

Late Representation Report

Application Number: SMD/2021/0649

Application: Certificate of Lawfulness

Property: Oak Lodge, Sandy Lane, Brown Edge

To assist councillors sitting on the planning committee below we have documented the relevant detail to assist in the decision-making process.

Description of area

Sandy Lane is a narrow road barely two cars wide in the section between the junction with High Lane and Hough Hill

In the entrance from High Lane into Sandy Lane there are a mixture of residential and business properties within a 60-70m stretch up to Hough Hill which includes:

- Residential property and entrance to Flats on the immediate junction
- Road junction to small cul-de-sac servicing 6 properties off the main lane
- Main entrance to Keith's Supermarket Car Park
- Bakery due to open shortly change of use from Keiths Workshop
- Hair dressing salon 1
- Hair dressing salon 2
- Entrance to Flats above Salon 1 & 2
- Entrance 1 to Sandy Lane Centre
- Car Park in front of Sandy Lane Centre
- Entrance 2 Sandy Lane Centre
- 8 residential properties including 3rd Hair dressing Salon at No 14

Sandy Lane Centre or Sandy Lane Methodist Chapel as previously know used for the following:

- Busy Bees Pre School Nursery - 7.30am -3.30pm Daily
- J Gang - 2 evenings per week
- Children's Jujitsu evenings - Children age 4 +
- Ladies Keep Fit – 1 evening
- Rebecca Heath Dance Studio - Children 14 months up to Adult Friday Afternoon and All Day Saturday
- Children's Birthday Parties - Saturday late afternoon and Sunday afternoon
- Methodist Chapel Service Sunday one Morning per Month 1.5 hours

At the peak times of use parking using small roadside car park and the kerb side is always full of cars continually manoeuvring. This combined with Chip Shop opening hours can be challenging and dangerous for both motorist and pedestrians with continual movement of parents collecting and dropping children. This parking area is used by immediate residents, residents from dwellings in the narrower part of Sandy Lane and Residents of High Lane so evenings and overnight this carpark is generally full.

Note: There is no pavement on the Sandy Lane Centre side of Sandy Lane

As Sandy Lane Centre is a continuation of Hough Hill cars, Farm vehicle with trailers and HGV's using this as a shortcut and servicing Businesses at Lask Edge travel down this road quickly with no junction marking to cause them to slow. This has resulted in a number of vehicles not aware of the undulations and camber at this point to collide with the walls of N°15 and N°16.

There has been one incident where one Saturday afternoon a car travelling down Hough Hill hit parked cars on both sides of the street from the position opposite Oak Lodge travelling across the to

hit the two cars seen in the picture below finally coming to rest outside the hairdressers adjacent to Keith's Supermarket Entrance.



Two of the parked cars damaged

To date there is no change to the road layout or traffic calming measures plus parking has increased due to the now levels of use of the Sandy Lane Centre

SMDC Planning Department video will potentially show a quite lane with few parked cars with residents at work school drop off over and possibly other business does not open so not a true reflection of what is experience at various times during the day including afternoon and early evening.

Increased traffic should Oak Lodge proceed can be attributed due to staff, social workers, Police, maintenance teams, Ofsted etc in an already congested area of the lane where roads parking and drop off to Sandy Lane Centre already causes problems of blocked and restricted drives and reduced visibility.

There will also be increased traffic due to the imminent opening of a Bakery in the previously called Keith's Workshop so vehicles in and out of the Keith's Supermarket car park will increase.

There is a current ongoing problem with teenagers gathering in the local park which, is two minutes' walk from the property. The ground maintenance team report having to remove both empty beer and spirit bottles and a large amount of evidence of drug use each time they attend. They are vandalising and damaging the young children play areas and have caused trouble attempting to be served at the local pub. This is a likely and easily accessible trigger for the proposed residents of Oak Lodge with the Emotional and Behavioural Difficulties they are challenged with and will encourage escalated behaviour. The close proximity to another 6-bed facility of a similar type situated in Tinsters Wood would also give rise for concern where Teenagers with similar issues generally gravitate. Please refer to planning portal objection 18/10/21 Public comment Viki Evans Serving Police Officer.

Planning Statement Facts and discrepancies

Planning Statement dated 8/10/21, number of misleading facts:

1. Original application Stated Bedspace as the owners but was changed when challenged.

As confirmed by Bedspace on Residents Meeting 09/12/21 the company proposing to purchase are Warwick Investment Group an alternative asset Private Equity firm and Bedspace will be the lessee. This has not yet completed.

2. To submit the application, I was informed by SMDC Planning Department that the owners at the time of application had to give permission for the application submission. The current owners deny knowledge of the intended use. Bedspace also confirm during the meeting of 09/12/21 they had not informed the owner of the use. If this is the case either the agent or Bedspace are not giving the correct information and the application should not be up for decision today.
3. The property was vacant at time of application.
Untrue the current owners are still living there to date as sale not completed again confirmed by Bedspace on 09/12/21
4. The property is fitted with fire doors and fire alarms.
Untrue not fitted with Fire Doors or Fire Alarms
5. Final exit doors will be fitted with alarms to warn staff of residents leaving
Not standard in a family home
6. Each bedroom is en-suite
No bedroom is ensuite. As stated by the Bedspace sinks to be fitted in each room
7. There are 5 parking spaces including the garage with additional roadside parking available.
The garage is too narrow for a car and has only ever been used for storage
Roadside parking is at a premium. Bedspace also stated that a unit car may also be required as public transport links are poor.
8. It is stated that staff and residents will use public transport to travel to and from work
Bus service is minimal in Brown Edge so shows lack of research and any bus time tables that are available do not coincide with shift patterns
9. The adjacent property is a Methodist Chapel.
The Chapel is used as a chapel 1-2 hrs per month.
It's primary use is a pre-school nursery 5 days per week and around that other children's activities including a dancing school for children from 14 months old to adulthood, J Gang, jujitzsu and childrens parties on a Sunday.
There is now much safeguarding concern amongst parents of said attendees because of this application. This could have a detrimental effect on the children if they are no longer allowed to attend to take part in the hobbies that they love. This ultimately affects the viability of the businesses operating in Sandy Lane Centre.

Facts which are Material change of use

- a) Bedspace is a Business as they outline this on their web site and applications posted for manager and assistant manager. Therefore, this will be a business premises and not a residential dwelling no matter how you dress it up - **Material Change**
- b) The property will need to be fitted with fire alarms and fire doors as these are not already present in this property – **Material Change**
- c) Bedspace stated in the Q&A that sinks would be fitted in each bedroom, not on Planning Statement – **Material change**
- d) Exit alarms will be fitted on all exit doors to notify staff of a resident leaving – **Material Change**

- e) Re- wiring of internal circuits to facilitate isolation of resident bedrooms for noise control- common in houses used for this purpose.- Material Change
- f) Lockable doors on staff bedrooms – Material change
- g) An Ofsted inspection to gain certification will reveal that the access to the property is not adequate and unsafe as vehicles require a turnaround point and the ability to access and egress the property frontage in a safe manner i.e., forwards. This would be impossible with the current configuration of the gate and the potential of 4-5 cars at the point of shift change. As previously stated, the garage does not constitute a parking space. Therefore, as with many other properties changed for this use the next stage will be to remove the wall and drop the curb to allow full access to the frontage. This would require planning permission and definitely be a material change impacting the immediate vicinity. It is evident that the applicant will immediately apply for these changes as it is a necessity to get the Ofsted registration. The current owner has already removed a large water feature that would impede this transformation which would indicate this will be the plan in the near future. – Material change when executed
- h) The fact that one of the staff is a waking overnight manager means there is an enhance risk of safeguarding for residents and an obvious chance of flight. This is not normal for a normal residential property. – Material Change of use
- i) The staff are not permanent resident in the property which is not typical of a family dwelling and hence is a material change to its current use – Material Change of use
- j) Fences between adjacent property easily scalable again a safeguarding risk for access and exit of the property. This again will be an Ofsted concern that will need to be addressed so any modification to fencing required will be a Material change as they already meet maximum permissible height. Material Change when executed

It could also be argued that the existing and proposed uses considered are within different use classes and given there are no permitted development rights to move between the 2 classes then planning permission is required to change the use.

With the number of points that could be considered as a material change the question is why was planning not applied for in the first instance to cover all of these issues?

Finally, Bedspace were approached by the local authority to provide this type of facility as they have done with many other companies in this field. This is a highly lucrative business for the owners and it would appear that very little concern is given by either Bedspace or the local authority to the type of property they sanction with no regard to the effect it will have on neighbours and to the detriment of other businesses. The legislation that allows a Certificate of Lawfulness to be used to gain this change of use is undemocratic and immoral and is exploited to get a fast result with little or no chance to challenge.

As stated by SMD Planning referral document to approve, point 3.4 states:

“without sufficient or precise information a local planning authority may be justified in refusing a certificate”

In this case the omission of key points in the planning statements and late updates of information it would suggest that the applicant initially submitted inaccurate information in an attempt to deceive the delegated decision process. This has only been updated by the applicant following this being ‘called in’ and still information remains uncorrected to date. Hence your decision should reflect this.

Prepared by Mark Wright