

# PLANNING DELEGATION PANEL

**Report of:** Director of Development

**Date:** 5 March 2018

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## **MEMBER REQUEST FOR PLANNING APPLICATION TO BE REFERRED TO PLANNING COMMITTEE - PLANNING APPLICATION 17/0941/PA - EXTENSION AND ALTERATIONS AND CHANGE OF USE OF No 57 & 59 St ISSELLS AVENUE FROM A RESIDENTIAL USE (C3) TO A CARE HOME (C2).**

### **1. Background:**

This planning application falls within the scope of the powers delegated to the Director of Development.

A request has been received from Councillor John Cole, the Local Member for Merlin's Bridge, that this application be submitted to the Planning Committee for decision instead of being dealt with under the powers delegated to the Director of Development. The reasons given by the Member for seeking referral are summarised in Section 2 of this report.

The Council has resolved that an application which falls within the scope of the delegated powers may be referred for committee's consideration where one or more of the following criteria are met:

1. the development has an adverse planning impact on more than immediate neighbours or other electoral divisions; [this ground is available to all Members]
2. the decision on a proposed development's impact within the local community is finely balanced between competing interests or is complex and sensitive and would benefit from a public examination of the merits; [this ground is only available to the Local Member]
3. that issues are raised which highlight conflicting planning policy issues [this ground is only available to the Local Member]

(\*Where a request for referral made under criterion 3 is acceded to, the Panel is required to provide a view on the conflict of policy in the context of the application following consideration of formal submissions of the alternative views from the Member and the Director of Development)

### **2. Member's Reason for Referral:**

The Member has provided two reasons for requesting that the application be removed from the scheme of delegation.

The first reason is that the Member believes the development would affect more than the immediate neighbours for the following reasons:

- The change in shift times would coincide with busy school traffic movements
- There would be increased traffic and parking requirements
- There is no street lighting through the night
- The proposal has raised concern from neighbours regarding security

The second reason is that the Member states that the proposed development is complex and sensitive and would benefit from a public examination of the merits, for the following reasons:

- The description of the company C & C (Pembs) Ltd registered at 57 St Issells, is as care for “learning difficulties, mental health and substance abuse”
- The development would be close to a volatile community
- The site would be close to St Mark’s VA primary school
- Insufficient information has been relayed to the community regarding the change of use.

(See attached, copy of the Member’s full submission)

### **3 Director’s Observations:**

The concerns raised by the Member relate to traffic movements and parking requirements. It is considered that due to the anticipated amount of vehicular movements and the proposed parking provision that any impact would not be of such significance as to affect more than immediate neighbours.

The Members submission states that there is no street lighting provided through the night however this has not been elaborated on, in terms of how the proposal would have an adverse impact when street lighting is not available. No specific details regarding security concerns have been provided in the Members submission, but it is considered that the presence of staff on a 24 hour basis would prevent adverse impacts.

As such it is considered that there are no grounds for the application being considered by committee under criterion 1.

With regard to the second reason, the Member considers some potential impacts of the development to be complex and sensitive and as such they should be considered by the Planning Committee.

The Member states that the company provides care for those with ‘learning difficulties, mental health issues and substance abuse.’ However the supporting information submitted with the application refers to the provision of care to clients with Autistic Spectrum Disorder (ASD). The type of care provided by the care home is not considered to be a complex or sensitive issue. A further reason the Member considers the application to be complex and sensitive is the development being close to a volatile community, however no information has been provided to demonstrate the proposal would have a negative impact upon the community.

Another concern raised by the Member is the site's proximity to a school. The Member has not included specific details regarding the proposal's impact on the primary school known as St Mark's VA. Considering the scale of the proposal, it is considered that there would be no adverse effect on the primary school.

The Member also states that the application would benefit from public examination of the merits as insufficient information has been relayed to the community. The application does not constitute a major development; therefore a statutory Pre Application Consultation exercise was not required. Furthermore as part of the publicity of the planning application a site notice has been erected and letters were delivered to all dwellings sharing a boundary with the properties. Therefore public consultation has been carried out.

In terms of planning considerations, a small care home proposal is not considered to be complex or of a sensitive nature that would benefit from public examination of its merits. As such, it is considered that there are no grounds for the application being considered by committee under criterion 2.

The Members submission does not highlight any potential conflict between the policies within the LDP. As such it is considered that there are no grounds for the application being considered by committee under criterion 3.

- **Conclusion:**

Accordingly, the application does not raise issues that could be considered as meeting the relevant criteria for referral to Planning Committee described in Section 1 of this report.

**RECOMMENDATION:**

That the application is not removed from the scheme of delegation, and therefore not to be considered by the Planning Committee for the reason that none of the criteria have been met.

**Background Documents:** Code of Practice for Councillors and Officers for Consideration of Planning Applications and Appeals