

<u>APPLICATION NO:</u>	12/00297/NMA	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Whitefield	<u>PARISH:</u>	
<u>LOCATION:</u>	North Park Road, Kirkby Park, Kirkby, Knowsley, L32 2AS		
<u>PROPOSAL:</u>	NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 12/00297/COU (CHANGE OF USE FROM RESIDENTIAL FLATS TO SUPPORTED ACCOMODATION (USE CLASS C2) FOR UP TO A MAXIMUM OF SIX CHILDREN UP TO THE AGE OF EIGHTEEN) - TO AMEND THE DESCRIPTION OF DEVELOPMENT		

Site Description

The application site is a detached care home in a residential area.

Proposal

The proposal is for a non-material amendment to application (12/00297/COU) to amend the description of development.

Consultations

N/A

Representations

1 Representation has been received consisting of the following main points:

- *There are already a number of regulated services in the local area with vulnerable residents, to increase this level would be inappropriate. There are care homes with CQC registration and a local childminder who is OFSETD registered all within 100 yards of the property.*
- *The traffic and parking is an issue on the road and an increase due to the number of staff and visitors would cause issues.*
- *A number of police incidents recently within the area and in close proximity to a public house would make any children placed there at risk also.*

Planning History

Planning permission was granted for a change of use from flats to a care home to which the application relates (12/00297/COU). The application was assessed on the basis of being for supported accommodation for autistic children between 12 and 18.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear

reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS19 - Design Quality and Accessibility in New Development
CS20 - Managing the Borough's Historic Environment

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

H5 - Development within Primarily Residential Areas
DQ5 - Development in Conservation Areas

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Material Change

The key issue in the current proposal is whether the proposed change in description would be material.

In relation to changing the description, the previous officer report explicitly stated that the application was assessed and approved specifically on the basis of it being for supported accommodation for autistic children between 12 and 18 (rather than a general C2 use). The officer report also specifically stated that any operational changes would require a new planning application. Therefore, a general C2 use has not been assessed or found to be acceptable at the site in the previous application.

A change to a general C2 use (depending on the occupiers) could lead to materially greater impacts from traffic/noise etc which may require new conditions being imposed, or could lead to the principle of development being re-considered.

Other Issues

The current proposal can only be assessed on whether the changes are material. This means that other matters are not able to be considered as part of the current application.

Conclusion

The proposal would be a material change and is therefore not eligible for the prior approval process.

Recommendation

Refusal

That Planning Permission be refused for the following reason:

- 1) The change in description is considered to be a material change which is ineligible for the non-material amendment process.

Signed Case Officer:

Andrew Hunt

**Signed Authorising
Officer:**

Alan Kilroe

Date:

9 December 2022

Informatives

N/A