

Agenda



Knowsley Council

26 October 2022

To: The Chairperson and
Members of the
Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 3rd November, 2022**, in the Council Chamber, Municipal Buildings, Huyton at **6.00 pm**.

If you have any queries regarding this meeting, please contact Andrew Bilsborrow on telephone number 0151 443-3500.

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 Andrew Bilsborrow on (0151)-443 3500 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

D Lonergan FRICS (Chairperson)

Ms D Allen	Ms J Harvey
Ms J E Aston	Ms J Lilly
Ms C Bannon	K W McGlashan
D J Baum	G J Morgan
H Bell	Mrs S Powell
T Brennan	I Smith
C Cashman	K Taylor
J Donnelly	K F Walsh
A J Flute	Ms A Wright
R Gaffney	

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

A G E N D A

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 8th September 2022.

(Pages 1 - 4)

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) **22/00263/FUL - ERECTION OF A PART TWO STOREY/PART THREE STOREY APARTMENT BLOCK FOR OVER 55'S COMPRISING OF 40 NO. APARTMENTS WITH JULIETTE BALCONIES AND COMMUNAL AREAS TOGETHER WITH VEHICULAR ACCESS, CAR PARKING AND OTHER ASSOCIATED WORKS - LAND ADJACENT GREENHILL, THE ORCHARD, HUYTON, KNOWSLEY, L36 5UZ**

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 22/00263/FUL in the search box.

(Pages 5 - 30)

- (b) **22/00326/COU - CHANGE OF USE OF RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 3 NO. CHILDREN - 10 WHISTON LANE, HUYTON, KNOWSLEY, L36 1TY**

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 22/00326/COU in the search box.

(Pages 31 - 44)

- (c) **20/00576/HYB - HYBRID APPLICATION COMPRISING; FULL PLANNING PERMISSION FOR A NEW FOODSTORE (USE CLASS E (A)), EMPLOYMENT DEVELOPMENT (USE CLASSES E(G), B2 AND B8), ACCESS, LANDSCAPING, AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE, INCLUDING CAR AND CYCLE PARKING FACILITIES, VEHICLE CHARGING SPACES, PEDESTRIAN ACCESS ROUTES AND SERVICING; AND OUTLINE PLANNING PERMISSION FOR A MIXED-USE DEVELOPMENT COMPRISING A DRIVE THRU RESTAURANT, DRIVE THRU COFFEE SHOP AND PUBLIC HOUSE TOGETHER WITH ASSOCIATED PARKING AND LANDSCAPING (ACCESS TO BE CONSIDERED ALL OTHER MATTERS RESERVED FOR FUTURE APPROVAL) - LAND NORTH OF CABLES WAY, ADJACENT TO CARR LANE AND CABLES WAY, PRESCOT**

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 20/00576/HYB in the search box.

(Pages 45 - 116)

- (d) **21/00775/FUL RETENTION OF TIMBER WINDOWS WITH ANTI-TAMPER MESH TOGETHER WITH RETENTION OF EXTERNAL AIR CONDITIONING CONDENSER UNIT AND PROPOSED INSTALLATION OF 2.4M HIGH PALADIN FENCING WITHIN THE CURTILAGE OF THE PROPERTY - VICTORIA GARDENS, VICTORIA ROAD, HUYTON L36 5SA.**

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 21/00775/FUL in the search box

(Pages 117 - 132)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning.

(Pages 133 - 154)

5. TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL DECISIONS

The Head of Planning to report on the following appeal decisions taken by the Planning Inspectorate :-

- (a) **52 ECCLESTON STREET, PRESCOT**

(Pages 155 - 158)

- (b) **35 DERBY ROAD, HUYTON L36 9UQ**

(Pages 159 - 162)

- (c) **8 SEDUM GROVE, TOWER HILL KIRKBY L33 1SX**

(Pages 163 - 166)

- (d) **CLUB 3000 BINGO, POPLAR BANK HUYTON L36 9US**

(Pages 167 - 172)

- (e) **8 MOORFILED, TOWER HILL KIRKBY L33 1XD**

(Pages 173 - 178)

- (f) **SUNNYSIDE COTTAGE, GREENSBRIDGE LANE L35 1QD**

(Pages 179 - 182)

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

APPLICATION NO: 22/00326/COU

APPLICANT: Supporting Futures Ltd

WARD AFFECTED: St Michael's

DEVELOPMENT:

CHANGE OF USE OF RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2) FOR A MAXIMUM OF 3 NO. CHILDREN

LOCATION OF SITE:

10 Whiston Lane, Huyton, Knowsley, L36 1TY

DEVELOPMENT PLAN ALLOCATION:

Primarily Residential Area

REPRESENTATIONS:

7 objections received.

RECOMMENDATION:

It is recommended that planning permission is granted subject to the conditions set out in the attached schedule.

CASE OFFICER:

Andrew Hunt (0151)-443 2204

SUMMARY:

This application relates to the proposed change of use of a semi-detached house (Use Class C3) to a children's care home (Use Class C2), for a maximum of 3 children.

The relevant key issues are:

- The principle of development;
- Impacts on amenity, and;
- Highway safety.

1. SITE AND SURROUNDINGS

- 1.1 The application site is a semi-detached 4-bed dwelling in an established residential area, with residential properties to either side and to the rear. The property has a large rear garden and a front garden enclosed by a brick wall. Currently, there is no parking provision within the boundaries of the property.

2. PROPOSAL

- 2.1 This application relates to the change of use from the existing residential dwelling (Use Class C3) to form a children's care home (Class C2). The Planning Statement submitted with the application states that:
- The care home would be for up to 3 young persons, aged from 7-17;
 - The applicant operates several care homes, including for children diagnosed with learning disabilities and autism spectrum conditions;
 - Care is provided on a 1 to1 basis for each child. There is a possibility that for 2:1 care may arise; however, this is rare, and the case would be reviewed regularly. If it is required for more than 7-days the operator would be required to review whether the home was the most appropriate place for the child to reside;
 - The children would attend school, but there may be occasions when family members, healthcare professionals or specialists meet with the children at the home. This would be via prior appointment and only during the daytime;
 - There would be one carer present with each child per day and two members of staff present at night, and;
 - The staff would work on a 48-hour rota, with staff changes taking place between 9:45am-10am.

3. RELEVANT SITE HISTORY

None relevant.

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 may have positive benefits for children with learning disabilities and/or autism.

5. REPRESENTATIONS

5.1 The application was publicised by letters sent to 8 neighbouring households. 7 objections were received from neighbours. An objection was also received from Cllr Joan Lilly.

5.2 The main concerns raised by residents were the following:

- There is a lack of information as to the support services being offered in the dwelling in relation to the quality of care and risk management practises.
- There is a lack of clarification as to the age range and types of children.
- The property is not suitable for conversion to a children's home it being in a residential area with neighbour who are elderly and disabled.
- There will be increased noise from traffic and disturbance, which will harm residential amenity caused by admin staff, cleaners relatives of the children and visiting professionals.
- There will be parking problems as staff and visitors will be forced to park on the road. There are already existing parking problems, and the site is close to a busy junction. Parking is difficult in the evening after work the road is busy and is a route towards Whiston Town and Hospital.
- There could be high need residents who will place a burden on local services.
- The owners of the property have stated that only 1 young school child will reside in the property. This contradicts the application to the Council.
- The use will lead to increased stress for neighbouring elderly residents who are in poor health.
- The proposal would reduce property values in the area.
- The area at the front of the house is not set out as a parking area and is a raised garden requiring significant ground works to make it suitable for parking
- By the very nature of the fact that they need to be in care and not in a regular family home or foster care indicates that the children will be in-need of constant care and are likely to be disruptive.

- The immediate neighbours have had no discussions or consultations from the company who wish to set this up so I fail to see how they can say there will be no impact on residents' amenity.
- The parking in Whiston Lane is restricted in that Nos 6,8,10 do not have driveways and a lot of people who do either park on the road or have two cars.

6. CONSULTATIONS

Environmental Health & Consumer Protection (Knowsley Council) –No objection in principle to the above change of use.

Local Highway Authority (Knowsley Council) – A minimum of 2 off street parking spaces are required. This has now been provided. Highways are satisfied with the proposed parking scheme plan, and consequently the proposed modification to the condition to require the parking space to be implemented prior to occupation is accepted.

Merseyside Police Architectural Liaison Officer – No comments.

Whole Life Commissioning (Knowsley Council) –Supporting Futures (the applicant) is a provider Knowsley Council places children with and is on the North West commissioning framework. The service would meet the needs of some of the young people we are looking to place in Knowsley although there is a greater need in other areas (such as respite).

7. POLICY CONTEXT

- 7.1 Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2021), 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 Primarily Residential Area. The relevant adopted policies for the assessment of the application are as 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)

H5 - Development within Primarily Residential Areas
H7 – Provision of flats, nursing and residential homes, hostels and houses in multiple occupation
ENV2 - Noise and Vibration

8. ISSUES AND ASSESSMENT

Principle of the Development

- 8.1 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.
- 8.2 Replacement UDP Saved Policy H7 (Provision of flats, nursing and residential homes, hostels and houses in multiple occupation) states that proposals for residential homes, will be permitted provided that:
- There would be no unacceptable increase in the level of noise or disturbance, or loss of privacy, for occupiers of neighbouring property;
 - 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;
 - Bin stores, fire escapes and clothes drying areas would be adequately screened or designed so as to avoid causing loss of visual amenity;
 - 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
 - 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.
- 8.3 The proposed use as a children's home is appropriate in a residential area. There are residential properties either side of the dwelling and the change of use of the property to a children's care home is therefore acceptable, subject to the use not having an unacceptable impact on

the amenity of neighbours, the character of the area and sufficient parking being available. These matters are addressed below.

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 proposed use has a residential character and, therefore, it is appropriate in a residential area. Given the need for (on average) up to three adults to be present and the possibility for family members and support services to visit, the comings and goings associated with the property could potentially be more than experienced at an 'average' residential property.
- 8.6 Notwithstanding this, the supporting statement identifies that staff change overs will occur between 9:45am and 10am, and visits would be by appointment only and only during the daytime. On this basis, it is not considered that the level of activity taking place would 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.
- 8.7 If planning permission is granted conditions are recommended to limit the maximum number of children to 3 and to ensure that the home is operated in accordance with the detailed Planning Statement. On balance and subject to these conditions, it is considered that the proposal would not cause unreasonable harm to amenity and, therefore, complies with Policies H5, H7 and CS19.

Highways

- 8.8 NPPF Para 109 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.
- 8.9 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;

- 8.10 The site is within a sustainable location with excellent bus links, with a bus stop nearby on Huyton Lane. Consequently, family, staff or professionals could easily access the site on public transport.
- 8.11 The property has no parking provision within its curtilage, and it is likely that only one car could park 'on street' outside of the property. Given that the change of use proposes that carers, professionals, and family members may visit at various times, additional provision is required.
- 8.12 The Highways team have reviewed the proposal and given the sustainable location of the property they recommend that 2 (in curtilage) spaces would be sufficient to meet the expected demand. The applicant has provided a plan showing 2 parking spaces in a detailed layout. This has been reviewed and found acceptable by the council's highways department. Therefore, it is considered that sufficient parking is proposed. If planning permission is granted, a condition is recommended to ensure this parking scheme is implemented prior to use of the building as a children's home.
- 8.13 Overall, the proposal would not lead to unacceptable impacts on highway safety. Therefore, the application is consistent with NPPF para 109, and policies CS7 and H7.

Character of Area

- 8.14 Policy CS19 states that new development is expected to respond to and integrate the positive characteristics of the immediate surroundings, including local materials, scale, mass, form, layout, alignment, and density of the existing built environment.
- 8.15 Given the need for additional car parking, the front wall to the property would be removed and the front garden would be hard surfaced. Although this arrangement would not be as attractive as that existing, it would be akin to the neighbouring property, and it is also an arrangement found in the wider area. The additional car parking would also enable a more satisfactory delivery of the development and address the concerns expressed by some residents and meet the requirements of the Highways team. Consequently, the proposal would not cause unacceptable harm to the character of the area and would therefore comply with policies H5 and CS19.

Crime and Anti- Social Behaviour

- 8.16 There is no evidence that the proposal will lead to material crime and anti-social behaviour and Merseyside Police have raised no objection.

Other Considerations

- 8.17 Concerns have been raised that the proposal would negatively affect property prices. There is no evidence to support this contention although, in any event, a development's potential impact on property values is not a relevant (material) planning consideration. It cannot, therefore, be considered in the application's assessment.
- 8.18 One objection raises concerns about the support services and perceived risk management issues. The application is made by Supporting Futures Ltd., who are an established care home operator and known to Knowsley Council. Notwithstanding this, the operator's credentials are not relevant (they are not material) to the determination of this application. The day to day running and management of the facility would be covered by other (non-planning related) legislation and enforced by Ofsted and/or the Care Quality Commission.

9. CONCLUSION

- 9.1 The proposal is for a small children's home in a residential area. Notwithstanding the concerns expressed by some residents, the proposed use is, in planning terms, acceptable and would not cause unacceptable harm in relation to highway safety, the character of the area, or the amenity of neighbours.
- 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 (2021).

10. RECOMMENDATION:

- 10.1 It is recommended that planning permission is granted subject the conditions set out in the attached schedule.

SCHEDULE OF CONDITIONS

1	Time limit 3 years	Advisory
2	Plans List	Advisory
3	Implementation of Car and Cycle Parking	Prior to first use as a children's home
4	Maximum limit of 3 Children	Ongoing

APPLICATION No: 22/00326/COU

