

<u>APPLICATION NO:</u>	24/00075/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	12 Windy Arbor Brow, Whiston, Knowsley		
<u>PROPOSAL:</u>	VARIATION OF CONDITIONS 2, 3 AND 4 ATTACHED TO PLANNING PERMISSION 16/00099/COU (CHANGE OF USE OF EXISTING RESIDENTIAL DWELLING (USE CLASS C3) TO USE AS CHILDREN'S RESIDENTIAL HOME (USE CLASS C2)		

Site Description

The site consists of a large detached dormer bungalow with associated curtilage at the end of Windy Arbor Brow, a no-through road. The bungalow has a detached dwelling to one side with The Village Hotel and car park to the other. A new housing development is being erected on the opposite side of the road. The front garden area (to the side of the front part of the bungalow) is paved for the most part for parking with a small, grassed area to the front adjacent the dwelling.

Proposal

The proposal is for the variation of condition 4 attached to planning permission 16/00099/FUL which limits the numbers of children and staff at the property. The proposed variation is to allow an additional child to reside at the property with additional daytime carer. As a result condition 3 (car parking spaces) is also proposed to be varied as a further parking space is required. As a result of this, and some minor changes to the internal layout of the bungalow a variation of Condition 2 (approved drawings) is also sought.

Consultations

Highway Authority - No objections.
Whiston Town Council - No comments received.

Representations

This application has been publicised by letters sent to 7 neighbours.

There has been 1 letter of objection. The representations are summarised as follows:

- Parking is already an issue on Windy Arbor Brow, and the home currently has one car and two vans but are able to park only 2 vehicles on the premises. Also, there are up to 6 employee vehicles parked on the road.
- An additional child would require one or two more employees and potentially another home owned van and there would not be enough parking space on the road.
- Parking amendments to the property would only give two more spaces leaving 8 staff vehicles to find parking on the road.
- Combining the existing parking with the new development of 43 dwellings and at

least one hundred more vehicles how will the road cope?

Planning History

16/00099/COU - CHANGE OF USE OF EXISTING RESIDENTIAL DWELLING (USE CLASS C3) TO USE AS CHILDREN'S RESIDENTIAL HOME (USE CLASS C2).
Granted: 15.04.2016.

15/00747/CLD - CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED USE OF EXISTING RESIDENTIAL DWELLING (USE CLASS C3) AS CHILDREN'S RESIDENTIAL HOME FOR 2NO CHILDREN (USE CLASS C2). Refused:
14.01.2026.

APP/94/00712 - ERECTION OF DETACHED GARAGE. Granted: 06.01.1995.

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

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

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

H5 - Development within Primarily Residential Areas

H7 – Provision of Flats, Nursing and Residential Homes, Hostels, and Houses in Multiple Occupation (HMOs)

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

The principle of use of the property as a children's home has been established by the granting of planning permission 16/00099/COU. The main issue with regard the current proposal is therefore the impact the extra child, and the extra daytime carer, would have with regards amenity and highways/parking.

Highway and Parking Considerations

The parking standards set out in the 'Ensuring a Choice of Travel' SPD state that C2 Use (Residential Institution) requires 1 car parking space per 5 bedrooms. The current application proposes an increase in the permitted number of children from 3 to 4, with the number of staff not exceeding the number of children (plus one manager). The proposals also seek a change in the approved plans to allow for an increase in car parking to 5 spaces. This is an increase of 1 from the originally consented scheme (16/00099/COU). The application plans therefore provide additional parking provision to meet the expected additional demand and will remain in excess of that required by the Council policy. Therefore whilst there is an objection on parking grounds the application complies with Council parking standards and the Council Highways Engineer has not raised objection to the application. As such it is considered that the parking as proposed is acceptable.

The application complies with Policies CS2, CS7 and CS19 of the Local Plan, and Saved Policies H5 and H7 of the UDP.

Amenity Considerations

In terms of visual amenity the proposed hard surfacing of the whole area in the front of the site adjacent the bungalow is acceptable and would not be detrimental to visual amenity. The proposed minor changes to the bungalow are internal and would not affect the appearance of the bungalow and so would have no impact on visual amenity.

The proposed additional child living at the bungalow and an additional carer in the daytime does not give rise to residential amenity concerns, including noise disturbance.

The application complies with Policies CS2 and CS19 of the Local Plan, and Saved Policies H5 and H7 of the UDP.

Conclusion

The proposed variation of conditions to allow an additional child to live at the property, an additional carer to attend the premises during the day and to create a parking area for five vehicles is acceptable and would not adversely impact the amenities or highway safety of the area. The application complies with planning policies and is therefore recommended for approval.

Recommendation

That Planning Permission be granted subject to the following condition(s): -

- 1) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 2) Prior to the additional child residing at the property the car parking as shown on the Proposed Site Plan drawing number A501 Rev B shall be installed and retained for such purposes at all times thereafter. For the avoidance of doubt the parking shall not drain to the public highway.

Reason: To ensure that there is adequate in-curtilage parking in the interests of highway safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and H7 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 3) 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 times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess any proposal for further children and staff at the premises with regard any potential additional impact on the residential amenity of the occupiers of properties in the vicinity of the site and impacts on parking and highway safety having regard to the National Planning Policy Framework; Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and H7 of the Knowsley Replacement Unitary Development Plan, adopted January 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
14/02/2024	A502	-	LOCATION PLAN
14/02/2024	A501	B	EXISTING AND PROPOSED SITE PLANS
14/02/2024	A201	A	PROPOSED FLOOR PLANS

Signed Case Officer¹: Lee Osborne

Signed Authorising Officer²: K Foster

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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Date:

17 April 2024
