

<u>APPLICATION NO:</u>	24/00605/FUL	<u>CASE OFFICER:</u>	Miss Kim Vo
<u>WARD:</u>	Shevington	<u>PARISH:</u>	
<u>LOCATION:</u>	11 St Peters Close, Tower Hill, Kirkby		
<u>PROPOSAL:</u>	CHANGE OF USE FROM RESIDENTIAL PROPERTY (USE CLASS C3) TO A CHILDREN'S RESIDENTIAL CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 2NO. CHILDREN.		

Site Description

The application site relates to a two storey end terraced property at no.11 St Peters Close. The application site is located within a Primarily Residential Area, as defined by Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006), as well as the Tower Hill Action Area, as defined by Policy CS1 and CS12 of the Knowsley Local Plan: Core Strategy (Adopted January 2016).

Proposal

The proposal seeks for the change of use of the existing residential dwelling (Use Class C3(a)) to a children's care home (Class C2). The children's home will be for a maximum of two children aged between 5 and 17 years old. The children may present with emotional/behavioural issues but exclude severe learning difficulties or any physical disabilities. The children will attend mainstream school with visits from other support workers to take place on a monthly basis. Friends and relatives of the children may also visit. The children will be supervised at all times.

Seven staff working on a shift rota basis will be employed in total, which includes a Registered Manager who will work at the home during the day (09:00 to 17:00) from Monday to Friday. There will be two caring staff during the day at any one time, with two caring staff present overnight. Changeovers of caring staff will occur every other day at 10:00am for half an hour and during these times, the maximum number of staff will rise to five at any one time. No external alterations are proposed however, internal works will be undertaken to create a staff office at ground floor.

Consultations

N/A

Representations

This application has been publicised by letters sent to 11no. neighbours. No letters of representations have been received.

Planning History

None relevant.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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 (January 2016)

Policy CS2: Development Principles

Policy CS7: Transport Networks

Policy CS16 – Specialist and Supported Accommodation

Policy CS19: Design Quality and Accessibility in New Development

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy H5: Development within Primarily Residential Areas

Policy ENV2: Noise and Vibration

Supplementary Planning Documents (SPDs)

Ensuring a Choice of Travel (September 2010)

National Policies

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

The main considerations for this application are:

- Principle of Development
- Residential Amenity
- Highways and Access

Principle of Development

The application site is within the suburban settlement boundary of Kirkby, with good access to the Headbolt Lane railway station, local bus routes, major road networks and local services and amenities. The application site is therefore sustainably and appropriately located in accordance with Policy CS1 of the Local Plan.

The application site is within an Existing Residential Area and the proposal seeks for

a change of use to a children's home, which will be a residential care facility. The proposed Class C2 use falls within Part C (the residential uses) of The Town and Country Planning (Use Classes) Order 1987 (as amended). Accordingly, the proposed use for a residential children's home is considered to be compatible with the surrounding residential character of the area. The proposal would therefore accord with Saved Policy H5 of the Knowsley Replacement UDP.

It is acknowledged that Class C2 includes hospitals, nursing homes, boarding schools, residential colleges and training centres, and has permitted development rights for a change of use to a state funded school. However, this application has been considered on the basis of the specific information provided and that the property would accommodate a maximum of two children only. The Local Planning Authority would have concerns if this property was to be used for other uses within Class C2. As such, a condition will be attached as part of any permission, to limit the number of children within the home to two, and for permitted development rights for any other use within Class C2 to be removed (including change of use to a state funded school). Subject to the above planning conditions, the proposal is deemed to be acceptable in principle, subject to further considerations as detailed below.

Residential Amenity

The proposed development does not increase the living occupancy of the site as the number of bedrooms would remain the same. The carers would provide care for the children/young persons and would live together as a single household. The children/young persons are always supervised by the carers and will attend mainstream school. They will also be taken to school/ appointments/ recreational activities by the carers, in the same way that children within a family dwelling would. The application property has three bedrooms at first floor, with a staff office to be created at ground floor. The application property is therefore, considered to be sufficient to accommodate the proposed use. Moreover, there are no works proposed to the existing elevations/wider site.

There would be a maximum of two children/young people residing at the property, with no more than two caring staff present at any one time during the day and night, who will work on a shift basis. A registered manager will also be present, working 09:00 to 17:00 from Monday to Fridays. This results in an overall three members of staff being within the property at any one time throughout the day. However, the presence of three carers/manager and two young persons and the associated level of activity and movement is not considered to be excessive, as it would be comparable to that of a three bedroomed family dwelling, which may have similar comings and goings as a result of work schedules, shift patterns, attendances to school etc. Changeovers of two caring staff will occur every other day at 10:00. This results in a total of five staff members who will be present during these periods (four caring staff and the registered manager). However, the maximum five persons on site would be for a temporary, short period of time (30 minutes) and will be limited to changeovers occurring every other day.

Additional visits may occur from social workers, therapists, family/friends of the children/young people and other agencies. However, these visits will be infrequent, occurring approximately once a month or on a pre-planned basis. Such visits will be akin to a normal family dwelling, which may have visiting guests, health/medical home appointments, private tutoring, visiting property contractors etc.

Based on the above, the proposed development is considered to have an acceptable impact on the amenity of the neighbouring residential properties. Accordingly, the proposal is considered to comply with Policies CS2, CS16 and CS19 of the Knowsley Local Plan Core Strategy, Saved Policy H5 and ENV2 of the Knowsley Replacement

Highways, Parking and Access

The application site has no off-street parking provision. However, this is an existing situation and on-street parking is available to the front and side of the site, which will be sufficient for up to five carers/manager to park their cars. The application site is also sustainably located, with the Headbolt Lane railway station being within walking distance and bus stops located nearby. As such, the lack of parking provision is not deemed to be a significant enough reason to warrant a refusal. The potential traffic movements are also not considered to be greater than an average three bedroomed dwelling. As such, on balance, it is considered that the proposal would have no severe impacts upon access, parking and highway safety, in accordance with Policy CS7 of the Local Plan, the Ensuring a Choice of Travel SPD and Paragraph 116 of the NPPF.

Conclusion

The principle of the proposal is considered acceptable and would have an acceptable impact upon neighbouring amenities, and access, parking and highway safety. On this basis, the proposal complies with all relevant local and national planning policies and guidance.

Recommendation

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

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) 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.

- 3) There shall be no more than two children / young people residing within the children's home (Class C2) hereby approved at any time.

Reason: In order for the Local Planning Authority to assess any potential increase in the living occupancy of the children's home and to ensure that the residential amenities of nearby dwellings are not adversely affected by an increased intensity of the use hereby approved, in accordance with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016) and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), and the National Planning Policy Framework.

- 4) The application site and property shall be used as a residential children's home for the care of children/young people only and for no other purpose, including any other purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, and/or permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision

equivalent to that class in any statutory instrument amending or replacing that Order).

Reason: The use of the premises other than in accordance with the approved use would require further consideration by the Local Planning Authority and may not be appropriate in this locality in order to safeguard the amenities of the neighbouring properties, in accordance with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016) and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), and the National Planning Policy Framework.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
13/11/2024	STPC11-03	Rev. A	Location Plan
13/11/2024	STPC11-02	Rev. A	Proposed Floor Plans

Signed Case Officer¹: **Kim Vo**

Signed Authorising Officer²: **K Foster**

Date: **10 January 2025**

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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