

APPLICATION NO: 23/02833/FUL

APPLICANT: Almoner Care Group
Limited

WARD AFFECTED: Whitefield

DEVELOPMENT:

CHANGE OF USE OF A DWELLINGHOUSE (USE CLASS C3) TO A 2 BED
CHILDREN'S HOME (USE CLASS C2)

LOCATION OF SITE:

9 Lognor Road, Westvale, Kirkby, Knowsley, L32 0SX

DEVELOPMENT PLAN ALLOCATION:

Primarily Residential Area

REPRESENTATIONS:

8 objections from 6 individual residents were received and a petition of 34 persons objecting to the application were received following the original consultation period. 1 further objection was received following the second consultation period.

RECOMMENDATION:

It is recommended that planning permission is granted subject to the conditions set out in the attached schedule.

CASE OFFICER:

Andrew Hunt (0151) - 443 2204

SUMMARY:

This application proposes a change of use of an existing residential dwelling (Use Class C3) to a children's care home (Use Class C2), for a maximum of 2 no children.

The relevant key issues are:

- The principle of development
- Impact on amenity
- Highway safety
- Crime and anti-social behaviour

1. SITE AND SURROUNDINGS

- 1.1 The application site is a terraced dwelling at Lognor Road, Kirkby which has been unoccupied since July 2023. The property's front garden area is occupied by a slab pavement and vegetation which runs along the boundary with 7 Lognor Road.
- 1.2 The site is rectangular in shape and is attached to two attached dwellings to the north and south - 7 and 11 Lognor Road. There are other dwellings to the east and west of the site. The surrounding area is residential in nature. Lognor road is a relatively minor road and is connected to the B5192 (Whitefield Drive) by Bolton Avenue and Alvanley Road. There is a bus stop on Whitefield Drive around 3 minutes' walk away from the site and Kirkby train station is a 6-minute walk away.

2. PROPOSAL

- 2.1 This application proposes the change of use from the existing residential dwelling (Use Class C3) to form a children's care home (Class C2). The care home would be for up to 2 children and no more than 2 care staff and a manager will be present at any one time.
- 2.2 The proposed day time shift patterns are 8am to 8pm with staff changeovers over a half hour period. The manager will be based at the property between 9am and 5pm. There are no proposed external changes to the building with only minor small scale internal alterations.

3. RELEVANT SITE HISTORY

None relevant to the consideration of this application.

4. EQUALITIES ACT 2010

- 4.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010.
- 4.2 Section 149 of the Act sets out a general duty that requires the council to have due regard to the need to:
- eliminate discrimination, harassment and victimisation;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

4.3 In this case, the proposed development is not anticipated to have any potential impact from an equalities perspective.

5. REPRESENTATIONS

5.1 The application was publicised by letters sent to ten neighbouring properties and two periods of consultation have taken place. The first period of consultation took place in December 2023 and resulted in 7 Objections from 6 residents and 1 petition of 34 persons opposing being received. Following the receipt of additional information in January 2024 a further period of consultation was undertaken, and 1 further objection was received from a previous objector.

5.2 The points of objection are summarised below:

- The care home would impact on my care for a disabled relative and their wellbeing.
- The proposal will cause a shortage of parking on the street as a result of staff and visitors.
- The care home is a private business for profit not welfare of children.
- The council benefits from easing pressure on the council by having these homes in residential areas.
- There are hedges at the front of the property.
- No 9 is located close to The Brace pub which is a crime and anti-social behaviour risk.
- There are general crime issues in the vicinity with several incidents in the local area.
- There are asylum seekers nearby which is a risk to safety.
- Our properties will be devalued.

5.3 A petition of 34 signatures has been submitted by an objector. The petition opposes the development but does not give specific reasons.

6. CONSULTATIONS

Environmental Health & Consumer Protection (Knowsley Council) –No objection.

Local Highway Authority (Knowsley Council) – No Objection. A condition requiring 2 off-street parking spaces has been requested.

Social Care (Knowsley Council) – Raise no concerns however we expect any Childrens Residential home provider setting up in the Borough to work with the Council to prioritise placing Knowsley Cared for Children and will ensure that they are registered with the appropriate Placement North West framework.

Merseyside Police Architectural Liaison Officer – No comments to make on the application.

7. POLICY CONTEXT

7.1 Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2023), an extract from which is set - out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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 usually 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.”

- 7.2 In this regard, the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 219 of the latest NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.
- 7.3 The site is designated as within the Primarily Residential Area. The relevant adopted policies for the assessment of the application are listed below.

Local Plan: Core Strategy (2016)

SD1 - Sustainable development
CS1 – Spatial Strategy for Knowsley
CS2 - Development Principles
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development

Knowsley Replacement Unitary Development Plan (Saved Policies, 2009)

H5 - Development within Primarily Residential Areas
ENV2 - Noise and Vibration

8. ISSUES AND ASSESSMENT

Principle of the Development

- 8.1 Replacement UDP Saved Policy H5 (Development Within Primarily Residential Areas) states that: new development within the Primarily Residential Areas which is for uses appropriate to a residential area will be permitted provided that the development would not:
- Have an unacceptable impact on the amenity of neighbouring occupiers by reason of noise, disturbance, overlooking, visual intrusion smells, fumes, on-street parking or other causes; or
 - Adversely affect the character or street scene of the area.
- 8.2 Replacement UDP Saved Policy H5 (Development Within Primarily Residential Areas) states that proposals for residential homes, will be permitted provided that:

“a) There would be no unacceptable increase in the level of noise or disturbance, or loss of privacy, for occupiers of neighbouring property;

b) Any necessary vehicle parking areas would be adequate to meet the needs of the development, safe and screened and/or landscaped so as to avoid causing loss of visual amenity in the area;

c) Bin stores, fire escapes and clothes drying areas would be adequately screened or designed so as to avoid causing loss of visual amenity;

d) In the case of proposals to convert existing property, the property would be suitable in terms of its size and character to accommodate the development proposed; and

e) In the case of proposals for nursing or residential homes, hostels or Houses in Multiple Occupation, the proposals would not result in:

- An existing dwelling having a nursing home, residential home, hostel or HMO on both sides; or

- More than 2 adjoining properties being used as a nursing home, residential home, hostel or HMO”.

8.3 The proposed use (Class C2) is classed as a “Residential Institution” therefore, it is considered that such uses are acceptable in principle in this location and are a residential type use. This is subject to the use not having an unacceptable impact on the amenity of neighbours or the character of the area.

8.4 The proposed use would be acceptable in principle, and issues of highway safety and residential amenity are discussed below. Therefore, the principle of the C2 use complies with Local Plan Core Strategy Policy CS19 and Saved UDP Policy H5.

Residential Amenity

8.5 In order for the proposal to be acceptable, it is important that it does not have a detrimental impact on the amenities of existing residents. Core Strategy Policies CS2 and CS19 combine to ensure that new development does not significantly injure the amenities of nearby residential neighbours. Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured.

8.6 The application proposes there would be 2 children, 2 carers and a manager present at any one time at the property. The changeovers of carers would take place at 8am and 8pm and last for approximately 30 minutes, whilst the manager would be present at the premises between 9am and 5pm.

8.7 There would be some noise associated with comings and goings from the property in the form of car doors opening and closing, and the noise of engines.

However, such noises would be relatively infrequent and would not take place late at night or early in the morning. This level of coming and goings would not be significantly greater than that associated with a family home (which could accommodate more residents than the proposed use and have significant numbers of visitors to them).

- 8.8 The level of activity likely to occur as a result of the C2 use would therefore not result in significant harm to residential amenity. This is supported by the views of the council's Environmental Health team who have no objection to the proposal. In relation to potential impact on vulnerable neighbours, there is no evidence that the application would cause a greater impact on than a typical residential use. It should also be noted that dwellinghouses can also be subject to noise issues, anti-social behaviour and disturbance depending on the conduct of the homeowner.
- 8.9 Nevertheless, so that the level of impact is kept to a minimum, it is recommended that, subject to the approval of the application, a condition is attached to the planning permission to permit a maximum of two children being able to be cared for at the property at any one time.
- 8.10 In relation to crime and anti-social behaviour it is acknowledged that the surrounding area sometimes suffers from crime and anti-social behaviour issues. However, there is no evidence that the proposal will worsen existing issues of crime and anti-social behaviour or will be harmful to the welfare of children residing at the property. This is reinforced by the lack of any objection from the Merseyside Police Architectural Liaison officer or from Children's Services.
- 8.11 Overall, subject to these conditions, it is considered that the proposals would not cause unreasonable harm to amenity and the application complies with Core Strategy Policy CS19 and UDP Policy ENV2.

Highways

- 8.12 NPPF Paragraph 115 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.13 Core Strategy Policy CS7 (Transport Networks) states that new development will be required to be:
- Located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles.

- In compliance with adopted cycle, car, disabled and service vehicle parking standards for different types and scales of new development.
- 8.14 The site is located within a sustainable location with excellent bus links. There is a bus stop situated just 3 minutes' walk away on Whitefield Drive that provides services to Liverpool which run approximately 8 buses an hour.
- 8.15 At present only a single off-street car parking space can be accommodated within the site. The Highways team have been consulted on the application and have raised no objections, subject to the inclusion of a condition being included on the decision notice, should the application be approved, to ensure the provision of two off-street parking spaces. The site could accommodate a driveway measuring approximately 6.46 metres wide and 5.30 metres in length which is sufficient to allow for 2 parking spaces.
- 8.16 Two parking spaces are considered sufficient parking (when combined with the site's excellent public transport links), to ensure that there would not be significant harm to highway safety from the proposal.
- 8.17 Overall, the proposal will not lead to unacceptable impacts on highway safety. Therefore, the application is consistent with NPPF para 109, and Policy CS7 of the Local Plan Core Strategy

Other Considerations

- 8.18 A number of issues raised in the representations relate to matters than are not material planning considerations and therefore cannot be considered. This includes devaluation of property.

9. CONCLUSION

- 9.1 The development is acceptable in principle and would not cause unacceptable harm in relation to highway safety, the character of the area, crime and anti – social behaviour or the amenity of neighbouring properties. This is subject to conditions relating to a limit to the number of children that can be cared for at the property and the implementation of an additional parking spaces within the curtilage of the property.
- 9.2 In conclusion, the proposed development would comply with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2023).

10. RECOMMENDATION:

- 10.1 It is recommended that planning permission be granted subject the conditions set out in the attached schedule.

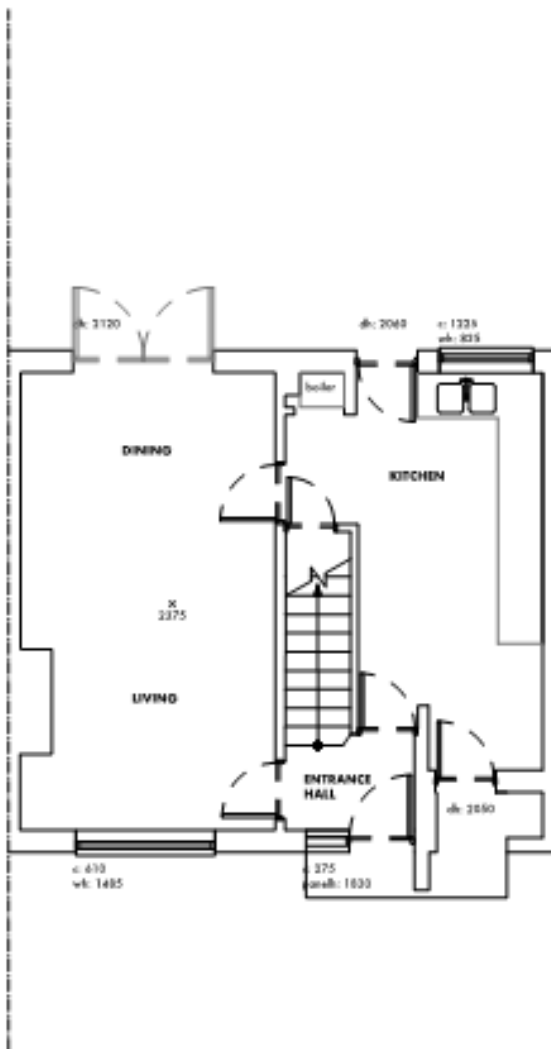
SCHEDULE OF CONDITIONS

1.	Time Limit	Advisory
2.	Plans List	Advisory
3.	Implementation of car parking	Prior to first use
4.	Maximum Limit of 2 children	Ongoing

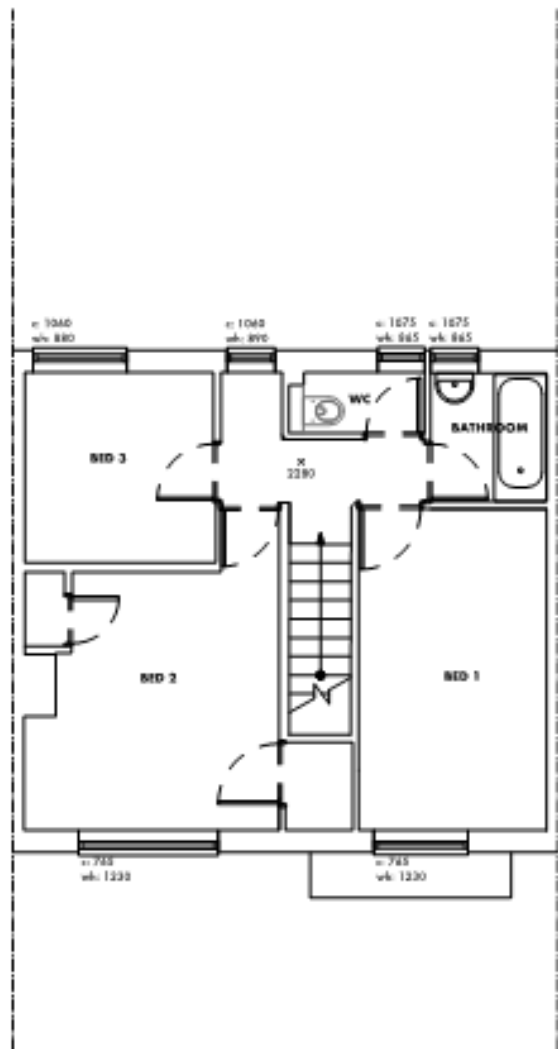
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Proposed Ground Floor Plan



Proposed First Floor Plan

