

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 13th March 2024

Subject: [DC/2023/01865](#)
[12 Carlisle Road Birkdale PR8 4DJ](#)

Proposal: Change of use from dwellinghouse to children's home, to provide care for up to 3 No. children, with the erection of a single storey and dormer extension to the rear. (Part retrospective) (Alternative to DC/2023/00700 refused 03/10/2023)

Applicant: Mr P Durose **Agent:** Mr David Morse
New Path Care Limited Baltic PDC

Ward: Birkdale Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Cllrs Pugh and Brodie Brown

Summary

The proposal seeks planning permission for the change of use from a dwellinghouse to children's home, to provide care for up to 3 No. children, with the erection of a single storey extension and dormer extension to the rear. The application is part retrospective given that the rear extension and dormer have been constructed and is an alternative to a previously refused application (ref: DC/2023/00700) for a similar development, which was refused due to concerns associated with noise and disturbance (and associated impact on living conditions of neighbouring residents) and impacts of the dormer on the character and appearance of the area.

As part of the current application, the applicant has provided additional information regarding the overall management of the proposed children's home and has made proposed changes to the house to address the concerns expressed in the previous application.

For the reasons set out within the report, it is considered that the proposal has overcome the reasons for refusal previously identified and is acceptable in all other regards. The proposal is therefore recommended for approval subject to conditions.

Recommendation: Approve with Conditions

Case Officer Stephen O'Reilly

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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S338EUNWII600>

Site Location Plan



The Site

The application relates to a detached two storey dwelling on the north west side of Carlisle Road. The surrounding area is primarily residential and made up of similar sized properties.

History

Planning permission was previously refused under reference DC/2023/00700 on 3rd October 2023 for the change of use from a dwellinghouse to children's home, to provide care for up to 3 no. children, with the erection of a single storey extension and dormer extension to the rear.

The reasons for refusal were:

1. The proposal fails to demonstrate that there will be no adverse impacts on the living conditions of neighbouring properties in terms of noise and disturbance from the comings and goings to the premises and also from the use of the premises. The proposal therefore fails to comply with policies HC3 and HC4 of the Local Plan.
2. The dormer by virtue of its size and materials will have a detrimental impact on the character and appearance of the area and therefore fails to comply with policies HC4 and EQ2 of the Local Plan.

The refusal is currently the subject of an appeal, which is yet to be decided, reference APP/M4320/W/23/3332483.

Consultations

Environmental Health Manager

No objection

Highways Manager

No objection subject to conditions

Childrens Services

No comments received

Neighbour Representations

Following an initial neighbour notification procedure a total of 40 letters of objection were received from neighbouring properties.

A petition containing 344 signatures has also been received, endorsed by Councillors Pugh and Brodie-Brown.

The issues raised in relation to the petition include: object to change of use; Children's services have refused approval; Dormer by virtue of size and materials having detrimental impact on character and appearance and fails to comply with policies HC4 and EQ2 of the Local Plan; Fear of crime; Disregard of impact on living conditions in terms of noise and disturbance from comings and goings; Does not comply with policies HC3 and HC4 of the Local Plan; Oversupply of residential care accommodation in Sefton; Excessive traffic; Curb outside will require widening further displacing visitor parking along the road.

In relation to the individual comments received in objection to the proposal, such comments can be summarised as follows:.

Living Conditions

- Significant disturbance through entrance and exit of staff, deliveries and other associated traffic
- Visibility of dormer extension
- Noise
- Noise inside and outside will be great, especially in the summer
- Can hear works going on with windows shut
- Still 6 bedrooms
- Threatens residential amenity and reduces opportunity for high quality of life
- Overshadowing and reduces sunlight to neighbouring properties, reducing privacy
- Volume of people with access to windows greater than single dwelling
- App states obscure glass to be fitted to dormer, have been installed with clear glass
- With single storey extension possible to jump from first floor window and abscond
- New proposal fails to demonstrate there will be no adverse impacts on living conditions of neighbouring properties
- Extension and dormer overwhelming
- Car park not in keeping with residential area
- Loss of privacy from extension and dormer
- Childrens home materially different to C3 residential use
- PD rights can not be claimed retrospectively by removal of an element to return residential development to permitted tolerance
- PD rights relate to residential dwelling property is not being used as residential dwelling
- Anti-social behaviour

- Security is a major concern
- Excess of 1 bedroom for needs
- Fails to demonstrate no adverse impacts to living conditions through intensification of comings and goings
- Concern the last resort provision will breach safety and security of neighbours

Character

- Impact on character of property highlighting institution appearance
- Change of use would alter character of neighbourhoods residential status
- Dormer larger, more prominent and protruding than others in the area
- Use of obscure glass indicative of institution not in keeping with traditional family home
- Dormer due to size and dominance and use of alien materials causes harm to character and appearance of area
- No other properties on Carlisle Road finished in render to the rear
- Cannot see where industrial bins will be
- Adverse impact on area
- Removal of front boundary wall not in keeping
- Use would alter character of the neighbourhood
- Rear extension does not match dwelling, can not be finished in render on party wall due to proximity to neighbour

Highway Safety

- Unrealistic to expect public transport to be used cannot be controlled by planning or provider
- Will affect visibility when reversing out of drives and be hazardous
- Parking unlikely to meet demand, visitors will need to park on road, reducing opportunity for neighbours and visitors to park close by
- 4 parking spaces will not allow residents with mobility issues to access/exit the property
- Does not meet requirements of EQ3
- Traffic congestion will overwhelm any available spaces in vicinity
- Traffic increase will increase the risk of accidents

Other Issues

- New submission seeks to add points for refusal rather than core points, shows disregard for interests of neighbours
- No evidence of safeguarding risk assessment, staff qualifications, training, expertise or experience
- Rota does not consider children who may need more support
- Suggesting applicant would police visitors I would discredit
- Health and Safety breached during build
- Disproportionate number of properties in Southport, show over supply

- No risk assessment tailored to younger children and no evidence of staff expertise to support complex needs of children who are victims of abuse vs those who have behavioural issues
- 66% of Sefton's Children's residential care homes are in Southport, clearly identifying an oversupply
- Childrens Services did not support first application
- New Path Care have had no consideration for local community or staff they have contracted
- Do not see difference between this application and refused application
- Works continued despite refusal
- Hard landscaping will add to water run off

Following the receipt of additional information in the form of a revised Statement of Purpose and Management Plan, a further neighbour notification was undertaken. This resulted in 16 letters of objection being received from local residents. The letters raised many of the issues previously raised and the following further issues:

Living Conditions

- Application fails to demonstrate that there will be no adverse impacts on living conditions as there will be considerable intensification of comings and goings over and above that expected in a traditional family home
- Including sibling groups and emergency admissions with no regard for impact this will have on residents
- Police vans at premises before permission granted, business already causing issues

Other Matters

- Astonished to receive letter informing us of new information
- Changing age range for third time shows total inexperience
- Amendments in no way reassured me that proposal should be granted
- Naming a responsible person with experience seems like an after thought
- Why are new documents allowed so late in the process
- Unable to guarantee permanency of experienced staff beyond planning stage
- Staff rota unclear as does not cover each 24 hour period
- Shortness of time given for comments unreasonable
- Summary of changes should have been provided
- Changes not significant from first refused application

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

1. Introduction

- 1.1 The proposal seeks planning permission for the change of use of the premises from a dwellinghouse to children's home, to provide care for up to 3 No. children, with the erection of a single storey and dormer extension to the rear. The extension and dormer to the rear of the dwelling have already been constructed.
- 1.2 The proposal is an alternative to DC/2023/00700 which was refused in October 2023.
- 1.3 The main issues to consider are the principle of development, the impact on the living conditions of neighbouring properties, the impact on the character and appearance of the area and the impact in terms of highway safety. The proposal must demonstrate that the reasons for refusal have been overcome.

2 Principle

- 2.1 Policy HC3(Residential Development and Primarily Residential Areas) of the Local Plan advises that new residential development will be permitted in Primarily Residential Areas where consistent with other Local Plan Policies.
- 2.2 Although classified as a Residential Institution (Class C2) use, the use does have similarities to a house, albeit the house would be more intensively used as supposed to a typical family home. It is, therefore, considered that policy HC4(House Extensions, Houses in Multiple Occupation and Flats) of the Local Plan is also of relevance. This permits the change of use of a house into multiple occupation where the proposal would not cause significant harm to the character of the area or the living conditions for either the occupiers of the property or for neighbouring properties.
- 2.3 It is therefore considered that the Principle of development is acceptable in land use terms, provided that the proposal meets other planning policies and material considerations.

3 Living Conditions

- 3.1 Consideration has to be given to the impact on living conditions of neighbouring residents as a result of noise and disturbance associated with the proposed use, but also the physical impacts of the proposed extensions.

Change of Use

- 3.2 The proposal seeks permission for the use of the premises for 3 children between the ages of 10-15.
- 3.3 An amended Operations Management Plan has been provided which sets out how the premises will be managed, this includes details of the staff rota. The details of this are:
- Registered Manager: Monday - Friday
Deputy Manager: Monday, Tuesday, Friday, Saturday
Team Leader: Wednesday, Thursday, Sunday
Residential Support Worker(RSW)1: Monday, Tuesday, Sunday
RSW2: Wednesday, Thursday
RSW3: Friday, Saturday.
- 3.4 The rota would work on the basis of two days on, four days off. There would be a minimum of two staff present 24 hours a day, 7 days per week, with a registered manager also on site between 9am-5pm Monday - Friday. Staff handover times would be between 8am-9am every third day. Reference to the 8am-10pm within the rota indicates the expected times that staff would be working during the day and does not indicate a change in the shift.
- 3.5 As a result, the level of staff movement would mean that there would be a maximum of four staff cars present at the property every three days and limited to an hour in the morning. This would be a significant reduction in terms of staff movement from the previously refused application, which indicated that there would be a staff handover at 8am and 10pm each day.
- 3.6 While visits to the premises from outside agencies would also be required, it is considered that this could be managed effectively by the premises in order to ensure that there would not be any significant impact over and above what would be considered reasonable to a single family dwelling while given the detached nature of the premises, it is considered that any noise from the property could be reduced through the use of sound insulation, which can be secured through separate legislation.
- 3.7 Based on the information provided, it is considered that any noise from use of the external areas to the premises would be akin to the use of the premises as a single family dwelling containing 5 persons.
- 3.8 While the proposal would see the introduction of additional bedrooms over and above the requirement for the proposed use, a condition could be attached to restrict the number of children who could reside in the premises at anyone time. In addition, the applicant has agreed to an additional condition, which would see that the children residing within the premises would be from the Sefton area. This would give a greater level of control to the Local Authority, in that the management of the premises and the care for the children can be

monitored more effectively by Sefton Children's Services.

- 3.9 Concern has been raised regarding a fear of crime, however, whilst this is a material consideration, there is no evidence to substantiate such a claim.

Extension and Dormer

- 3.10 The rear extension and dormer extension have been constructed. The rear extension is single storey and has a projection and height that does not create an unacceptable level of overshadowing to either neighbour or harm the outlook from the neighbours nearest habitable room windows. The dormer, although large, is located in the rear roof slope and does not present any overshadowing or outlook concerns.
- 3.11 Local concern has been raised in relation to a loss of privacy from the rear dormer. While this would introduce additional windows to the rear elevation, there is sufficient distance to the rear as to not present an unacceptable level of overlooking. Overlooking would be possible to either neighbouring property, albeit at an acute angle, but this would be no different to that which already exists from the existing first floor windows of the property.
- 3.12 While the car parking area to the front is to be extended, there are examples of parking to the front within the area. The removal of the front boundary wall would not be something that planning permission would be required for and therefore the Council would have no control over this and this is not something that could be used for a reason to refuse the application.

4 Character

- 4.1 Policy EQ2(Design) of the Local Plan seeks to ensure that proposals respond positively to the character and appearance of the area.
- 4.2 The use of the premises would likely result in an increased intensification of the property. However, given the proposed number of children expected to reside at the premises, this is not considered to be significant. Given the property is a large detached property in an area characterised by properties of similar scale, it is not considered the proposed use would harm the character and appearance of the area in this regard.
- 4.3 The previous application was refused in part due to the impact on the character and appearance of the area, specifically in relation to the rear dormer. At the time of the previous application, only the rear dormer and extension had been finished in render. While views of this were limited, it was considered that the scale and choice of materials used in the construction of the dormer appeared obtrusive on the main house which caused unacceptable harm to the character and appearance of the local area.

- 4.4 Since the previous refusal, the applicant has rendered the entire rear elevation of the existing house resulting in the dormer and rear extension appearing consistent in terms of its appearance.
- 4.5 While render is not a predominant material within the area, it is not an uncommon finish to a dwelling. The consistency with render to the rear of the property reduces the visual impact of the rear dormer, making it appear less obtrusive. Given that the majority of the view to the rear would be from private vantage points, it is considered that the extensions and alterations to the rear elevation are now acceptable and do not cause significant harm to the character or appearance of the existing property or wider area.
- 4.6 Concerns have been raised with regards to the finish of the side elevation of the extension. This would not be a reason to refuse the planning application and would be a matter for the applicant to ensure that the works can be carried out in full.

5 Highway Safety

- 5.1 Policy EQ3(Accessibility) of the Local Plan seeks to ensure that proposals do not cause any harm in terms of highway safety.
- 5.2 The proposal includes an increase of the previous off-street parking from 2 spaces to 4 spaces. This also includes the partial removal of the front boundary wall. The new parking layout would require the provision of a more centralised vehicle dropped crossing, with the original dropped crossing reinstated to its original level.
- 5.3 The level of proposed parking is acceptable. The site is also accessible by walking, cycling and the use of public transport with bus stops within acceptable walking distances on Liverpool Road and Kew Road where frequent and regular services are available to local and more distant destinations, while Birkdale and Southport train stations are within the recommended maximum cycling distance of the premises.
- 5.4 Given the reduced level of staff turn over from the previous refused application and the level of parking provided, it is considered that the proposal would not cause any harm in terms of highway safety.
- 5.5 While it is acknowledged that there would be limited powers for the applicant to ensure that visitors to the premises use public transport, the option would be available and would provide sustainable modes of transport to and from the site. Given that there are no parking restrictions to Carlisle Road, save for H lines to driveways, the Councils Highways Manager confirms that the proposal would not cause harm in terms of highway safety.

6 Other Matters

- 6.1 Concerns have been raised with regards to an oversupply of residential homes within the Southport and wider Sefton area. However, the information provided by the applicant confirms that there is a need for this type of premises within the borough. Children's Services have not raised any concerns with regards to an oversupply of this type of premises and therefore this would not be a valid reason for which planning permission could be refused.
- 6.2 The lack of experience for the operators is not a material planning consideration. The premises are proposing to be registered with Ofstead.
- 6.3 The needs of the individual children resident at the premises would be a requirement for the operators and is not a planning matter.
- 6.4 Concerns have been raised following the submission of additional information and the timing of this. While planning applications do have a statutory expiry date, this can be extended by agreement between the Local Planning Authority and the applicant, which has been the case in this application. Neighbours have been informed of the revised information. All comments previously received are considered as part of the determination of the application.
- 6.5 A summary of the amendments has not been provided by the agent. All information relating to the determination of the application is available to be viewed on the Council's website.
- 6.6 While conditions can be used to control the number of residents etc, the overall management of the site would be through other legislation and is therefore not a material planning consideration.
- 6.7 There are no other matters raised that give rise to concern associated with the development.

7 Planning Balance and Conclusion

- 7.1 Following the refusal of planning permission last year, additional information has been provided in support of this new application, in relation to the staff rota at the premises and how the premises will be managed, including detailing how the property will be regulated by Ofstead. The agent has also confirmed that the operators would be agreeable to a condition to any subsequent approval which would limit the use of the premises to children registered with Sefton's Children's Services.
- 7.2 This additional information demonstrates that the proposed use as a children's care home for 3 children can be accommodated within the premises without causing significant harm to the living conditions of neighbouring residents. A condition limiting the number of children to be cared for at the premises could further ensure the impacts on neighbour living conditions is further protected.

- 7.3 With regards to the extensions and alterations to the rear elevation of the premises, the introduction of render across the rear elevation introduces a consistent material palette between the extensions and the house. This does not reduce the size of the dormer, however it does reduce to overall visual impact on the character and appearance of the existing building. Render is not an uncommon material on residential properties and given the rear location to which such works have been carried out with limited public viewing points, it is considered that the proposed works do not cause significant harm to the character and appearance of the wider locality.
- 7.4 It is therefore considered that the proposal has overcome the previous reasons for refusal. With no other matters of concern, it is therefore recommended that planning permission be granted, subject to conditions.

8 Equality Act Consideration

- 8.1 Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
 - Foster good relations between people who share a relevant protected characteristic and those who do not share it.
- 8.2 The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Recommendation - Approve with Conditions

Approved Plans

- 1) The development is hereby permitted in accordance with the following approved plans and documents:

Location Plan

Proposed Plans - 2023-03-03

Proposed Elevations - 2023-03-04

Proposed Site Plan - 2023-03-05

Statement of Purpose - Revision 3

Operations Management - Revision 2

Reason: For the avoidance of doubt.

Before the Development is Occupied

- 2) The use hereby approved shall not commence until a vehicle crossing to the front of the property has been constructed in full and space has been laid out within the curtilage of the site for cars to be parked. The car parking spaces shall thereafter be kept available for the parking of vehicles for the life of the development.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

- 3) The use hereby approved shall not commence until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained for the life of the development.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

Ongoing Conditions

- 4) The application property shall only be used for residential accommodation for a maximum of 3 children and for children who are from, or with family, or have a long term connection to Sefton Borough

Reason: To ensure the application property is managed appropriately and to protect the living conditions of neighbouring residents.

Informatives

- 1) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.