

AGENDA ITEM



Committee and date

25th February 2025

Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

Application Number: 24/04272/FUL	Parish:	Condover
Proposal: Change of use from a dwelling house (Class C3a) to a residential home for up to 5 children (Class C2)		
Site Address: 32 and 34 Harley Road Condover Shrewsbury Shropshire SY5 7AZ		
Applicant: Unique Care Group		
Case Officer: Mandy Starr	email: mandy.starr@shropshire.gov.uk	

Grid Ref: 349267 - 305958

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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development is for the change of use of two attached dwellinghouses (Class C3a) into a single residential care home for up to 5 children (Class C2) at No 32 and No 34 Harley Road Condoover and this application has been made on behalf of Unique Care Ltd who are a local residential educational childcare company.
- 1.2 The proposal is to convert these two attached dwellings into a single care home facility of 335m² (gross internal area) by this Company. The properties, although attached, are currently two separate planning units. The scheme proposes 5 children's bedrooms on the ground floor with a new through opening in the party wall between No 32 and 34. The waking night staff would be accommodated on first floor for No 34 and the Manager and Meeting room would be in the roof space for No 32.
- 1.3 5 children aged 5 to 18 with learning disabilities would be placed at the premises as their main residence, where they can have one to one support with the aim to transform their lives and provide support and care for them as they transition to adult life.
- 1.4 The business would employ 10 full time staff to look after 5 children with 5 daytime carers and 2 waking night staff arranged on a rota basis. There would be one change of these staff each day around 8.30am. A manager would arrive each weekday around 9am and work until around 5pm and three daily carers would arrive each day and would work from 8.30am to 6.30pm each day.
- 1.5 The handovers would incur a small number of traffic movements per day. No on-street parking is envisaged for any staff or visitors as the site already has parking provision.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Nos 32 and 34 Harley Road are two semi-detached red brick and concrete tiled 1960s chalet bungalows situated on the corner with No 34 fronting onto Harley Road itself, whilst No 32 fronts onto a short cul-de-sac facing Nos 28 and 30. A footpath leads from the end of cul-de-sac around several other houses and onto the 'C' class Dorrington Road, Condoover. To the north of No 34 is No 36 Harley Road which is a two-storey dwelling set back behind the frontage of No 34 and which has its rear garden extending along the party boundary with No 32. To the rear of No 32 itself beyond an existing brick wall and fencing is The Laurels which is a modern dwelling built within the last decade which has several rear windows facing towards No 32. Either side of the Laurels is The Coach House and Lime Villa to the northeast and the Rectory to the south. Within the garden of No 32 is a beech tree which is the subject of a Tree Preservation Order as well as a group of protected trees that extends northwards towards No 40. In addition, part of the rear garden of No 32 is also within

the Condoover Conservation Area too.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council and Local Ward Member have contrary views to officers. At the Southern Committee Agenda Setting meeting, it was resolved for the application to be presented to planning committee.

4.0 Community Representations

4.1 Summary of Consultee Comments

4.1.1 SC Conservation (Historic Environment) – 22 November 2024

The proposed change of use affects a modern pair of houses positioned just outside of the Condoover Conservation Area boundary where the boundary line cuts through the east half of the garden of Number 32. As the works proposed are limited to the interior of the building, we have no further comments related to historic environment matters.

4.1.2 SC Regulatory Services – 29 November 2024

The proposals indicate 5 members of staff at any one time during the day, plus other support staff. The changeover of staff could result in 10 cars coming and going, along with other vehicles.

The main concern is that the north boundary spans the length of a neighbouring dwelling and is near the neighbouring house with rooms such as kitchen, dining room, sensory room and two breakout rooms near the boundary.

In the previous use of the properties as a care facility, noise breakout of staff talking in the rear yard area could be easily heard. The same could be true of any C3 residential use of the home, but as it is effectively a workplace for staff in a care facility, and it is a 24-hour workplace.

Although houses as a structural unit may lend themselves to a care setting, the location itself, its scale and proximity with the border very closely with one house to the north where are the day-to-day activity rooms and outside area view towards and the outside areas of other gardens make noise breakout of staff activities and similar difficult to mitigate. Many similar applications frequently apply for change of use for 2 or 3 residents. 5, along with 5 staff is quite intensive and considering the proximity of the surrounding properties, and the level of staffing that is required to support the care need, I would recommend that the location of this property may not be suitable for the change of use proposed.

4.1.3 SC Highways – 3 December 2024

Given the recent use of the site as a residential facility, it is considered that a highway objection to the proposed development could not be sustained. However, the applicant is requested to demonstrate the proposed parking spaces on an

annotated, dimensioned scale drawing.

Further comments following submission of additional information by applicant - 15 January 2025

A highway objection to the proposed development could not be sustained. The submitted Staff Workplace Travel Plan together with the cycling facilities are acceptable. Recommended conditions and informatives.

4.1.4 SC Ecology - 25 November 2024

Ecology are satisfied that this application can be dealt with using standing advice.

4.2 Summary of Public Comments

4.2.1 Condover Parish Council – 4 December 2024 – Objection

Harley Road, Condover, is a purely residential area. This commercial business would create many adverse issues for residents. There is inadequate parking for staff members and narrow road which could lead to hazardous parking impacting on pedestrian safety. Increased traffic generation from the use impacting on existing issues.

Additional Parish Council comments received 9 January 2025

Concern that another property no. 25 is also seeking a care use, issues of proliferation. Our view is that on Harley Road we have 3 small bungalows which are entirely in keeping with this residential area. The research we have done for our Neighbourhood Plan (which should be submitted in the month) shows there is real shortage of this type of property in the Parish. We aim to change that, but losing 3 bungalows from our housing stock would be a big setback. Concern that this care use could repeat local concerns relating to noise and disturbance as the previous use created.

4.2.2 21 public comments have been received and summarised as follows.

15 objections have been received based on the following grounds:

Impact of use on local community

- Fear of a repeat of issues from the previous care use at this facility and issues of noise and disturbance.
- Activities and sounds associated with 24-hour care home operations would impact on local residents who are entitled to a peaceful environment.
- Not possible to manage these noise issues due to the unsuitability of the two bungalows in such proximity to the surrounding houses with only a couple of metres between No 34 and its neighbour. Noise mitigation is therefore impractical and ineffective when operating a residential institution.
- This is a residential institution is not a family home, as it has staff and services

that cater for the residents and operates as a 24/7 workplace. This use is not appropriate in this location.

- Principle objection is due to the unsuitability of the buildings for a large residential care home not the vulnerable children to be housed there.
- Could lead to issues of anti-social behaviour.
- Loss of housing stock and affordable homes.

Impact on cared for children.

- Lack of privacy for occupiers.
- The remaining garden is small, it is crucial for children to have access to a healthy environment particularly those who have faced adversity, mental health challenges or who are neurodivergent.
- The applicant supports children and young people with learning disabilities and complex needs and therefore they should be in an environment where they can express themselves day and night where their emotional wellbeing is nurtured, the location and proximity to neighbours cannot provide this without an enormous impact.

Parking, Traffic and Access Concerns

- Inadequate parking provision could lead to obstruction to other users and emergency vehicles.
- Shift changeovers can involve large volumes of staff arriving and departing in short timeframes, along with visitors, deliveries which can cause congestion, disruptive parking and noise and these vehicle movements and noise cannot be mitigated in this setting.
- Condoover only has a limited bus service outside peak hours and cycling to work is not practical due to lack of bike lanes and distance as a result most employees and visitors would use cars or taxis.

1 Neutral comment

- Request that SC reinstate these properties as two family dwellings to add to housing stock of village.

8 supporting comments.

- The noise objections assumes that disabled children are very noisy, this is prejudiced everyone in society deserves the same rights to a safe home regardless of disability or other protected characteristics.
- Suitability of the site – this is a lovely, detached home with its own garden and plentiful parking and is spacious and part of a community.
- Traffic congestion– only a few more cars at staff changeover. Harley Road is not one of the busiest of roads, but maybe it is a school time. Existing parking on site.
- Privacy issues - there is likely to be fencing around the property which is

adequate.

- Previous occupants - This property was used by previous institutional care provider and the RNIB for many years and there was a continual change of residents, and these issues were not a major issue.
- Village has a strong sense of community, excellent and tranquil setting making it an ideal environment for such a facility.
- There is a significant shortage of residential care facilities in Shropshire currently which is becoming increasingly critical as the number of children in care continues to rise.

5.0 THE MAIN ISSUES

Principle of development
Scale and Design
Residential Amenity
Highway Safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. The National Planning Policy Framework (NPPF) is a material consideration for decision making.
- 6.1.2 The proposal is for a new care home business use in Conover that will provide a care home for children with learning difficulties which would also employ new staff and it would be sited within the development boundary of the village with easy access to the existing transport network. Conover is part of a Community Cluster with Dorrington and Stapleton. Policy CS4 recognises that settlements such as Conover have a role in securing public and private investment and will become more sustainable by doing so. Core Strategy policy CS11 supports the provision of specialist housing, including residential and extra care facilities in such locations.
- 6.1.3 Whilst some concern has been sited about the loss of existing housing stock, this is not sufficient to outweigh the needs for specialist accommodation provision. As such the principle of a care facility would comply with policy and is an appropriate sustainable development in this location.
- ### 6.3 Scale and design
- 6.3.1 The NPPF is clear "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*"
- 6.3.2 Policies CS6 Sustainable Design and Development Principles and Policy MD2 Managing Sustainable Development, set out local considerations for design including

taking account of the local character and context and this extends to the health and wellbeing of communities including safeguarding residential and local amenity..

- 6.3.3 The properties are currently vacant and laid out internally as two separate dwellings, with separate entrances, parking areas and external space.
- 6.3.4 The proposed layout will provide an internal link between the 2 properties to create a single building internally. The internal configuration is largely for the bedroom accommodation within No 32, and more communal spaces within No 34 which also has the access to the private rear amenity space.
- 6.3.5 There would be no change to the external appearance of the building. The proposed small increase in the hardstanding in front of No 34 would allow more vehicles to be parked off the highway. This does not diminish the level of private garden space which is of ample size for the 5 residents. As there are no external changes, there would be no adverse impact on the significance of this part of the Condover Conservation Area.
- 6.3.6 Concerns from the past arrangements of staff using their cars during break times impacted on neighbouring properties and affected the character of the site. The details for this new use indicate that staff changeover would take place over a short time period and internal arrangements of the care home includes dedicated staff accommodation, reducing the likelihood of staff sitting out in their cars during breaks. The current proposal would seek to overcome this issue and therefore the proposal would not affect the character of this part of Harley Road or result in visual harm to the locality.
- 6.3.7 The scale and design of the care home will not be altered because of the proposal and the scheme will not therefore impact the existing streetscene. The design of the internal arrangements is also considered appropriate for the type and level of care being proposed. Officers therefore consider the development accords with local and national policy.
- 6.4 **Residential Amenity**
- 6.4.1 Policy CS6 of the Core Strategy and Policy MD2 of SAMDev indicates that development should safeguard the residential and local amenity.
- 6.4.2 The proposed use as a single property as the main residence for 5 children shares many similarities to the workings of the existing 2 family dwellings on the site.
- 6.4.3 The premises will be home to 5 children between the ages of 5 and 18. Supported by 5 staff members. The staff arrangements are for two carers working overnight on a rota basis (over a 48-hour period), one of these staff would leave each day around 8.30am and would be replaced with three new day time carers. A manager would arrive each weekday around 9am and work until around 5pm. The day carers would then work from 8.30am to 6.30pm each day until the night staff took over. The

maximum number of staff present on site would be six, but this will only be for the small change over period early morning.

6.4.4 It is intended that the daily operation of the home will be indiscernible to that of a large dwelling house with the young people coming and going for education purposes and the adults coming and going for work purposes and thus, will not prejudice or undermine the existing surrounding uses. The applicant already runs other children's Care Homes in Shropshire along the same business model as this proposal and has now submitted a Good Neighbour policy document to support the application.

6.4.5 All public representations submitted with this application have been assessed and the concerns regarding the previous occupants of these properties have been noted, but it is important to state that the applicant's business is new business venture and is unrelated to that of the previous occupiers. Significantly the children that will be placed in the proposed care home will first need to be assessed by Shropshire Council Children's Social Services.

6.4.6 The comments of the Regulatory Services Officer have also been noted in respect of the historical use of this property before the applicants purchased it. Reference is also made to recent case law regarding a Noise Abatement Order in relation to the new Equality Act, but the significant issue is that the property is currently vacant and is not being used as a care home at present, so this issue does not apply. If there were future issues of noise and anti-social behaviour, then these matters would be dealt with by Regulatory Services.

6.4.7 Therefore in relation to this application, it is the proposed use that needs to be considered here and although concerns have been raised about the layout and close proximity of neighbours, the choice of the actual residents has not yet been undertaken and therefore these potential concerns about future noise disturbance as an operational care home for children need to be taken in context, having regard that these properties could also be sold as off as ordinary family homes and occupied by residents who could also have children and may also have several vehicles too.

6.4.8 Nevertheless, given the close proximity of the children's bedroom windows to the boundary hedge (which has recently been reduced in height) and No 36's rear garden which is slightly higher up than the application site, it is considered that a 2m high acoustic fence (secured by condition) should be provided along the party boundary to limit the direct impact on the neighbour's amenities.

6.4.9 Therefore, having regard to all the issues raised above including the detailed objections raised by the neighbours and given that the proposed children's background is unlikely to raise amenity issues discernible from any children living as part of a household, it is considered that the proposal is unlikely to negatively impact on the surrounding neighbours amenities and were issues to be raised in the future, these would be appropriately managed by the applicant. As the impacts have been assessed based on the levels of occupation proposed, it is considered appropriate to

limit the consent to occupation by a maximum of 5 children at any one time.

6.5 Highway Safety and Travel Arrangements

- 6.5.1 Policy CS7 deals with Communications and Transport. Sustainable development requires the maintenance and improvement of integrated, accessible, attractive, safe and reliable communication and transport infrastructure and services.
- 6.5.3 The Highway Authority are not objecting in principle to this application. A revised parking layout has now been submitted addressing concerns about the capacity for on street parking provision and can be controlled through conditions.
- 6.5.4 There is a local bus service arriving at 07:32hours and then frequently until 17:57 hours in the evening operating from Monday to Friday with a reduced service operating on a Saturday, but with no Sunday service.
- 6.5.5 A Staff Workplace Travel Plan Policy accompanies the application and sets out the guidelines for staff travelling to and from the workplace focusing on environmental impact and reducing single-occupancy travel and thus traffic congestion, fairness in using parking facilities and seeking to foster good relations with the neighbouring properties.
- 6.5.6 The level of traffic associated with the development is unlikely to differ significantly from that of the existing residential dwellings. Shift changes are proposed to take place at appropriate times during the day to reduce disruption, there is adequate on-site parking provision to ensure minimal disruption to the existing highway network. Accordingly, the development complies with local and national policy.

7.0 CONCLUSION

- 7.1 The change of use from two C3 dwellinghouses to a C2 children's care home for 5 residents with 3 daytime carers and two night time carers working on a rota basis would meet National and Local planning policies by supporting the delivery of specialist supported housing. Taking in account the size of the two attached dwellings, the size of their curtilages and the context of the site, it is an appropriate location for the purpose proposed.
- 7.2 The small scale of children's care home would not give rise to a level of activity nor an increase in vehicle movements which would have a significant detrimental impact upon the surrounding occupiers or impact on the significance of this part of the Condover Conservation Area. Having considered the objectors comments and the history of the site along with the detailed information submitted by the applicant, the proposal is considered to be acceptable and therefore on balance, the proposal can be recommended for approval. Suggested conditions will seek details of an acoustic fence, access and parking area improvements, access apron, restriction on height of any hedge/fence/boundary fronting onto Harley Road being limited to 600mm high and levels of occupation.

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

- 25th February 2025

32 Harley Road

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: NPPF

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing

CS13 - Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD4 - Managing Employment Development

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S16.2(vii): Dorrington, Stapleton and Condover

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

21/03347/TPO Crown reduce by up to 2.5mtrs, and crown lift up to 3mtrs on secondary branches only of 1no Beech and remove major deadwood of 1no Sycamore tree protected by the Shrewsbury & Atcham Borough Council (North Condover) Tree Preservation Order 2004. GRANT 6th September 2021

23/01829/TPO Trim back to boundary by ... & remove branch overhanging office and vicarage of 1no protected by the Shrewsbury & Atcham Borough Council (North Condover) Tree Preservation Order 2004 (Ref: SA/396) NPW 18th May 2023

SA/98/0434 Erection of a single storey extension to provide additional accommodation. PERCON 9th July 1998

SA/04/0858/F Erection of a single storey rear extension to 32-34 Harley Road and alterations to entrance gates/piers for Condover House (amended description). PERCON 25th August

AGENDA ITEM

- 25th February 2025

32 Harley Road

2004

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SMJRONDLW00>

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 Chris Schofield

Local Member

Cllr Dan Morris

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, drawings and documents as listed in Schedule 1 below.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. Prior to the commencement of the C2 use, full details of the acoustic fencing including height, location and appearance and maintenance to be installed between the northern boundary of application site and No 36 shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the use is commenced and retained for the lifetime of the use hereby permitted.
Reason: To minimise the impact of the residential care home use on the neighbours amenities
4. The development hereby permitted shall not be brought into use until the improvements to the existing accesses and parking areas have been provided properly laid out, hard surfaced and drained in accordance with Revised Block Plan Drawing No. 002 REV A3 published on 09 January 2025. The space shall be maintained thereafter free of any impediment to its designated use for the lifetime of the use hereby permitted.
Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

5. Any hedge, fence or other boundary treatment fronting onto Harley Road is to be kept at a height of 600mm or lower at all times.
Reason: To ensure the provision of adequate visibility in the interests of pedestrian and highway safety.
6. The premises shall be used as a children's care home and restricted to the care of a maximum of five young persons aged 5-18 inclusive at any one time and for no other

AGENDA ITEM

- 25th February 2025

32 Harley Road

purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To restrict the use of the premises in the interest of the amenities of the area.