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Our ref: ILA

Dear Sirs

Application under Section 73 of the Act, to vary planning conditions (2) (approved drawings), (3) (retention of car parking spaces) and (4) (maximum number of children resident) to planning permission reference 16/00099/COU for the change of use of existing residential dwelling (Use Class C3) to use as children's residential home (Use Class C2), at 12 Windy Arbor Brow, Whiston, Knowsley, L35 1RA

1. This application seeks approval for a material amendment to the planning permission for a change of use, granted in 2016 (Council planning application reference 16/00099/COU). That permission has been implemented.
2. The Applicant, IDEM Living, seeks to increase the maximum number of children who can reside at the property, from three to four.
3. The background to the change is a need to provide accommodation for a child who is disabled and requires accommodation in a ground floor room. The room is currently used to provide one of the night staff with sleeping accommodation. The need for staff sleeping accommodation will be met by using a first floor bedroom, currently used for storage.
4. The change does not require any building operations either internally or externally.
5. The additional, disabled child, will require one-to-one support and the number of staff present during the day will also increase by one (from three to four). The number of staff present overnight will remain the same. A manager will continue to be in attendance during the day.
6. Primarily, the application seeks to vary condition (4), because this limits the number of children who can reside at the property at any one time to three. Associated with it is a wish to increase the number of designated car parking spaces on site by one, to provide for the additional staffing proposed. The latter triggers a need to vary conditions (3), the car parking plan, and (2) the schedule of approved drawings. On the original permission all the plans were shown on one drawing. This application disaggregates the plans to more of their own drawings, but the details remain the same, other than in respect of the proposed site layout, which is amended to match the car parking plan, and the proposed floor plans, which are amended to reflect the removal of an en-suite to a ground floor bedroom.

7. The application seeks to vary the conditions to read as follows

Condition (2) Schedule 1

Dwg 502 – Location plan
Dwg 501B – Site plans (existing and proposed)
Dwg A101 – Floor and roof plans as existing
Dwg A201A – Floor and roof plans as proposed

Condition (3)

The five parking spaces shown on the 'Site Plan as Proposed' on drawing number A501, shall be retained for parking purposes at all times the use hereby permitted is in operation unless otherwise agreed in writing by the Local Planning Authority.

Condition (4)

No more than four children shall reside at the property at any one time, and the number of staff shall not exceed the number of children (plus one manager) except during shift changeover time unless otherwise agreed in writing by the Local Planning Authority.

8. The reason for imposing condition (4) is given on the decision notice as relating to the residential amenity of the occupiers of properties in the vicinity of the site and impacts on parking and highway safety.
9. The Case Officer Report on the original application reported that no third party representations were received in response to the neighbour consultation carried out. The Council's Highway Engineers had no objections to the application, and are not reported to have requested any conditions be imposed. The Case Officer Report did not identify any specific potential issues in relation to any specific neighbouring residential property.
10. There is only one residential house immediately adjacent to the application site: 10 Windy Arbor Brow lies to the immediate north. A dog grooming business operates from this site (Mucky Pups Dog Grooming) Monday to Friday 10am to 4pm and Saturday 9.30am to 4pm (according to its website). To the immediate rear of the application site is the bottom part of the long garden to 2 Windy Arbor Brow. To the south of the application site is a car park serving the adjacent hotel. Opposite the application site, to the east, is an area of open, vacant land.
11. The car parking to the adjacent 10 Windy Arbor Brow lies to the south of the house and alongside the car parking to the application site. The dog grooming is carried out in a shed which lies adjacent to the boundary with the application site. There are no window openings in the side, south facing elevation of the house at 10 Windy Arbor Brow.
12. Given the existing arrangements on site and the context to the site, it is not considered that the activity associated with parking one additional car on site will give rise to a level of disturbance likely to materially impact the residential amenity of the nearest residential neighbours.
13. Windy Arbor Brow is a cul-de-sac which terminates a few metres south of the application site; there is no turning head. There are gates to the hotel car park but in practice the hotel is not known to have used it in recent years. There is a pavement

to the front of the application site, which terminates almost immediately to the south of it. There is no pedestrian or bicycle route that continues to south beyond the end of the road. The application site has a reasonably generous area on the north side for the parking of cars but not sufficient to allow for vehicle turning on site. It is sufficient to allow for vehicle manoeuvres to take place on site, to allow cars to be parked in tandem.

14. Given the existing arrangements on site and the context to the site, it is not considered the activity associated with parking one additional car on site will give rise to any parking or highway safety issues.
15. As such the proposed development is in accordance with Knowsley Local Plan Policies CS2, CS7 and CS29 and Knowsley Replacement Unitary Development Plan Policies H5 and H7.
16. In addition to the National Planning Policy Framework, the written ministerial statement by Rachel Maclean on 'Planning for accommodation for looked after children' (23 May 2023) is also a material consideration, and lends support to the approval of the change sought.

Closing comments

17. The above demonstrates the proposed change will be appropriate, will cause no harm to residential amenity and will give rise to no parking or highway safety issues. The proposed development complies with the relevant policies of the development plan. There are no material considerations to indicate a decision should be made other than in accordance with the development plan. Accordingly, the application for planning permission should be granted.
18. If officers require any further information or any clarification on any point raised in or by the application, then they are requested to contact me at the earliest opportunity. Officers are also asked to liaise with me over any changes to the proposed planning conditions.
19. I trust the Council finds the above sufficient to demonstrate the proposed use is in accordance with the development plan and accordingly the Council is respectfully requested to grant planning permission.

Yours sincerely



Adrian Thompson MRTPI
Director, Lightwater TPC

