated as received on 01-02-2024

Heritage Compliance Statement by Smith Jenkins Planning & Heritage dated as received on 01-02-2024

Planning Supporting Statement by JLL dated as received on 01-02-2024

Design and Access Statement by UMC Architects Rev P02 dated as received on 01-02-2024

Statement Demonstrating Compliance with Design Guide by JLL dated as received on 01-02-2024

Energy & Sustainability Strategy by MBA Consulting Engineers P2 dated as received on 01-02-2024

Detailed Soft Landscape proposals Drawing 23-086-P01 dated as received on 14-05-2024

5 Year Landscape Maintenance Plan Ref 2386/TGW/LMP001 dated 12-09-2023 dated as received on 14-05-2024

**Condition 4** – delete the condition, the details of noise are required to be discharged under Condition 48 of the outline consent, therefore Condition 4 is not required.

**Recommendation – Remains as per officer report – Grant Permission Subject to Conditions**

For further information contact: Barbara Toy

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