

APPLICATION NO: 24/00545/FUL

APPLICANT: Actively Promoting Change Ltd

WARD AFFECTED: Swanside

DEVELOPMENT:

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO A CHILDREN'S HOME FOR UP TO 3NO. CHILDREN (CLASS C2).

LOCATION OF SITE:

47 CHILDWALL LANE, ROBY, KNOWSLEY, L14 6TU

DEVELOPMENT PLAN ALLOCATION:

Primarily Residential Area

REPRESENTATIONS:

9no. letters of objection (from 7no. individuals) and 1no. letter of support has been received.

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

Kim Vo (0151) 443 5401

SUMMARY:

This application proposes a change of use of an existing residential dwelling (Class C3) to a children's care home (Class C2), for a maximum of 3no. children.

The main planning issues are:

- Principle of Development
- Residential Amenity
- Parking and Highway Safety
- Crime and Community Safety

1. SITE AND SURROUNDINGS:

- 1.1. The application relates to a two-story, semi-detached, four-bedroomed property at no.47 Childwall Lane, which is currently vacant. The application property has an integrated garage and off-street parking provision for 1no. additional vehicle. The surrounding area is characterised by residential dwellings. However, there are commercial, business and service units

nearby, within the Pilch Lane Local Centre. The nearest bus stops to the site are located approximately 130 metres away on Pilch Lane.

- 1.2. 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).

2. PROPOSAL

- 2.1. The proposal seeks the change of use of a residential dwelling (Class C3(a)) to a children's care home (Class C2). The home will be for up to three vulnerable children/young persons aged between 8 and 18 years old. Young persons up to 19 years old can reside at the home as part of a transition process however, nobody who is older than 18 years old would move into the home. The home will offer therapeutic care and friends/family, other professionals and agencies may visit if required. All visits will be pre-planned or made by appointment only. The children/young persons will be supervised by carers.
- 2.2. The children's home will have 2no. members of staff on-site at all times. A Registered Manager will also work at the home for a minimum of 30 hours per week. The staff will work on a shift rota basis which can be varied but an indicative schedule is set out below:
 - **Sleep-in shifts:** Arrive on shift at 08:00am. Leave shift at 08.30am.
 - **Day shift:** Arrive on shift 08:00am. Leave shift 20:00pm.
 - **Waking Night shift (if applicable):** Arrive on shift 20:00pm. Leave shift 08.30am.
- 2.3. Changeovers of caring staff will take place for 30 minutes. Changeovers will be dependent on the children and their needs and could take place every other day, or every morning at 08:00am. A changeover for one caring staff at 20:00pm may also occur if a waking night shift is needed.
- 2.4. No external alterations will be undertaken to facilitate the proposed use. A ground floor room will be utilised as an office/staff sleep area. The integral garage will be retained, and a cycle storage shed is proposed to be installed to the rear garden.

3. RELEVANT SITE HISTORY

- 3.1. 74/01761/HIST - Kitchen living room utility room bathroom and bedroom extn. Granted, 04.06.1976.

4. ARTICLE 35 STATEMENT

- 4.1. 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.

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.

6. REPRESENTATIONS

- 6.1. The application was advertised by a site notice displayed in the vicinity of the site and letters sent to 19no. neighbouring properties.
- 6.2. Two periods of consultations have taken place. The first period of consultation took place on 23.10.2024 and resulted in 8no. objections from 7no. households.
- 6.3. Following the receipt of additional information, a further period of consultation was undertaken on 12.12.2024, and 1no. letter of objection was received.
- 6.4. The objections raised are on the following grounds: -
- The proposal will negatively affect the character of the area;
 - The area and application property are unsuitable for the proposed use;
 - Concerns regarding the backgrounds of the children;
 - Concerns relating to increased activity from the proposed use and the associated noise and disturbance;
 - The proposal will have an impact on privacy and outlook to neighbours;
 - Concerns regarding the proposal's impact on traffic, pedestrian safety and vehicle access and it exacerbating existing parking and visibility issues;
 - There is insufficient parking at the site;
 - The proposal will result in increased anti-social behaviour issues;

- The proposal will intensify existing rodent, waste and litter issues;
- Previous issues relating to blocked drains will reoccur;
- The description of development is incorrect;
- Question raised on who will be using the home and whether they will be from the UK or abroad;
- Request to know the age of the children and who will supervise them;
- Increased occupancy of the property will raise risk of hazards and fire.

6.5. The points raised are addressed later in the report.

7. CONSULTATIONS

Local Highway Authority (Knowsley Council): No objection. The amended Supporting Statement confirms that the garage is to be used for vehicle parking. The applicant has also indicated that cycle storage will be relocated to the rear of the property and a condition is recommended to ensure details of these.

Children's Services (Knowsley Council): There is currently no significant demand for children's residential placements. The priority of searches is for Foster Care or for residential placements that can cater for multiple and complex behaviours, in small residential homes. Nevertheless should this be approved, it is expected that the provider will work closely with the Council to ensure that placements are prioritised for Knowsley children where possible.

Environmental Health (Knowsley Council): No objections.

Merseyside Police: No objections. We are satisfied that the submitted Safeguarding and Management Strategy will ensure that any children/young persons will be managed appropriately and in accordance with OFSTED. Current local crime data is low, and the applicant has provided a clear management strategy, with no police attendance reported as being requested since 2017.

8. POLICY CONTEXT

8.1. Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2024), 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

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 (including any neighbourhood plans that form part of the 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 232 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 relevant adopted policies for the assessment of the application are listed below.

Knowsley Local Plan Core Strategy (January 2016)

CS1: Spatial Strategy for Knowsley

CS2: Development Principles

CS7: Transport Networks

CS16: Specialist and Supported Accommodation

CS19 - Design Quality and Accessibility in New Development

Saved Policies - Knowsley Replacement UDP (June 2006)

H5: Development within Primarily Residential Areas

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)

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”.*

Core Strategy Policy CS16 states that the Council will provide or support the provision of new specialist and supported residential accommodation, *“which will be located in an appropriate environment, near to highways and public transport links and local amenities”*

- 9.3 The application site is within the settlement boundary of Roby, with good access to Roby 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 Core Strategy. The proposal would also involve the re-use of an existing dwelling to provide specialist and supported accommodation, which will meet the needs of vulnerable children/young persons, in accordance with Policy CS16 of the Local Plan Core Strategy.
- 9.4 The application site is within a Primarily Residential Area and the proposed change of use to a residential children’s home would be compatible with the

surrounding residential character of the area, in accordance with Saved Policy H5 of the Knowsley Replacement UDP.

- 9.5 The proposed use (Class C2) is classed as a “Residential Institution” therefore the proposals are acceptable in principle in this location subject to the use not having an unacceptable impact on the amenity of neighbours or the character of the area. In relation to the number of Care Homes in the area, there is no specific policy either locally or nationally that restricts the number of Children’s Care Homes in a specific area. Therefore, there would be no policy basis to refuse an application on these grounds.
- 9.6 This application has been considered based on the specific information provided and that the property would accommodate a maximum of three children only. As such, a condition will be attached as part of any permission, to limit the number of children within the home to three. Subject to the above planning conditions, the proposal is deemed to be acceptable in principle, subject to further considerations as detailed below.
- 9.7 The proposed use would be acceptable in principle and located near to highways and public transport links and amenities, issues of highway safety and residential amenity are discussed below. Therefore, the principle of the C2 use complies with Local Plan Core Strategy Policy CS16 and CS19 and Saved UDP Policy H5.

Residential Amenity

- 9.8 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. Paragraph 135 of the NPPF also seeks to maintain a high standard of amenity for all existing and future users.
- 9.9 Some neighbouring objections received have raised concerns regarding increased activity from the proposed use and the associated noise and disturbance. Some objectors also note that the proposal will have an impact on privacy and outlook to neighbours.
- 9.10 The proposal seeks for a children’s home for up to three children. The application property is currently a four-bedroomed dwelling, and the proposal will create an additional office/staff sleep room at ground floor. The application building is considered large enough to accommodate the proposed use, with the additional staff office/sleep room not deemed to lead to an over-concentrated use of the property. Moreover, there are no works proposed to the external elevations. Therefore, the impact in terms of loss of privacy and outlook will be no greater than the existing situation.

- 9.11 There would be a maximum of three children/young people residing at the property, with two caring staff present at all times who will work on a shift rota basis. A registered manager will also be present, working a minimum of 30 hours per week. This results in an overall three members of staff being within the property at any one time throughout majority of the week. Given that the application property is vacant, it is acknowledged that activity and noise levels will increase in comparison to the current circumstances. However, the presence of three carers/manager and up to three children/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 fully occupied, four bedroomed family dwelling, who may have similar comings and goings as a result of work schedules, shift patterns, attendances to school etc. The children's home will also have two carers present at all times, who can facilitate constant noise management, where action can be taken to reduce any disturbing noise or activities.
- 9.12 The changeovers of staff will be dependent on the children and their needs and could take place every other day, or every day. Changeovers will usually take place at 08:00am and during these times, the maximum number of staff will rise to five at any one time (four caring staff and the registered manager). However, the maximum of five persons on site would be for a temporary, short period of time (30 minutes) and will be limited to set times. A late changeover at 20:00pm may also occur if a waking night shift is needed. However, these will only involve the changing over of one caring staff and will only occur, if necessary. Additional visits may happen from other professionals, family/friends of the children/young people and other agencies. However, these visits will be on a pre-planned or appointment only basis and 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.
- 9.13 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 Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy, Saved Policy H5 and ENV2 of the Knowsley Replacement Unitary Development Plan and Paragraph 135 of the NPPF.

Highways

- 9.14 Policy CS7 (Transport Networks) in the Local Plan Core Strategy requires new developments 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. The policy also requires new developments to make adequate provision for cycle and car parking.

- 9.15 Paragraph 115 of the NPPF seeks to ensure that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. Paragraph 116 of the NPPF 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 9.16 Some neighbouring objections have raised concerns regarding the proposal's impact on traffic, pedestrian safety and vehicle access and it exacerbating existing parking and visibility issues. Some objectors have also commented that there is insufficient parking at the site.
- 9.17 Appendix A of the Ensuring a Choice of Travel SPD sets out the parking standards for specific Class C2 uses. Sheltered accommodation requires 1no. parking space per 3no. bedrooms and is considered to be the closest use to the proposed children's home. With the addition of an office/staff sleep room, the total number of bedrooms at the site would increase to 5no. Therefore, as a starting point, 2no. parking spaces would be required. The submitted Supporting Statement confirms that the integral garage and driveway will be retained. Two off-street parking spaces will therefore be available, and the Highways Team have raised no objections, noting that the proposal would meet the parking standards. Additionally, the submitted Supporting Statement details that bicycle storage will be available within the rear garden. The Highways team have therefore recommended a planning condition for details of this to be provided, noting that a minimum of 2no. cycle spaces is required. Vehicle access will also remain as existing and would not result in any unacceptable or harmful highway visibility issues.
- 9.18 Given that the site has good access to Roby railway station and bus stops, together with the proposed cycle storage (which will be secured via planning condition), it is considered that there are good opportunities to access the site via more sustainable modes of transport.
- 9.19 Subject to the recommended conditions referred to above, the application accords with Policy CS7 of the Knowsley Local Plan Core Strategy and the NPPF and it is considered that the development would not result in any significant adverse impacts on parking, or highway and pedestrian safety.

Crime and Community Safety

- 9.20 Policy CS19 of the Local Plan Core Strategy seeks to, amongst others, minimise crime, fear of crime and anti-social behaviour. Paragraph 135 of

the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 9.21 Fear of crime is a material planning consideration, although case law indicates that the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur (*Smith v First Secretary of State & Mid-Bedfordshire District Council [2005]* and *West Midlands Probation Committee v Secretary of State for the Environment, Transport and the Regions [1997]*). The Courts held that any fear and concern must have a reasonable basis, and the object of fear and concern must be the use, in planning terms, of the land, rather than assumptions unsupported by evidence, as to the character of the occupiers.
- 9.22 Objections have been received stating that the proposed children's home will result in increased anti-social behaviour issues. Concern has also been raised regarding the backgrounds of the children.
- 9.23 It is appreciated that there are concerns about the potential for an increase in anti-social behaviour. Whilst the children/young persons will be vulnerable, no assumptions can be made about how the proposed children's home would operate, nor about the behaviour of the occupants who may reside at the property. As such, it is not possible to attribute the children's home, or its occupants to any future incidents of crime, as there is no evidence to support these assumptions. Merseyside Police have also raised no objections and are satisfied that the submitted Safeguarding and Management Strategy will ensure that any children/young persons will be managed appropriately and in accordance with OFSTED. A planning condition will therefore be attached to ensure that the home will be carried out in accordance with the submitted Safeguarding and Management Strategy. Merseyside Police further state that current local crime data is low.
- 9.24 Accordingly, the proposal would not be likely to cause an unacceptable increase in crime or anti-social behaviour and the development is considered to accord with Policy CS19 of the Local Plan Core Strategy and the NPPF.

Other Matters Raised in Representations

- 9.25 Some neighbouring objections have expressed that the proposal will intensify existing rodent, waste and litter issues. However, it cannot be assumed that the proposal would directly cause an increased presence of vermin and if such issues do occur, then pest control services should be utilised. It also cannot be assumed that the proposal will result in waste and littering issues. The waste storage arrangements will remain as existing and if waste/littering becomes a nuisance, such matters should be reported to the

Council's Environmental Health team who have powers under separate legislation to deal with these.

- 9.26 An objector has commented regarding issues of blocked drains, as the previous occupiers had inappropriately disposed of items causing past issues. It cannot be assumed that the new occupiers would cause the same issue. Nonetheless, if such matters occur, then this should be dealt with privately. Another objector also expressed that the increased occupancy of the property will raise the risk of fire and hazards. However, such risks would still be present if the application property was to be fully occupied as a residential dwelling.
- 9.27 One objector stated that the description of the development is incorrect, as the children's home provider will not be for 'children' since they offer support to young people aged 16+ and adults aged 18+. A query was also made regarding the ages of the children and who will supervise them. The Local Planning Authority considers the description of development is accurate as the proposed children's home will be for up to 3no. children aged between 8 and 18 years old. The submitted Supporting Statement also clarifies the level of supervision which has been discussed above. Some representations have also requested confirmation on whether the children will be from the UK or abroad. However, this information is not deemed to be necessary, nor relevant in the determination of this application.

10. CONCLUSION & PLANNING BALANCE

- 10.1. The development is acceptable in principle and would not have an unacceptable impact upon neighbouring amenities, crime and community safety, or parking and highway safety. The proposal would comply with the policies of the Knowsley Local Plan Core Strategy (Adopted January 2016), the Saved Policies of the Knowsley Replacement Unitary Development Plan (Adopted June 2006) and the National Planning Policy Framework (2024).

11. RECOMMENDATION

- 11.1. 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

	Condition	Trigger
1.	Time period to implement the permission – 3 years	Advisory
2.	List of approved plans and documents	Advisory
3.	Details of cycle parking scheme	Prior to first occupation

4.	Maximum limit of three children	Ongoing
5.	Proposal to be carried out in accordance with the Safeguarding and Management Strategy	Ongoing