

<u>APPLICATION NO:</u>	24/00140/FUL	<u>CASE OFFICER:</u>	Jo Sheridan
<u>WARD:</u>	Roby	<u>PARISH:</u>	
<u>LOCATION:</u>	St Helenas Residential Home, 6 Roby Road, Roby		
<u>PROPOSAL:</u>	INTERNAL ALTERATIONS AND REFURBISHMENT OF EXISTING CARE HOME TO PROVIDE 16NO. ONE BEDROOM SELF CONTAINED APARTMENTS (USE CLASS C3(B)), REPLACEMENT OF EXISTING PORTACABIN WITH PREFABRICATED OFFICE POD, ASSOCIATED EXTERNAL WORKS TO CAR PARK AND COMMUNAL GARDEN		

Site Description

The site subject of the planning application is a large building to the north of Roby Road, a little before the left turn into Archway Road from the roundabout. The site comprises of a large building which has extended by multiple extensions over the years, including a large two storey rear extension and a conservatory to the side of the building. There is also a portacabin located to the rear of the site.

The site has clearly been subdivided in the past and now has built development to the north and east in the form of bungalows and two storey properties. These properties form an over 55's community. The boundary with the houses to the north is a 2m high hedge, whilst there is no boundary with the house to the east. These houses are accessed via a road called Ashdale from Roby Road, although the site and the feeling of one community.

Lying to the west of the site is a vacant plot of land which has planning permission for the erection of 4 dwellings with associated access and parking (20/00328/FUL). Construction does not appear to have commenced on site.

The site is subject to a Tree Preservation Order.

Proposal

The planning application seeks the change of use of an existing care home (Use Class C2) to provide 16 one bedroom self contained apartments (Use Class C3 (B)). This would include internal alterations and refurbishment of the building. The external alterations to the building include a new roof light, solar panels and the removal of the existing conservatory to the side of the building.

The proposal also seeks to replace as existing portacabin with a pre fabricated office pod and works to the car parking and communal garden to be used as an office for staff. The garden pod would be 2.5m high, 5m long and 3m deep. The portacabin is to remain on site and would be sited slightly to

the west of where it is currently sited to accommodate the siting of the garden pod.

According to the applicants' cover letter the building has been previously registered to provide accommodation and personal care for up to 33 individuals and has more recently provided a supported living pathway for up to 25 people experiencing various support needs.

The current layout of the building is restricted in that it only allows for the provision of shared accommodation. The proposal would deliver 16 self-contained specialist supported living apartments for those at various stages of their transition towards independent living, with some ancillary communal space available for training, group work, meeting and social events.

The proposal also sought the removal of two protected trees within the site, however the proposal was amended to remove this aspect.

Consultations

Arboricultural Officer: No objections, subject to 2:1 replacement trees, tree protection during construction works and 5 day notice to works to trees.

Highway Authority: No objections.

Environmental Health: No objection, subject to a conditions requiring the submission of a construction management plan, to include the restriction of hours of construction.

Housing Strategy: No objection subject to the applicant entering into a S106 agreement to provide 10% affordable housing. Housing Strategy note the support of the Council's Commissioning Team with regard to the proposed development as supported housing.

Cadent Gas Limited: No objections subject to an informative.

Representations

This application has been publicised by letters sent to 124 neighbours, the erection of two site notices and a notice in the local press.

Two representations have been received as a result of the publicity given to the application. The first was asking about the boundary between the application site and the houses at Ashdale as they want a boundary for privacy. The second representation raised no objections to the principle of the change of use of the building, but requested a barrier to replace the ranch style fence that is between the application site and the properties at Ashdale, in the form of a 6 foot high hedge.

No representations have been received as a result of the publicity given to the application.

Planning History

None recent.

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 Replacement Unitary Development Plan (Saved Policies 2009):

H5 - Development within Primarily Residential Areas
DQ2 - Security in the Built Environment
DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV5 - Contaminated Land
T7 – New Development and Walking and Cycling Routes
T10 – Access for Less Mobile

Local Plan Core strategy (2016):

SD1 - Sustainable Development
CS1 – Spatial Strategy for Knowsley
CS2 - Development Principles
CS3 - Housing Supply, Delivery and Distribution
CS7 - Transport Networks
CS8 - Green Infrastructure
CS15 - Delivering Affordable Housing
CS17 - Housing Sizes and Design Standards

CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees
CS22 - Sustainable and Low Carbon Development
CS26 - Waste Management

Merseyside and Halton Waste Local Plan (2013):

WM8 – Waste Prevention and Resource Management

WM 9 – Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents

Ensuring a Choice of Travel SPD (2010)

Design Quality in New Development SPD (2016)

Trees and Development SPD (2016)

Developer Contributions SPD (2016)

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

Principle of the development:

In terms of the principle of residential development on this site, relevant policies to consider are Saved Policy H5 and CS1, CS2 and CS3.

Saved Policy H5 'Development within Primarily Residential Areas' states that new development within the Primary 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 adjoining occupiers or adversely affect the character of street scene of the area.

Policy CS1 'Spatial Strategy for Knowsley' in the Local Plan Core Strategy identifies that one of the priorities is to rebalance the Borough's housing stock by providing a wide range of new market sector and affordable housing.

Policy CS2 'Development Principles' sets out that new development in Knowsley is expected to promote sustainable economic development, tackle the causes of deprivation and disadvantage and narrow the gap between the richest and the poorest neighbourhoods by, amongst other things, meeting the needs for new housing.

Policy CS3 'Housing Supply, Delivery and Distribution' identifies that provision will be made for 8,100 new dwellings to be delivered in Knowsley between 2010 and 2028.

The change of use would provide 16 self contained apartments and would make a contribution of meeting the Council's housing delivery targets in a sustainable location. Therefore, the proposed development is considered to accord with Policies CS1, CS2 and CS3.

Design and Layout:

Policy CS19 'Design Quality and Accessibility in New Development' in the Core Strategy sets out several criteria that developments will be expected to conform to so that they enhance the local distinctiveness and the identity and accessibility of new places. The NPPF identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

The overall appearance of the building would remain relatively unchanged. The major external changes would include:

- The demolition of the existing conservatory and replacement with a patio area;
- New roof light
- New solar panels
- All existing windows to be refurbished or replaced with those of a similar appearance;
- Replacement of front door in the same position
- Door to the rear to be replaced with a windows

There are 3 or 4 steps up to the main front door to the side elevation of the building. When asked how this is to be accessible, the application stated that the front door with steps are to be retained as existing. They stated that this is essentially a secondary access for those coming on foot and able to navigate steps. Level access entrance is provided to the rear car park area (near to the disabled parking space) making use of the existing ramp. The applicant considers that any works to introduce a ramp feature to this entrance would require extensive remodelling and could detract visually from this elevation and the features around the existing door. The local planning authority agree with this assessment.

The external alterations proposed are acceptable and would ensure the future of the building. Details of the solar panels will be secured by condition as this information has not been submitted.

A garden pod is also proposed to replace an existing storage container. The pod would be clad in wood and be glazed giving quite a modern appearance. As stated earlier in this report, the portacabin is to remain on site and would be sited slightly to the west of where it is currently sited to accommodate the siting of the garden pod. Whilst the retention of the portacabin is not ideal, it would be relatively hidden from any public vantage points, with the proposed garden pod being sited adjacent to it and would be acceptable.

A cycle store (see highways) and a bin store are also proposed along the western boundary. Both elevations are practical and acceptable in a residential setting.

The proposal would comply with Policy CS19 'Design Quality and Accessibility in New Development' in the Core Strategy.

Residential amenity:

Policy CS19 in the Core Strategy requires new development to maintain a good standard of amenity for all existing and future occupants by avoiding unacceptable impacts on existing residential and future occupiers.

Residential amenity: Existing residents:

Two representations were received as a result of the publicity given to the application and both requested the siting of a hedgerow to provide a physical barrier and to allow privacy between the application building and the residential properties at Ashdale. The applicant has submitted an amended plan which illustrates the planting of a laurel hedge. Details of the planting are to be secured by condition.

Environmental Health have requested a condition be attached which would require the submission of a construction management plan which would require the applicant to submit details such as the measures taken to control dust and it would also restrict the hours of construction to protect residential amenity.

Residential amenity: Proposed residents:

The proposed dwellings would provide an acceptable level of amenity for future occupiers with all habitable rooms provided with a window that would ensure good outlook and light.

Lighting is proposed as part of the scheme. Details of the lighting scheme are to be secured by condition to protect the amenity of existing and proposed residents.

Residential Amenity summary:

Overall, it is considered that the development will provide a good standard of amenity for existing and proposed residents and will not harm the amenity of neighbouring properties. The development complies with Policy CS19 of the Core Strategy.

Highways:

Policy CS19 of the Local Plan Core Strategy promotes the delivery of accessible places and seeks to ensure new developments provide safe, secure and convenient routes for movement, to meet the needs of all users. Saved Policy T7 of the Knowsley UDP seeks to ensure new development preserves or where possible enhances the walking and cycling network as well as promoting access to green corridors to encourage healthy living and exercise and policy T10 seeks to ensure adequate access for the less mobile is provided in new developments.

The application is considered to be located within a sustainable location. It is a short walk from local shops and Huyton Town Centre which has excellent bus and train links.

Site Access:

The development is currently accessed from Roby Road and this is to remain unchanged. The level of traffic generated by the proposal is not likely to increase over what it currently is.

Parking:

The applicant has 11 existing spaces, to be used by staff and visitors. The applicant states that this level of parking is appropriate given the end use. The local highway authority agrees with this assessment. Electric vehicle charge points have not been provided however this detail can be secured by condition.

A cycle store is proposed on site and details have been agreed during the consideration of the application negating the need for a condition.

The proposal complies with Core Strategy policy CS19 and Saved Unitary Development Plan policies T7 and T10.

Trees:

Local Plan Core Strategy Policy CS8 seeks to preserve landscape character. Policy CS21 seeks to enhance and protect existing trees, woodland, vegetation and other habitat features that offer a positive contribution to the local environment whilst seeking tree planting and other soft landscaping. Saved policy DQ4 of the Knowsley UDP seeks to retain and protect those trees that contribute positively to amenity, incorporate integral planting within new developments and make adequate provision for replacement planting either on or off site. The Trees and Development SPD is also a material consideration.

The application is supported by an Arboricultural Impact Assessment (AIA) which included a tree protection plan. The AIA found that the majority of trees on site were in good to fair condition, however, two individual trees were classified as unsuitable for retention – Category U - namely T3 and T4. The AIA stated that both trees have hazardous defects that pose a safety risk and recommended their removal.

The applicant was requested to submit a preliminary bat roost survey and a bat emergence survey. The applicant decided that as the tree removal is not necessary for the development that they would remove this aspect from the planning application. The applicant understands that should the need to remove the trees at some point in the future arise, then they will need to submit an application for these works to include the bat survey.

Protective tree fencing would still be required to ensure the safety of the trees on site and this can be secured by condition.

The proposal would comply with Local Plan Core Strategy policy CS21 and Saved Unitary Development Plan policy DQ4.

Affordable Housing:

Policy CS15 requires that development of 15 dwellings or more provide 10% affordable housing units, however para 66 (b) of the NPPF says there is exemption from the 10% affordable home ownership requirement if for specialist accommodation. The Council's Strategic Housing team note the support from the Council's Commissioning Team with regard to the proposed development as supported housing and states that the proposed development would support the delivery of the Knowsley Housing Strategy 2022-27 and in particular Priority 5 – Home for all, promoting independent living.

Whilst the scheme seeks to provide specialist accommodations for persons with physical and mental difficulties, it is considered that there is still a requirement to secure affordable housing should the site not be developed for specialist accommodation.

A condition will be attached restricting the occupancy of the building to adults in need of support and for whom an element of care is provided as described in Use Class C3(b) in the Town and Country Planning (Use Classes) Order 1987 (as amended). This condition will ensure that should the building change its use to open market housing, the condition will need to be formally removed by a S73 application. It would be during the consideration of this application that the local planning authority could then secure the 10% affordable housing.

The proposal is therefore complies Core Strategy Policy CS15.

Open Space:

Supplementary a Planning Document 'Developer Contributions' requires that developments of more than 10 new residential units provide a contribution towards public open space provision. There is an exception where the development is for replacement dwellings. Given the nature of the existing and proposed use, it is not considered appropriate in this instance to request a financial contribution towards open space, particularly since the level of residents at the site is almost halving.

Heritage:

The building is not listed and nor is the site within a conservation area.

The suite is included within the Merseyside Historic Environment Record (HER) as 'Helena's House', No. 6 Roby Road, Roby.' The record entry states the following:

No building is show on this site on the Derby estate plan of 1783/5.

Yates' map of 1786 AND Sherriff's map of 1816 do not show buildings in this area.

Greenwood's map of 1818 shows buildings in this area.

The Tithe map of 1849 shows a building on this site and records it as No. 229 , a homestead and garden owned by the Earl of Derby and occupied by John

Tennant.

The 1st edition of the 6" OS map of 1850 possibly labels it as Cypress Cottage. The label may actually relate to a building to the west adjacent to another tree-name-related house Poplar Cottage.

The 1st edition 25" OS map of 1892 labels it as Yewtree House.

The 2nd edition 25" OS map of 1907 labels it as Yew Tree.

The OS map of 1959 labels it as St Helena's , part of Huyton College

It became a care home, called Helena's House in the late 20th or early 21st century.

The proposed works would secure the long medium to long term use of the building, thus securing its survival. On this basis, the proposal would have a positive impact on the building and the local area, by ensuring the retention of the building.

Conclusion

The development is acceptable in principle and would not cause harm in relation to design, amenity of residential properties or highway safety. The proposed development complies with policies within the Core Strategy, Knowsley Replacement Unitary Development Plan (saved policies) and National Planning Policy Framework.

Recommendation

Grant planning permission subject to the following conditions and subject to the applicant signing a S106 Agreement:

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. The residential units hereby approved shall be occupied solely by adults in need of support and for whom an element of care is provided as described in Use Class C3(b) in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: to ensure that the apartments are used solely as supported living facilities and not as market housing.

4. No part of the development hereby permitted shall be commenced until a construction management plan has been submitted to and agreed in writing

by the Local Planning Authority that details the means of mitigation of construction effects. This shall include:

- The site working hours (our standard hours are 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.)
- Methods for the mitigation of noise and vibration from the operation of any temporary power generation or plant which will operate overnight.
- Methods for dust control and suppression.
- The areas for the storage of plant and materials.
- Location of site compound.

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the National Planning Policy Framework; Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016; Policy WM9 of the Merseyside and Halton Joint Waste Local Plan 2013 and saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

5. No part of the development hereby permitted shall be commenced until:

- a) A plan showing the location of protective fencing has been submitted to and agreed in writing by the Local Planning Authority.
- b) All existing trees/hedges to be retained on site as indicated within the Arboricultural Impact Assessment have been protected by fencing in accordance with BS5837:2012, of a minimum height of 2 metres, which shall use vertical and horizontal scaffolding poles with the uprights driven well into the ground and well braced to resist impact. Onto this, weldmesh panels should be securely fixed.
- c) At least five days written notice has been given to the Local Planning Authority of the intention to commence development. The protective fencing referred to in parts (a) and (b) shall be in place prior to the written notice of the start of development being given to the Local Planning Authority and shall be retained in place until the development is complete.

No storage of plant or material (including soil), works (including movement of soil, changes in ground level, vehicular movements, siting of temporary buildings or other works), lighting of fires or tipping of liquids shall take place within the protective fencing thereby defined for the duration of the development works.

Reason: To protect existing trees within the site in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local

Plan Core Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

6. Prior to the occupation of any part of the building, full details of the photovoltaic installation shall be submitted to the local planning authority. The details shall include full plans and specifications. The agreed details will be implemented prior to the first occupation of any part of the development hereby permitted and maintained and retained thereafter.

Reason: To reduce carbon emissions in accordance with Knowsley Local Plan Core Strategy Policies CS2, CS11 and CS22.

7. Prior to the occupation of any part of the building, an external lighting scheme shall be submitted to the Council as Local Planning Authority which seeks to ensure that the impact of the development on foraging and commuting of bats is minimised. The approved scheme shall be fully implemented prior to the occupation of the building and retained thereafter.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

8. Prior to the occupation of any part of the building, a scheme shall be submitted to the local planning authority detailing electric vehicles charge point facilities (communal electric vehicle recharging points shall be provided at a rate of 1 per every 2 communal parking bays). The approved infrastructure shall be available to use prior to the occupation of the building and be permanently retained thereafter. All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice.

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and NPPF Para 110

9. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- a) Planting plans, specifications and schedules, planting size, species and numbers/densities of the proposed hedgerow illustrated on Drawing No. 1000 Rev E and a scheme for the timing / phasing of work.

b) A regime for the ongoing and longer-term maintenance of all soft landscaping is required to be submitted for approval.
The approved landscaping works shall be implemented and completed prior to the occupation of any part of the building.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to comply with Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
18/03/2024	001	Rev -	Proposed Site Location Plan
23/05/2024	3423 March 2024	Rev B	Design and Access Statement
23/05/2024	MET-EXT-TOP-G-001	Rev 02	Topographical Survey
10/07/2024	1000	Rev F	Proposed Site Plan
23/05/2024	4000	Rev C	Proposed Elevations
23/05/2024	2000	Rev E	Proposed Ground Floor Plan
09/04/2024	2001	Rev C	Proposed First Floor Plan
09/04/2024	2003	Rev B	Proposed Roof Plan
09/04/2024	#AV388-2		External Office Pod
05/07/2024	3423-DEN-A-ZZ-DR-A-1600	Rev -	Proposed Refuse Store
23/05/2024			Secure lockable cycle shelter

**Signed Case
Officer¹:**

Jo Sheridan

**Signed Authorising
Officer²:**

K Foster

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

² 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

Date:

12 July 2024

Informatives

1. See informative from Cadent Gas and plan:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588

2. This permission does not authorise works to any trees on site. The applicant understands that should the need to carry out works to or

remove trees in the future arise, then they will need to submit an application for these works. The application must include a bat survey.