

Agenda



Knowsley Council

Tuesday, 29 October 2024

To: The Chairperson and Members of the
Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 7th November, 2024**, in the Council Chamber, Municipal Buildings, Huyton at **6.00 pm**.

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. *(Please Note: Access to the Council Chamber is limited and members of the public or press wishing to attend in person are strongly advised to register in advance by emailing committees@knowsley.gov.uk or telephoning (0151) 443 2679. Attendees will be required to show photographic identification and will be subject to [security checks](#). Please note that meetings will also be live streamed. 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
Mrs C Bannon	Ms J Lilly
D J Baum	Mrs 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

To receive as a correct record the minutes of the meeting of the Committee held on 10th October 2024.

(Pages 1 - 6)

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) **23/00776/FUL - ERECTION OF 2 STOREY BUILDING TO PROVIDE CHILDREN'S ACCOMMODATION WITH ANCILLARY ACCOMMODATION FOR STAFF (USE CLASS C2) - LAND ADJACENT TO 118 RIBBLERS LANE, SOUTHdene, KIRKBY, KNOWSLEY, L32 7RB**

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 23/00776/FUL in the search box

(Pages 7 - 28)

- (b) **24/00386/FUL - PROPOSED CONVERSION OF RESIDENTIAL PROPERTY C3(A) TO CHILDRENS RESIDENTIAL CARE (C2) - 177 SAXON WAY, TOWER HILL, KIRKBY, KNOWSLEY, L33 4HG**

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 24/00386/FUL in the search box

(Pages 29 - 42)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning.

(Pages 43 - 50)

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

APPLICATION NO: 24/00386/FUL

APPLICANT: Flora Care Solutions
Ltd

WARD AFFECTED: Shevington

DEVELOPMENT:

PROPOSED CONVERSION OF RESIDENTIAL PROPERTY C3(a) TO CHILDRENS
RESIDENTIAL CARE (C2)

LOCATION OF SITE:

177 Saxon Way, Tower Hill, Kirkby, Knowsley, L33 4HG

DEVELOPMENT PLAN ALLOCATION:

Primarily Residential Area

REPRESENTATIONS:

7 objections from individual residents were received to the neighbour consultation.

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 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 3 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 modern, detached dwelling at Saxon Way, Kirkby which is on an irregularly shaped plot. The property has a front garden that is enclosed by a Gabion Wall at the front facing the road and there is a driveway that can accommodate 3 cars to the western side of the property.
- 1.2 The surrounding area is residential in nature with dwellings to the north, south, east and west. A substation sits between the property and number 179 (the neighbouring property to the east). Saxon Way is a through road that is connected to Shevington's Lane which has a bus stop around located around 220 metres away (a 3-minute walk) from the site.
- 1.3 A nearby related application by the same applicant was approved at planning committee on the 27th June 2024 (24/00098/COU - 18 Kerr Close, Tower Hill, Kirkby, Knowsley, L33 4JB). This site is located around 150 metres away from the current property. However, it is understood that the applicant was not able to purchase that property. As a result, the current application is an alternative to, rather than an addition to the previous proposal at Kerr Close.

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 3 children and no more than 2 care staff and a manager will be present at any one time. The children will be between the ages of 8 - 18 years.
- 2.2 The proposed day time shift patterns are 8am to 8pm and 8pm to 8am, 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 involving the existing dining room being used as an office.

3. RELEVANT SITE HISTORY

An application was approved at the site for the erection of a 1 metre high Gabion Wall to the front boundary, (21/00340/FUL – approved 28/10/2021).

4. ARTICLE 35 STATEMENT

- 4.1 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.

5. EQUALITIES ACT 2010

- 5.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010.
- 5.2 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.
- 5.3 In this case, the proposed development is not anticipated to have any potential impact from an equalities perspective.

6. REPRESENTATIONS

- 6.1 The application was publicised by letters sent to neighbouring properties. Representations were received from 7 local residents in opposing the proposals.
- 6.2 The points of objection are summarised below:
- Not appropriate for a residential area.
 - This will devalue my home.
 - There is a covenant stating these properties cannot be used for business use.
 - A 4-bedroom house is not large enough to meet the children's needs.
 - The proposed development does not comply with local planning policies regarding space standards and the suitability of the location for a children's home.
 - The proposed use will result in an Increase in noise to the detriment of residential amenity.
 - Increase in traffic and parking issues.

- Anti-Social Behaviour impact.
- We received a letter hand delivered by the applicant informing us that they are opening a new care home on Saxon way. I am concerned that this has already been approved.

7. CONSULTATIONS

Environmental Health & Consumer Protection (Knowsley Council) – Environmental Health have reviewed the information and have no objection to the proposed change of use.

Local Highway Authority (Knowsley Council) – No Objection. The current driveway is approximately 18 meters in length and should be able to accommodate 3 vehicles with ease. As there should be no more than 3 members of staff at the property at any one time, Highways are satisfied that there are sufficient provisions for staff parking. Should additional vehicles be evident i.e. the potential for 4 vehicles to congregate during crossover periods with staff, the 1 vehicle which could temporarily be accommodated within the carriageway would not be considered a severe impact to justify a Highways Objection

Children's Services (Knowsley Council) – No Objection - Commissioning does not have any current or former placements with Flora Care Solutions Ltd and therefore do not have a working relationship with them. We currently do not have a significant demand for children's residential placements, with the priority of searches being for Foster Care or for residential placements that can cater for multiple and complex behaviours. Should this be approved, we would expect the provider to work closely with the Council to ensure that placements are prioritised for Knowsley children where possible. We are not aware of other regulated children's homes in close proximity with an L33 postcode.

Merseyside Police Architectural Liaison Officer – No Objection. Crime and anti-social behaviour issues are addressed later in the report.

8. POLICY CONTEXT

- 8.1 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.”

8.2 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.

8.3 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)

9. ISSUES AND ASSESSMENT

Principle of the Development

- 9.1 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.

- 9.2 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”.

- 9.3 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 of use. This is subject to the use not having an unacceptable impact on the amenity of neighbours or the character of the area.

- 9.4 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

- 9.5 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.
- 9.6 The application proposes there would be 3 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, whilst the manager would be present at the premises between 9am and 5pm.
- 9.7 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).
- 9.8 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 anti-social behaviour, there is no evidence that the application would cause a greater impact than a typical residential use. It should also be noted that C3 dwellinghouses can also be subject to noise issues, anti-social behaviour and disturbance depending on the conduct of the occupants.
- 9.9 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 three children being able to be cared for at the property at any one time.

- 9.10 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

- 9.11 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.
- 9.12 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.
- 9.13 The site is located within a sustainable location with excellent bus links. There is a bus stop situated just 3 minutes' walk away on Shevington's Lane that provides services including to Liverpool. The site is also 1.1km away (16 minutes walk), from Headbolt Lane Train Station.
- 9.14 The driveway is approximately 18m in length and there are currently 3 parking spaces. The Highways team have been consulted on the application and have raised no objection to the application.
- 9.15 Three 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.
- 9.16 Overall, the proposal will not lead to unacceptable impacts on highway safety. Therefore, the application is consistent with NPPF para 115, and Policy CS7 of the Local Plan Core Strategy

Crime and Anti-Social Behaviour

- 9.17 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.

Other Considerations

- 9.18 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 and the presence of restrictive covenants. In relation to the suitability of the property, it is a large, detached house with a large driveway, it is situated within an urban area close to public transport. The 4 bedrooms of the property are considered sufficiently large to accommodate 3 children. Each child would have their own room. This would be no more overcrowded than a family with 3 children and two parents. In any case, a planning condition will restrict the number of children to no more than 3 to ensure there are not too many children for the size of property.

10. CONCLUSION

- 10.1 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.
- 10.2 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).

11. RECOMMENDATION:

- 11.1 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.	Maximum Limit of 3 children	Ongoing

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APPLICATION No: 24/00386/FUL

