

Agenda



Knowsley Council

3 July 2024

To: The Chairperson and
Members of the Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 11th July 2024**, in the Council Chamber, Municipal Buildings, Huyton at **6.00pm**.

If you have any queries regarding this meeting, please contact Keith Glover on telephone number 0151 443-3502.

Yours faithfully

Chief Executive

Please Note:-

- 1. Access to the Council Chamber is limited. Meetings will be live streamed but, if members of the public or press wish to attend in person, please contact Keith Glover on (0151)-443 3502 in the first instance to discuss. The live stream can be accessed from the following link - <https://knowsley.public-i.tv/core/portal/home>.*
- 2. If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

S Donnelly	(Chairperson)
Mrs D Arnall	Ms J Harvey
Ms C Bannon	Ms J Lilly
D J Baum	Ms J E Lonergan
H Bell	K W McGlashan
T Brennan	G J Morgan
M Burke	Mrs S Powell
T Byron	I Smith
A J Flute	K Taylor
R Gaffney	Ms A Wright
G Golding	

(Note: The Agenda and Reports are circulated to all other Members of the Council for information only.)

A G E N D A

PART I

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

(a) 6 JUNE 2024

To receive as a correct record the minutes of the ordinary meeting of the Committee held on 6th June 2024.

(Pages 1 - 6)

(b) 27 JUNE 2024

To receive as a correct record the minutes of the special meeting of the Committee held on 27th June 2024.

(Pages 7 - 8)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **24/00055/FUL - MATERIAL CHANGE OF USE OF PROPERTY FROM C3 (DWELLING HOUSE) TO C2 (PROVISION OF RESIDENTIAL ACCOMMODATION AND CARE TO PEOPLE IN NEED OF CARE) - TRAY ASH FARM, ASH LANE, TARBOCK GREEN, KNOWSLEY, WA8 8JS**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 24/00055/FUL in the search box

(Pages 9 - 24)

- (b) **24/00183/FUL - ERECTION OF SINGLE STOREY REAR EXTENSION - SHERRARDS, 159 TARBOCK ROAD, HUYTON, KNOWSLEY, L36 5TG**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 24/00183/FUL in the search box

(Pages 25 - 36)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning and Building Control.

(Pages 37 - 44)

5. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

- (ii) The application being referred to the Secretary of State for Levelling Up, Housing and Communities and the Secretary of State deciding not to “call in the application” for a Public Inquiry.

(b) 24/00098/COU - CHANGE OF USE OF RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 3 NO. CHILDREN - 18 Kerr Close, Tower Hill, Kirkby, Knowsley, L33 4JB

The Committee considered:-

- (1) the report of the Executive Director (Regeneration and Economic Development) on the above application for planning permission; and
- (2) the verbal representations of the applicant’s agent in support of the application that were made during the 3 minute period allocated as part of the decision making process.

RESOLVED – That members delegate authority to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in the schedule contained in the report.

11. CHANGE IN AFFORDABLE HOUSING TENURE AT WILBURY PARK, EAST OF HALEWOOD (MILLER HOMES) PLANNING PERMISSION REF: 19/00104/FUL

The Committee considered the report of the Group Planning Manager, which detailed the proposed variation to the S106 to amend the tenure of Miller Homes affordable housing commitment that was secured in the S106 legal agreement when planning permission was granted for the development.

The Group Planning Manager reported that currently 18 units were proposed (11% of the homes) with a split tenure of shared ownership and affordable rent. In this respect, it had now been proposed that all of the affordable homes would be made available as social rent tenure which provided at least a 35% discount on market rents and therefore met demand for social rent tenure as evidenced in the Council’s Housing Strategy 2022-2027.

RESOLVED – That:-

- (i) the change in tenure of the affordable housing provision to 100% social rent be agreed; and
- (ii) the Head of Planning and Building Control be given authority to vary the S106 Agreement with Miller dated 1st April 2021 to amend the tenure of affordable housing from shared ownership and affordable rent to social rent.

Minutes 9 to 11 be received as a correct record on the 11th day of July 2024.

Chairperson of the Committee
(The meeting closed at 6.38 pm)

APPLICATION NO: 24/00055/FUL

APPLICANT: Nest Residential Care Ltd

WARD AFFECTED: Halewood North

DEVELOPMENT:

MATERIAL CHANGE OF USE OF PROPERTY FROM C3 (DWELLING HOUSE) TO C2 (PROVISION OF RESIDENTIAL ACCOMMODATION AND CARE TO PEOPLE IN NEED OF CARE)

LOCATION OF SITE:

Tray Ash Farm, Ash Lane, Tarbock Green, Knowsley, WA8 8JS

DEVELOPMENT PLAN ALLOCATION:

Green Belt

REPRESENTATIONS:

224 independent letter of objections have been received, 152 of the objections were based on a standard template letter.

RECOMMENDATION:

That Members delegate authority to the Head of Planning & Building Control to grant planning permission subject to the conditions set out in the attached schedule.

CASE OFFICER:

Andrew Hunt (0151) - 443 2204

SUMMARY:

This application relates to a change of use of existing residential dwelling (Use Class C3) to children's care home (Use Class C2), for a maximum of 4 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 large, detached dwelling at Tray Ash Farm on Ash Lane, Tarbock Green. The site is in the Green Belt and consists of two groups of buildings. The dwelling (which includes a swimming pool, barn and garage) lies to the east of the site close to Ash Lane whilst the other building is a barn and adjoins agricultural buildings. The rest of the site is a mixture of hardstanding (including the site access) and a grassed area that includes a pond to the south of the dwelling.
- 1.2 The site is on the edge of the urban area and originally formed part of Tray Ash Farm, consequently there are fields to the north, south and west of the site. To the east of the site there is Ash Lane (where access is taken from) and the residential area of Hough Green. The borough boundary runs along the eastern edge of the site so Halton Borough Council are the Highway Authority for Ash Lane.

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 4 Children and up to 3 staff. At least two members of staff would sleep overnight at the premises.

3. RELEVANT SITE HISTORY

- 3.1 A lawful development certificate was refused for the same proposal on the 24/01/24 - (23/02794/CLD). It was concluded that the change would be a material change of use and that planning permission was required.
- 3.2 A planning application for the conversion of an outbuilding to 1 dwelling together with the erection of a detached garage and new access from Ash Lane was approved (22/00761/FUL – approved 25/04/23). This application would effectively sub-divide the dwelling that is the subject of this application and has not been implemented.

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 72 neighbouring properties. 224 independent letter of objections have been received, 152 of the objections were based on a standard template letter.

5.2 The key issues raised are addressed below:

- The area is a quiet residential area and the care home is not suitable.
- There will be an increase in traffic levels causing risk to highway safety.
- Loss of property value.
- Lack of street lighting for public footpath.
- This is a waste of taxpayer money.
- More residents should have been notified.
- No site notices were erected.
- There are ponds which are a hazard to children.
- Inappropriate location close to schools.
- Have questions about the name and suitability of the company.
- Loss of view, privacy and quiet enjoyment of our homes.
- Possible change of plan to secure unit.
- The development is overbearing and a commercial operation not in keeping with a residential housing estate. It would become the main feature of the area.
- Within our own immediate area of Hough Green,& Ditton there is already a high density of these businesses run by private companies. there are 6 in close proximity to the proposed application and another two pending including this one.
- Why was the lawful development certificate refused.
- Merseyside Police will not visit as it is on the border.
- Ecology impact on the two ponds.
- Potential for more children.
- The building is a grade II listed building.
- Concerned about security issues at the site.

- The site is close to an upper tier COMAH site which uses chlorine and the residents may be at risk from a chemical leak
- Potential for crime/anti social behaviour which would impact negatively on vulnerable residents.
- Halton's publications indicate that crime is increasing in our neighbourhood
- There is a lack of information which means that residents can't evaluate the application
- No need for facility.
- Increased traffic, pollution, noise and disturbance due to staff and visitors to the development.
- The roads are already busy and there are issues with parking during peak times and driving down Ash Lane.
- The internal layout is unsuitable.
- The property connects to a septic tank not a mains sewer.
- Lack of infrastructure such as doctors and dentists.
- The site cannot be accessed from Knowsley and affects Halton Residents.
- I am concerned about the impact on my school.
- Difficulty of access for emergency services.
- The site is in the Green Belt

6. CONSULTATIONS

Children's Services (Knowsley Council) – Raise no concerns however we would expect the provider to work closely with the Council to ensure that placements are prioritised for Knowsley children where possible.

Environmental Health & Consumer Protection (Knowsley Council) – No objections

Halton Council - Halton Borough Council has no objection to the application. We have received 215 representations from members of the public as a result of the publicity given to the application. The majority of these objections were on a standard letter template (the points in the letter are included in Section 5 of this report).

Local Highway Authority (Knowsley Council) –Highways have no objections to the proposed development. The site is located in a residential area and has adequate access on foot and by bicycle. Bus stops are located approximately 400m away. The proposed change of use will lead to a modest increase in intensification, but this is not sufficient to cause a safety or capacity concern on Knowsley's highway network. The site has ample parking space.

Merseyside Police Architectural Liaison Officer – Merseyside Police does not have any comments on this consultation.

United Utilities – Request a sustainable drainage condition.

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 Green Belt. 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
CS5 – Green Belt
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 The application site is situated within the Green Belt. National Planning Policy Framework Para 155 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
- 8.2 The proposal would change the use of the building from C3 (Dwelling) to C2 (Residential Institution) however, as there would be no built development, and no external changes, there would be no impact on the openness of the Green Belt. Overall, the use would have no greater impact on openness than the existing residential use. It would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 8.3 The lawful use of the building is as a dwelling house; the change of use of the property to another residential use, in this case a children's care home, is acceptable in principle.

Residential Amenity

- 8.4 Core Strategy Policy CS19 (Design Quality and Accessibility in New Development) states that development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers;
- 8.5 The application does not propose any physical works to the property, but there are residential properties to the south and east of the site and the occupants of those properties have raised concerns that the proposed use would result in noise and disturbance that would affect their amenity.
- 8.6 Whilst 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. 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 large 5 bedroom family house and would not result in significant harm to residential amenity.
- 8.7 This is supported by the views of the council's Environmental Health department who have no objection to the proposal. 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. In relation to residents' concerns about a loss of privacy, the site is relatively separate from the surrounding dwellings being separated by a road with a gate.
- 8.8 Nevertheless, should members be minded to grant planning permission, it is recommended that a condition is attached to limit the number of children to 4 to prevent a larger number of children using the premises.
- 8.9 Subject to the recommended condition, it is considered that the proposals comply with Policy CS19 and would not cause significant harm to amenity.

Highways

- 8.10 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.
- 8.11 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;
- 8.12 The site is located within a sustainable location with excellent bus links. There is a bus stop situated just 5 minutes' walk away on Ditchfield Road.
- 8.13 In relation to the existing parking arrangements at the site, there is a large hardstanding area, that can accommodate numerous vehicles. This is considered to be more than sufficient for the proposed use. The level of additional traffic movements is considered to not cause significant impacts on the local road network. Halton Council who are the highway authority and Knowsley's highways department have no objections to the development.
- 8.14 Overall, the parking spaces are considered sufficient parking to ensure that there would not be significant harm to highway safety from the proposal.
- 8.15 Overall, the proposal will not lead to unacceptable impacts on highway safety. Therefore, the application is consistent with NPPF para 115, and Core Strategy Policy CS7.

Character of Area

- 8.16 Policy CS19 states that new development is expected to respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment.
- 8.17 The proposal would involve internal changes only with no changes to the elevations or the wider site. Overall, the changes do not harm the character of the area and the proposal would comply with Core Strategy Policy CS19.

Crime and Anti- Social Behaviour

- 8.18 In relation to crime and anti-social behaviour. There is no evidence that the proposal will worsen existing issues of crime and anti-social behaviour or lead to new instances or that it will be harmful to the welfare of children in care or of neighbours including any schools. This is reinforced by the lack of any objection from Merseyside Police or Children's Services.

Other Considerations

- 8.19 Property prices are not a material planning consideration and not something that can be taken into account when deciding this application. Concerns have been raised that the applicant is running a private for-profit business, this is

common to other care homes and is not a material planning consideration. The Council does not benefit financially from the development as it is a private development with no involvement from the Council.

- 8.20 In relation to the interior layout and safety of the children, this is regulated by other legislation and is not a matter for this application. The identity and conduct of the applicant is not relevant to the planning application as it is the effect of the proposal itself rather than the identity of the applicant which is relevant
- 8.21 Some residents have complained that insufficient public consultation was undertaken however 72 properties were notified and this significantly exceeds legal requirements and the council statement of community involvement.
- 8.22 The building is not a listed building and bearing in mind that the dwelling is a 5-bed house it is not considered that its use by 4 residents would have a greater impact on local infrastructure such as doctors and dentists.

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.
- 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 That Members delegate authority to the Head of Planning & Building Control to grant planning permission subject to the conditions set out in the attached schedule.

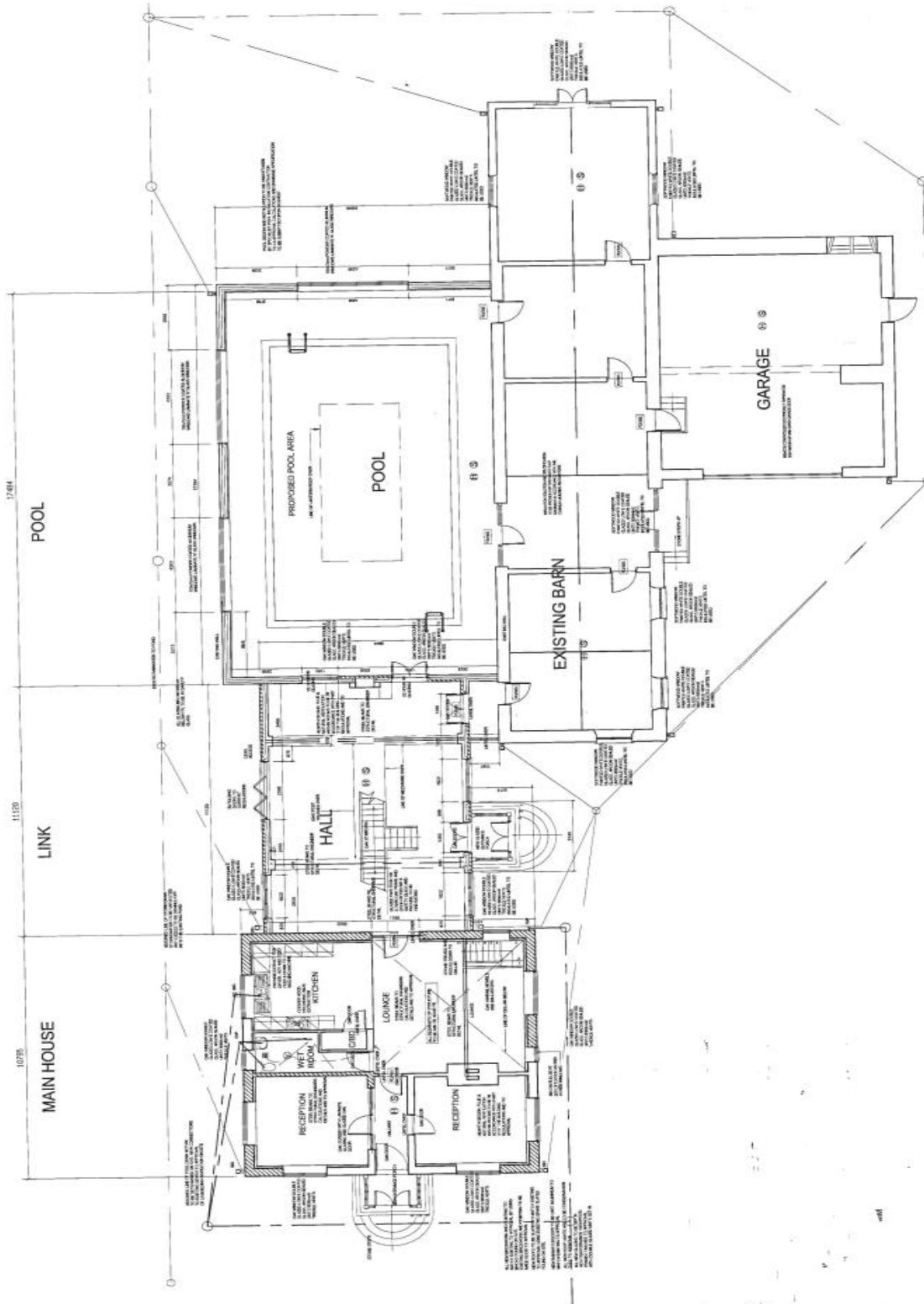
SCHEDULE OF CONDITIONS

1.	Time Limit	Advisory
2.	Plans List	Advisory
3.	Maximum Limit of 4 children	Ongoing

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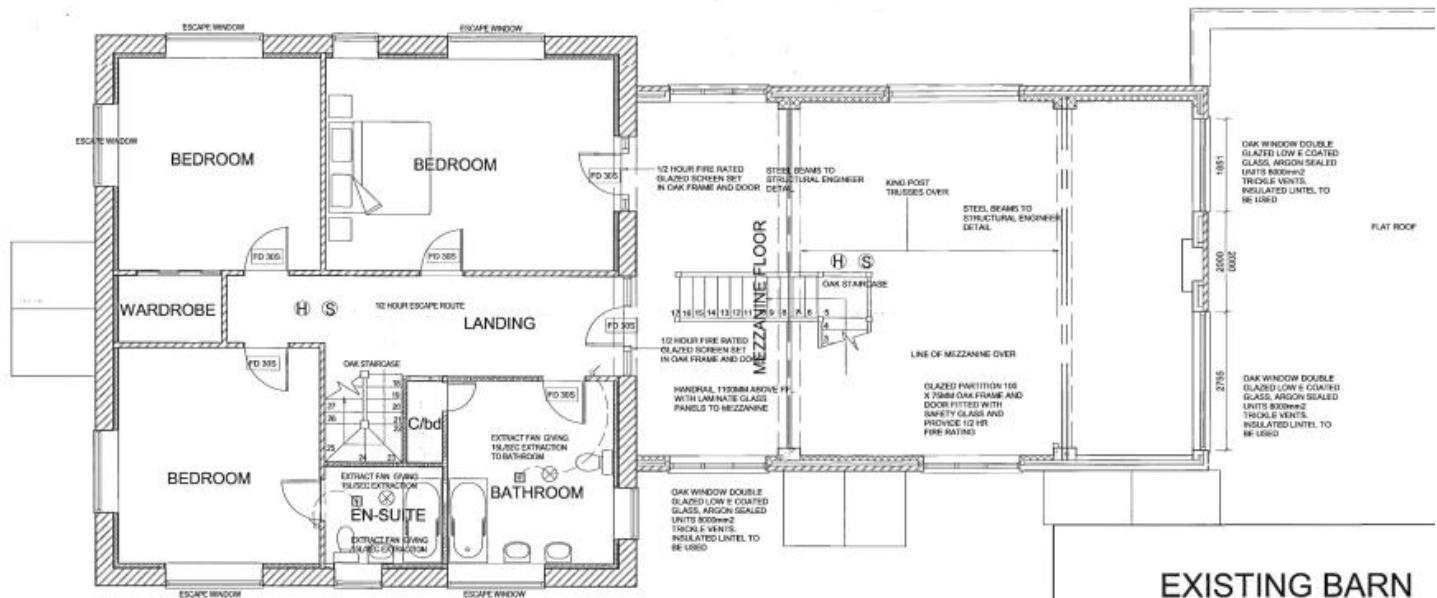


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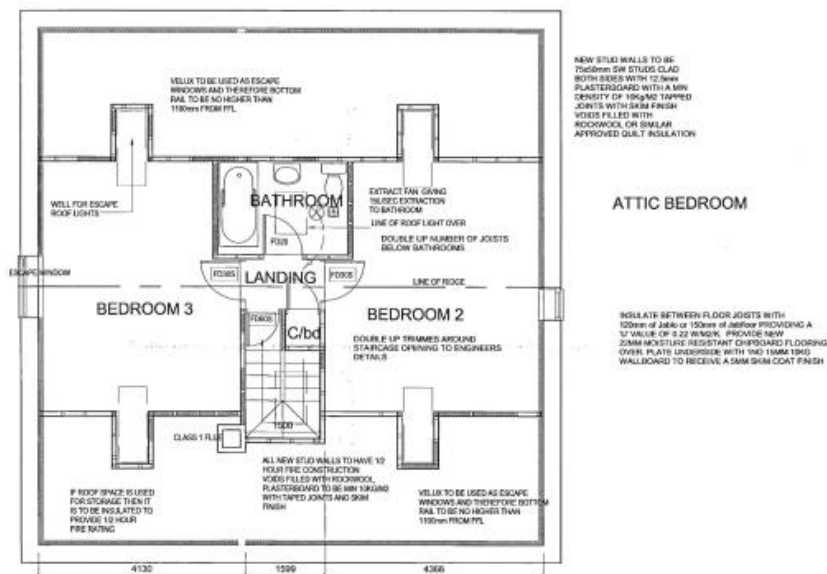


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APPLICATION No: 24/00055/FUL



PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN



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