

**Report of:** CHIEF PLANNING OFFICER Derek McKenzie

**Report to:** PLANNING COMMITTEE **Date of Meeting:** 10<sup>th</sup> April 2024

**Subject:** **DC/2024/00170**  
**55 Kendal Drive Maghull L31 9AX**

**Proposal:** Change of use from a dwellinghouse (C3) to a children's home (C2) for up to 3 children and associated works

**Applicant:** Ncube **Agent:** Mr Clement Dirawu  
FLORA CARE SOLUTIONS (1) LTD

**Ward:** Sudell Ward **Type:** Full Application

**Reason for Committee Determination:** Petition endorsed by Cllr. Phil Hart

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## Summary

The proposal seeks planning permission for the change of use from a dwellinghouse to a children's home to provide care for up to 3 no. children aged 8 – 18 years.

The main issues to consider are the principle of develop, the impact on the living conditions of future occupiers and neighbouring properties, the impact on the character of the area and highway safety. The applicant has agreed to a condition to provide enhanced soundproofing to the party walls. Subject to this condition, the proposal would not cause significant harm to the character of the area or the living conditions of either the future occupiers or neighbouring properties. The proposal complies with the polices set out within the Sefton Local Plan and is recommended from approval subject to conditions.

## Recommendation: Approve with conditions

**Case Officer** John Kerr

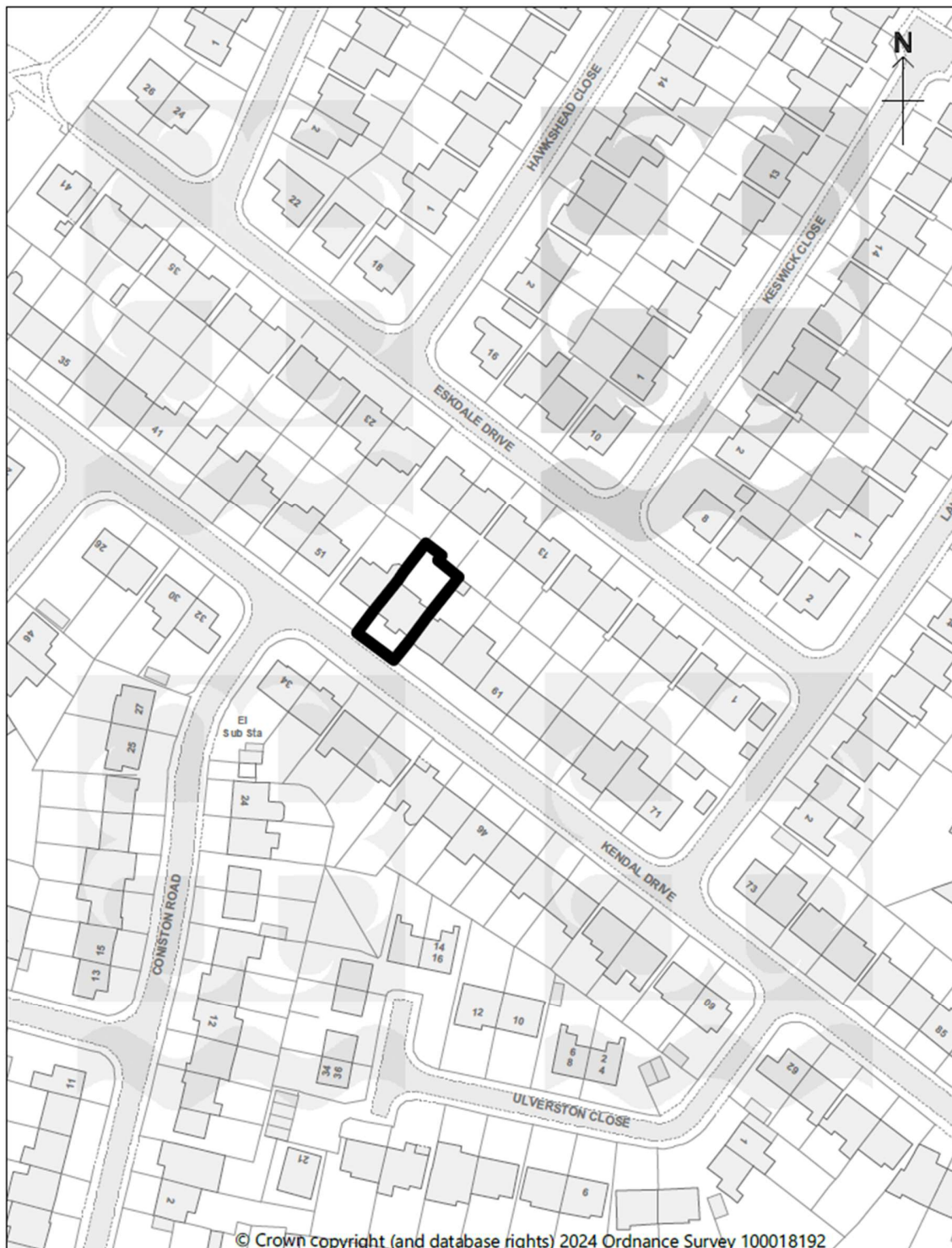
**Email** [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Telephone** 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S7TCLONWJBQ00>

# Site Location Plan



## The Site

The application relates to a semi-detached two storey dwelling located on the north side of Kendal Drive. The surrounding area is primarily residential and made up of similar sized properties.

## History

None of relevance.

## Consultations

### **Environmental Health Manager**

No objection subject to condition.

### **Highways Manager**

No objection subject to conditions.

### **Director of Childrens Services**

No need for 3 bed homes to be used as Children's Homes in Sefton

## Neighbour Representations

Following an initial neighbour notification procedure, a total of 21 letters of objection were received.

This application has been called in by Cllr. Phil Hart and Cllr. Judy Hardman. A petition containing 39 signatures has also been received, endorsed by Cllr. Phil Hart.

The issues raised in relation to the petition include:

- Out of keeping with the residential area
- Impact on parking
- Noise impacts
- Anti-social behaviour
- Oversupply of children's homes within the area

The individual objections received can be summarised as follows:

### ***Living Conditions***

- Additional noise impacts from the use
- Potential overlooking issues into gardens
- The proposal could result in increased anti-social behaviour and crime within the area

- High turnover of residents with different complex needs

### ***Character***

- Out of keeping with residential area
- Not an appropriate area for children
- Area is already oversaturated with this type of use

### ***Highway Safety***

- Potential access issues which could limit emergency services
- Impact on parking issues within the area
- Increase of traffic and congestion

### ***Other Issues***

- Security issues and impact on mental health and wellbeing of residents
- Previous applications have been refused due to an oversaturation of children's homes
- Lack of information
- Could set a precedent for commercial uses within a residential area
- Devaluation of properties
- Private companies exploiting the social care system driven by profit
- Do the staff have the correct qualifications
- The use would not offer a stable family situation for children
- School placements already on short supply
- No proof that it is a reputable company

A total of 7 letters of support were also received. In relation to the individual comments received in support of the proposal, such comments can be summarised as follows:

- No harm in this area to house vulnerable children in this
- Gives children a chance to thrive
- No difference from a typical family of 5
- Too many children are being let down by the system, this will benefit children
- There is a need for this type of use in Sefton
- Ideal place for children

## **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.

The Maghull Neighbourhood Plan was 'made' (i.e. adopted) on 24th January 2019 and carries full weight in decision making.

## 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 a children's home to provide care for up to 3 no. children.
- 1.2 The main issues to consider are the principle of development, the impact on the living conditions of neighbouring properties, the impact on the character of the area and the impact in terms of highway safety.
- 1.3 Amended plans were received to show that there is parking space for at least three vehicles on the private driveway. Neighbours and consultees were re-consulted of these amended plans.

### 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 were consistent with other Local Plan Policies.
- 2.2 Although classified as a Residential Institution (Class C2) use, the use does have similarities to a dwelling, albeit the house would be more intensively used as opposed 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 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.

#### *Change of Use*

- 3.2 The proposal seeks permission for the use of the premises for 3 children between the ages of 8 – 18 years.

- 3.3 A Planning Statement has been provided which sets out how the premises would be managed; this includes details of the staff rota. The rota would work on the basis of two days on, four days off, and would include a core team of 6 staff members. 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 to Friday. Staff handover would be at approximately 8am, every third day. 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.
- 3.4 While external visits to the premises would also be occasional, the working schedule is considered to be acceptable and due to the number of children and carers; it is not considered to be too dissimilar when compared to a family situation. It is therefore unlikely to give rise to unacceptable impacts on the surrounding neighbours. However, to lessen the potential for any disturbance within the property itself across the party wall to no. 53 Kendal Drive, it is considered reasonable to require a scheme of noise attenuation to be submitted to and approved by the Council prior to the use commencing. The applicant has agreed to the condition and therefore the proposal is considered acceptable and meets the aims of policy EQ2, Part 2(c) of the Sefton Local Plan which seeks to protect the amenity of those within and outside the development. The proposal also meets the aims of Policy HC3 which seeks to ensure that development protects the residential character and the living conditions of the residents in those areas.
- 3.5 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 any one time. In addition, a legal agreement is recommended to ensure that Sefton Council has first refusal for any room available at the premises. This would give a greater level of control to the Local Authority, in that the management of the premises and care for the children could be monitored more effectively by Sefton Children's Services. Should there not be a need in Sefton at that time the occupancy would not be geographically restricted.
- 3.6 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.

#### **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 intensification of the use 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 medium sized semi-detached property in an area characterised by properties of a similar scale, it is not considered that the proposed use would harm the character and appearance of the area in this regard.

## **5 Highways**

- 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 amended proposal includes 3 off-street parking spaces. The parking layout would require the provision of a repositioned or new vehicle dropped crossing which would include reinstating the existing dropped crossing.
- 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 Eastway where frequent and regular services are available to local destinations.
- 5.4 Given the level of staff turnover 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 external 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 Kendal Drive, the Councils Highways Manager confirms that the proposal would not cause harm in terms of highway safety.

## **6 Other Matters**

- 6.1 The Director of Children's Services has advised that they do not currently have a specific need for 3 bed homes; however, they do have a need for placements for children and it cannot be demonstrated that there is an oversupply in general. The applicant is willing to work directly with Children's Services and to accommodate children from Sefton. Concern regarding an oversupply in these circumstances would not be a valid reason for which planning permission could be refused.
- 6.2 The needs of the individual children resident at the premises would be a requirement for the operators and is not a planning matter.
- 6.3 There is nothing to substantiate that this proposal would impact on security issues within the area.
- 6.4 The devaluation of properties is not a material planning consideration.
- 6.5 The lack of experience for the operator is not a material planning consideration. The premises are proposing to be registered with Ofsted.
- 6.6 There are no other matters raised that give concern associated with the development.

## **7 Planning Balance and Conclusion**

7.1 The proposal 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 protected. A condition to require a scheme of noise attenuation with regard to the party wall with no. 53 Kendal Drive can also help to reduce the impacts on neighbouring living conditions.

7.1 In addition to the above, a legal agreement could help to ensure that Sefton Council has first refusal with regard to occupancy of the premises, giving a greater level of control to the Local Authority, helping Sefton Childrens Services to monitor the management of the premises more effectively.

3.7 It is considered that the proposal is acceptable and is therefore recommended that planning permission be granted, subject to conditions.

## **8. Equality Act Consideration**

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.

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

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

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

1952.100 – Site and Site Location Plans  
1952.102 – Proposed Floor Plans and Elevations  
Amended Planning Statement (submitted 25/01/2024)

Reason: For the avoidance of doubt.

- 3) Prior to first occupation
  - a) A scheme of sound insulation to protect the adjoining residential dwelling at Number 53 Kendal Drive from the proposed children's home shall be submitted to and approved in writing by the Local Planning Authority.
  - b) The soundproofing shall be carried out in accordance with the scheme approved under (a) and shall be retained for the lifetime of the development.

Reason: To prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity.

- 4) 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.

- 5) 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.

**Informative**

- 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](mailto:HDD.Enquiries@sefton.gov.uk) for further information.