

Development Management Report

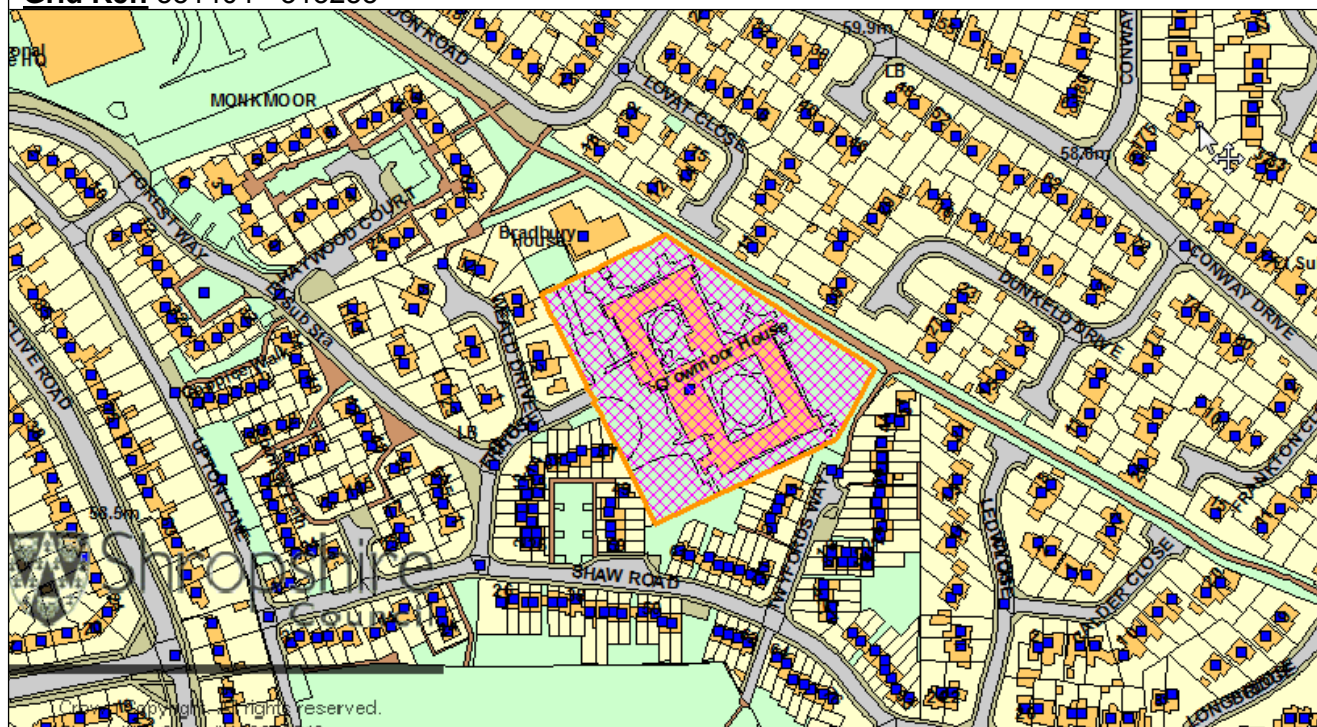
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Summary of Application

<u>Application Number:</u> 18/05560/COU	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Change of use from C2 Residential Institutions to House in Multiple Occupation (HMO) to provide up to 10 units (sui generis use)		
<u>Site Address:</u> Crowmoor House Frith Close Shrewsbury Shropshire SY2 5XW		
<u>Applicant:</u> VPS Group UK Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 351404 - 313255



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Recommendation: Grant Permission subject to the conditions set out in Appendix 1
REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to change of use from C2 Residential Institutions to a House in Multiple Occupation (HMO) to provide up to 10 units (sui generis use).
- 1.2 Whilst the Council is exploring future permeant use for the premises a temporary use of the building as a HMO by VPS property guardians is proposed to provide continued maintenance and surveillance of the building and to deter any unauthorized use of the site.
- 1.3 The proposal when first submitted was for 30 units but due to insufficient parking provision and concern regarding over intensification of the use of the site the applicant was advised to reduce the number of units.
- 1.4 The plans and supporting statement now submitted indicate a maximum of 10 units with some comprising one room only and others comprising three adjoining rooms. The units will not be self-contained units and residents will share the existing separate bathrooms, kitchen and dining/living room facilities.
- 1.5 19 parking spaces are available within the existing bays, including 2 accessible spaces. No external alterations or extensions to the building are proposed.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is Crowmoor House a former residential care home owned by Shropshire Council. The applicant VPS (a Property Guardians Company) has been appointed by the Council to look after this vacant property.
- 2.2 The site is situated in Monkmoor a predominantly residential area to the north east of Shrewsbury town centre.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land owned by the Council for a proposal that is not in-line with statutory functions

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 WSP on behalf of SC Drainage: No comment.
- 4.1.2 Regulatory Services: The property may require a licence Housing Act 2004 part 2 to operate as an HMO.
- 4.1.3 SC Affordable Houses: Sought confirmation on whether the units would be self-

contained bedsits or a HMO.

4.2 - Public Comments

- 4.2.1 Shrewsbury Town Council: 25.02.2019 Members were satisfied with the confirmation that no more than ten units will be installed and were happy to amend their original comments.

05.02.2019: Seeks clarification on the detail of this application and questions if the description is accurate as it is not believed to be a House in Multiple Occupation. Members consider that no more than 10 units should be considered as any more will have a detrimental impact on the neighbouring residents. It will also have a negative impact on the already problematic traffic, highway and parking problems in the area.

- 4.2.2 One representation received following reduction in number of units:

A lot better than the first idea, as long as everything is kept under strict control.

- 4.2.3 Eight letters of objection to the initial proposal for 30 units with concerns summarised as follows:

- Insufficient information to understand what is proposed
- No details of any extensions or alterations so unsure if the proposal would result in overlooking and loss of privacy
- Unsure if the proposal is a re-fit or new build and whether it will remain single storey.
- The applicant (VPS Group UK Limited) is a Security Group and doesn't seem to be anything to do with Construction
- Very limited amount of maintenance has been carried out within the last 2 years particularly with regards to hedges and trees
- Increased traffic and congestion, and impact on highway and pedestrian safety
- Insufficient parking resulting in increased parking in the streets nearby
- Concerned about the age, type and background of future tenants and could lead to anti-social behaviour
- Potential noise and disturbance
- Impact on security
- Reduction in market value and marketability of surrounding properties
- Impact on cost of car and house insurance
- Wishes the Council to pursue the use of the property as a C2 Residential Institution.

5.0 THE MAIN ISSUES

As no external alterations or extensions to the building are proposed the main issue for consideration is the Principle of development and Impact on residential amenity.

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The site is situated within the Shrewsbury urban area within easy reach of the town centre and residential use of the site is in accordance with CS2 that identifies Shrewsbury as the main focus for all new residential development.
- 6.1.2 The provision of a 10 unit HMO will provide much needed lower cost housing accommodation whilst securing the continued occupation and maintenance of the building and the site.
- 6.1.3 It is therefore considered that the principle of development is acceptable.

6.2 Impact on residential and local amenity.

- 6.2.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
- 6.2.2 The proposal as now amended provides 19 car parking spaces for 10 units of occupation (some single and some double occupancy) and it is considered that this is more than sufficient and would not result in overflow parking in the streets in proximity to the site. It is also considered that this level of occupancy would not result in a significant increase in traffic movements when compared to its previous use.
- 6.2.3 No alterations or extensions are proposed and it is considered that the proposed use (limited to 10 units) would not result in any increase in noise and disturbance in the locality or result in a loss of privacy.
- 6.2.4 Whilst the concerns of local residents regarding potential future tenants and the management of the property is recognised a HMO also requires a licence to operate which specifies the number of tenants and the licence can be revoked if the property is not properly managed.
- 6.2.5 Shropshire Council have employed VPS to manage the property and the supporting statement indicates that future tenants (referred to as Guardians by VPS) are subject to the following vetting and selection process:

To qualify to become a VPS Guardian, candidates must have:

1. *DBS (Formerly CRB) check*
2. *2 years references*
3. *Credit and employment history check*
4. *Employment status checks: our Guardians must be employed and earning a salary in excess of £16,000 per annum.*
5. *Additionally, we interview all candidates, to gauge character.*

VPS have confirmed that they manage any building occupied by Guardians by conducting weekly inspections to ensure that the Guardians are adhering to the strict terms and conditions of their licence agreement.

- 6.2.6 A condition could be imposed to restrict occupancy to VPS Guardians only but it is considered that this would not meet the tests of being reasonable and necessary.

7.0 CONCLUSION

- 7.1 It is considered that the proposed change of use is acceptable in principle and will provide much needed lower cost residential accommodation in a sustainable location within the Shrewsbury urban area and at the same time ensuring that the property and grounds will be maintained. The number of units is restricted by the description of development and the number of tenants is also regulated by the licence that is required in addition to planning permission and it is considered that the proposal would have no significant adverse impact on the locality or residential amenity. The proposal is therefore considered to accord with MD2, CS2 and CS6 and it is recommended that the application is approved.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

CS2, CS6 and MD2

11. Additional Information

List of Background Papers

18/05560/COU - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Pam Moseley

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.