

<u>APPLICATION NO:</u>	24/00374/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Knowsley Parish Council
<u>LOCATION:</u>	122 Sugar Lane, Knowsley, Knowsley		
<u>PROPOSAL:</u>	CHANGE OF USE CLASS FROM RESIDENTIAL PROPERTY (USE CLASS C3) TO A CHILDREN'S RESIDENTIAL CARE HOME (USE CLASS C2).		

Site Description

The application relates to a detached house on Sugar Lane and associated garden space. The locality is residential in nature and characterised by detached and semi-detached houses on one side of the road with a copse on the opposite side of the road, and open land to the rear. The front garden currently has a paved parking area and a gravelled area, partially walled at the front.

Proposal

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 3 children and up to 4 staff carers together with a manager, although it is anticipated that 2 children would usually reside at the property and initially there may only be 1 child living there.

The children would be between 8 and 17 years of age. The children will encompass a range of needs including Emotional and Behavioural, Learning Disabilities and children who may require support with their mental health. All children will participate where they can in a form of education; this would be either mainstream school, or more commonly a specialist educational provision, or possibly a virtual school.

Carer's shifts would be as follows: -

Day One - 8am: Four staff come onto shift and work until 10pm. 10pm - Two members of staff go home, and the remaining two staff complete a sleep at the home. Two further staff members come in and complete a waking night.

Day Two - 8am: The two waking night members of staff go home. Two members of staff come in to work and join the two staff members that completed the previous night's sleep to work until 10pm.

10pm: Two members of staff go home, and the remaining two staff complete a sleep at the home. Two further staff members come in and complete a waking night.

Days after that are repeated as for day 2. Therefore, there are 2 carer's shift changes a day at 8am and 10pm.

The Registered Manager would be at the premises 9am – 5pm Monday to Friday, although this could be altered according to the needs and requirements of the children; there would always be a carer shift leader at the premises.

Social workers and members of the children and young people's multidisciplinary team would attend the property as needed. Large meetings may be arranged away from the property, to not disrupt the neighbours.

Consultations

Knowsley Parish Council - No comments received.

Representations

This application has been publicised by letters sent to 6 neighbours. It has also been advertised by site notice.

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

The representation makes comment regarding the parking at the site. Notably that when last in use, with adults who needed some care, there were parking issues caused by the parking of the carers causing the author to be blocked in sometimes and leading to arguments with the carers. The author comments that he does not wish to go through that again, particularly as there would be vulnerable children at the property.

Planning History

10/00225/HMO - CHANGE OF USE FROM USE CLASS C3 (a) RESIDENTIAL DWELLING TO HOUSE OF MULTIPLE OCCUPATION (USE CLASS C4). ASSOCIATED WORKS INCLUDE CONVERSION OF GARAGE TO BEDROOM, AND REPLACEMENT OF GARAGE DOOR WITH WINDOWS. Granted: 22.06.2010.

24/00246/CLD - CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF RESIDENTIAL DWELLING AS A CHILDREN'S HOME FOR A MAXIMUM OF 2NO. CHILDREN AND TWO CARERS (OTHER THAN SHIFT HANDOVER TIME). Granted: 26.06.2024.

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

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

H5 - Development within Primarily Residential Areas

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 proposal is to use the existing house in C£ Use as a Children's Home, a C2 Use, for up to 3 children to live at the property, which is in a residential area. The principle of development / use is therefore acceptable.

Residential Amenity Considerations

The application does not propose any physical works to the property, but there are residential properties to the east and west of the site. Whilst there would be some noise associated with comings and goings from the property at shift change Such noises would be relatively infrequent and would not take place late at night or early in the morning. The level of coming and goings that would be generated by the proposed use is not likely to be significantly greater than that associated with a 5-bedroom family house and would not result in significant harm to residential amenity.

Whilst the children would have significant needs, there would always be sufficient carers at the property to ensure that the needs of children are met, even when the children are upset. 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. Furthermore, the property could house up to 6 individual persons without planning permission being required and which itself could lead to considerable comings and goings, disturbance and so on.

Nevertheless, should planning permission be granted it would be prudent to attach a planning condition to limit the number of children to 3 and to limit the number of carers to 4 (except at shift change-over times), to prevent a larger number of children using the premises.

Subject to the recommended condition, it is considered that the proposal would comply with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Highways Considerations

NPPF Para 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.

Other than 2 short shift changeover times twice a day, there would be 5 staff at the premises weekdays 9am – 5pm, with 4 staff other times. The front garden area could accommodate 3-4 cars if fully hard surfaced and wall removed to allow full access. There is space on the road to the front of the property which 2 cars could park without impinging upon neighbours' access and parking. In addition, Knowsley Lane is at the bottom of the road to the west which is on a bus route. Given that some staff may travel by public transport or walk / cycle if local the parking is considered sufficient, provided that a condition was attached to any planning permission granted requiring the front garden area to be fully hard surfaced and the front wall removed to allow full access (kerb crossing to be widened as necessary).

Overall, the parking spaces that could be provide are considered to provide sufficient parking to ensure that the proposal would not lead to unacceptable impacts on highway safety and would not cause significant harm to highway safety. Therefore, the application is consistent with NPPF para 115, and Core Strategy Policies CS2 and CS19, and with Saved UDP Policy H5.

Character of Area

The proposal would not involve physical changes to the property with no changes to the elevations or the wider site, other than any changes required by condition. Overall, the changes do not harm the character of the area and the proposal would comply with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Conclusion

The development is acceptable in principle and would not cause significant impact on the residential amenity of neighbouring properties or highway safety, and with no physical changes proposed would have little impact on the character of the area. The proposal complies with planning policies and the NPPF and is therefore recommended for approval.

Recommendation

That planning permission is granted subject to the following conditions:-

- 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) Notwithstanding any approved drawings the application property shall not be used for the care of more than one child until a scheme for the full hard surfacing of the front garden area of the property, for parking purposes, has been submitted to and approved in writing by the Local Planning Authority, and been implemented in accordance with the agreed scheme. For the avoidance of doubt the front wall shall be removed to allow full access for vehicles, and the dropped kerb access shall be widened as necessary. The front garden hard surfacing shall be of porous materials and shall not drain onto the public highway. This area shall be retained for parking purposes at all times thereafter.

Reason: To ensure that onsite parking facilities are maximised to the full potential of the site in the interests of highway safety and amenity, and to comply with Policies 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.

- 4) The number of children residing at the premises shall not exceed 3 at any time, and the number of carers staffing the premises shall not exceed 4 at any time except shift changeovers.

Reason: In order ensure no detrimental impacts on the local highway network and to maintain the level of amenity enjoyed by local residents, and to comply with Policies 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
	PL-02	-	LOCATION PLAN (1:500); EXISTING AND PROPOSED SITE PLAN (1:200)
	PL_01	-	EXISTING AND PROPOSED FLOOR PLANS

Signed Case Officer¹: Lee Osborne

Signed Authorising Officer²: K Foster

Date: 11 September 2024

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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