

AGENDA ITEM



Committee and date

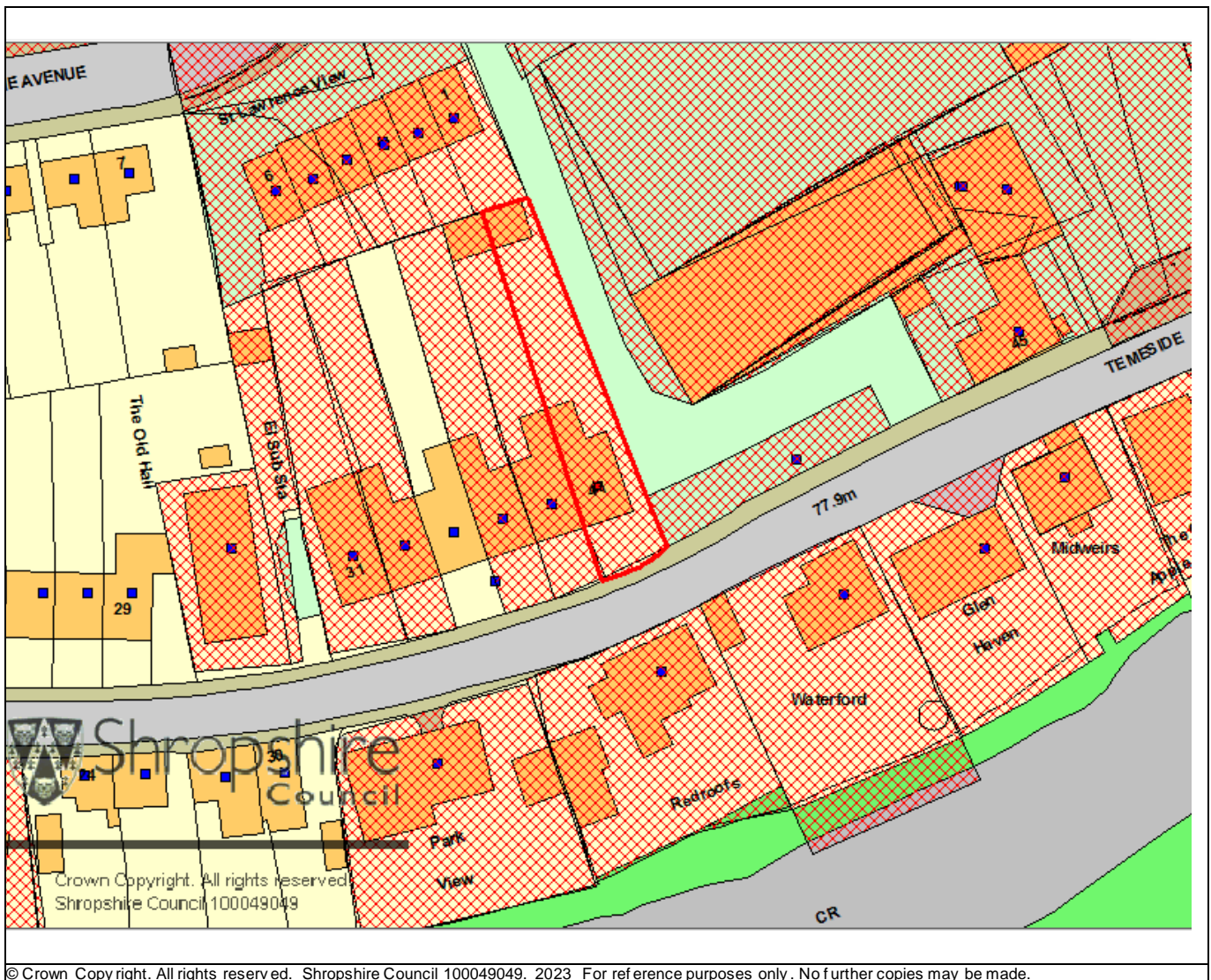
25th July 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02217/FUL	Parish:	Ludlow Town Council
Proposal: Change of use from residential unit to residential care home		
Site Address: 41 Clifton Villas Temeside Ludlow Shropshire SY8 1PA		
Applicant: Grey Davies Care		
Case Officer: Mandy Starr	email: mandy.starr@shropshire.gov.uk	
Grid Ref: 351564 - 274271		



Recommendation:- Refuse

Reasons for refusal

1. The application fails to demonstrate sufficient off-road parking to serve the development which would result in vehicles parking on Temeside to the detriment of other road users and to the free flow and safe movement of traffic. The proposal is therefore contrary to the requirements of Policy CS7 of the Core Strategy and the National Planning Policy Framework.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for the change of use of a dwelling to a residential care home for young people who have specialist needs and requirements.

A children's home may fall within use class C3 (residential) where the total number of residents does not exceed six and the carers and cared for live as a single household. In this case the carers provide 24-hour care on a shift basis and some specialist care is required. As a matter of fact and degree this change would fall into use class C2 (residential institutions).

Although in a different use class to a residential use, it still must be considered whether there has been a material change of use. In this case the property has a small frontage and is located on an end of terrace. The attic has already been converted to a further bedroom bringing the total to five. The proposal is to care for four young people looked after by eleven full time staff operating as nine day support workers and two night workers. There will be a maximum of four workers on shift at any one time. Given the level of daily activity at the site would be more intensive and constant than might reasonably be expected to be generated by even a large dwellinghouse, the overall character of the use would differ materially from that of a dwellinghouse and as such the change of use is material and planning permission is required.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 41 Clifton Villas is an end of terrace of six Victorian dwellings situated on the northside of Temeside. There is a high wall to the east of the property that forms boundary to the Temeside Industrial Estate. The former front garden is now a hardstanding on which two vehicles can park. It is noted that the parking area is not sufficiently long to completely remove cars from the public highway. There is also gated side access leading to the rear garden where there is also a right of way from the road leading to the adjoining neighbours' properties to facilitate rear access.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Ward Member requested that this application be considered by the Planning Committee, so that she has an opportunity to address the Committee, there is also an objection from the Town Council.
- 3.2 This application was brought to Agenda Setting Meeting on 29 June 2023 where it was resolved that it should be brought to Committee following the Call-In request.

4.0 Representations

Consultee Comment

4.1

Sustainable Drainage

The frontage of the site is in flood zone 2, however, the footprint of the building is located outside flood zone 2. The proposal is acceptable from the drainage and flood risk perspective as there are no proposed changes to the footprint of the building.

Highways

Unacceptable development as the change of use raises substantive highway related concerns, due to lack of parking provision within curtilage to the detriment of free flow and safe movement of traffic.

Public Comments

4.2 Ludlow Town Council

Object for the following reasons:

- i) Unsuitable establishment in a residential area
- ii) Insufficient parking

4.3 8 objections based on the following relevant planning grounds:

- Location on a busy through route
- Double yellow lines down either side
- The road near the site is narrow and passing can be difficult
- Emergency vehicle access
- Limited Parking
- No parking provision for visitors
- Busy road
- Internal works to property have already taken place including rooflights and soil vent pipe in roof.
- Likely that shift changes could result in disturbance to residents when arriving and departing
- Terrace dwellings have thin walls
- New business use with non-local people will change the local environment
- Planning notice is just displayed in a window of property and it has been

obscured by vehicles

- Discrepancies between what applicants have told residents compared to what has been submitted in Planning Statement regarding financial turnover
- Plans that residents were shown by company earlier, show that the attic room would be a 5th bedroom.

4.4 One letter of support from Ludlow Civic Society

5.0 OFFICER APPRAISAL

5.1 The main issues are the impact of the institutional use on amenity and the environment.

5.2 Need

The applicant has confirmed that the home would fulfil a need for looked after children in the County and this would outweigh any objections on the loss of a family home and provide a valuable local service in the local area. The use would generally retain the character of a family home and would generate up to nine jobs which may be taken from the local area.

5.3 Amenity

Given the terraced nature of the property, the parking restrictions and comings and goings of staff and other visitors, it is possible that there would be an impact on amenity in terms of noise and disturbance. This could be partly addressed through a staff management plan detailing staff hand over times and restricting vehicle movements and comings and goings at inappropriate times.

It is unlikely that there would be any significant noise through use of the property and its garden over and above that which would be found in a family home and the garden area of around 155 sqm is adequate to provide amenity for the residents of the property.

5.4 Loss of Family Housing

The proposal would result in the loss of a family home; however, it would provide a needed facility for looked after children and overall, the character of the property as a dwelling would be retained.

5.5 Parking

The proposal includes two off road parking spaces in what was the front garden

and cycle parking to the rear. The nearest car park is some 0.5 KM from the site.

The parking situation at the property is inadequate to serve the intended use taking account of the need to provide parking for resident supervisory staff, visiting medical, educational or social workers, as well as any visiting family or friends.

Whilst it is acknowledged that the property is within easy walking distance of local facilities in Ludlow and there are regular bus services from the town centre, the development is highly likely to be car dependent.

The application suggests that staff will be employed from the local area and that they would use a ride to work/car sharing scheme, however, no details have been provided as to how this would operate.

The lack of suitable off road parking provision for staff and visitors is likely to result in parking or stopping of vehicles on the public highway to the detriment of the free flow and safe movement of traffic on the road.

5.6 Other matters

There is currently a right of way through the rear of the terrace of properties to the main road, this is a private matter between residents.

6.0 CONCLUSION

6.1 The proposal is to change the use of a single family dwelling into a residential care home that fronts onto a busy but narrow through-route in Ludlow.

There is insufficient room within the curtilage of the site to provide sufficient off-road parking to serve the development which would result in vehicles parking on Temeside to the detriment of other road users and to the free flow and safe movement of traffic.

The proposal is therefore unacceptable and is recommended for refusal as it would be contrary to the requirements of Policies CS7 of the Core Strategy and the NPPF.

7.0 Risk Assessment and Opportunities Appraisal

7.1 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.

7.2 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.

7.3 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.

8.0 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

- 25th July 2023

41 Clifton Villas

they are material to the application. The weight given to this issue is a matter for the decision maker.

9. Background

Relevant Planning Policies

Core Strategy and Saved Policies:

National Planning Policy Framework

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

MD2 - Sustainable Design

MD3 - Managing Housing Development

RELEVANT PLANNING HISTORY:

SS/1985/176/P/ Formation of a vehicular access. PERCON 5th June 1985

SS/1980/685/P/ Construction of hard-standing and formation of a vehicular access. REFUSE
12th December 1980

10. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RV4EH7TD07U00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor Richard Marshall
Local Member

AGENDA ITEM

- 25th July 2023

41 Clifton Villas

Cllr Vivienne Parry

AGENDA ITEM

- 25th July 2023

41 Clifton Villas

-