

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

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 5<sup>th</sup> June 2024

**Subject:** [DC/2024/00159](#)  
[12 Northway, Maghull, L31 5U](#)

**Proposal:** Change of use from an office (E) to a children's home (C2) for a maximum of two children, with up to three carers, two of whom will sleep overnight, working on a rota basis.

**Applicant:** Simon Walley      **Agent:** Adrian Rose  
Theophelian Ltd      Rose Consulting

**Ward:** Molyneux Ward      **Type:** Full Application

**Reason for Committee Determination:** Called in by Cllr. Paula Murphy

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## Summary

The proposal seeks planning permission for the change of use from an office to a children's home to provide care for up to two children aged 7 – 18 years.

The main issues to consider are the principle of development, the impact on the living conditions of future occupiers and neighbouring properties, the impact on the character of the area and highway safety. The proposal is not considered to significantly harm the character of the area or the living conditions of either the future occupiers or neighbouring properties. The proposal complies with the policies set out within the Sefton Local Plan and is recommended for approval subject to conditions.

## Recommendation: Approve with conditions

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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S7RHK7NWJAZ00>

## Site Location Plan



Sefton Council



Reference: Map reference  
Date: 23/05/2024  
Scale: Scale: 1:1250  
Created by: Initials

## The Site

The application relates to a semi-detached two storey property located along Northway in Maghull. The surrounding area consists of commercial uses and residential properties of a similar size.

## History

S/1998/0170 – Change of use from retail use to offices at ground and first floor level. Approved.

S/2003/1160 – Erection of a single storey extension at the rear of the office premises. Approved.

S/2003/1246 – Conversion of existing building at the rear of the premises to offices. Approved.

S/2013/0138 – Change of use from offices to Dog Grooming and Hydrotherapy centre. Approved.

DC/2021/00923 – Prior notification application for conversion of offices (E) into two dwellinghouses (C3). Prior Approval Not Required.

## Consultations

### Highways Manager

No objection subject to condition.

### Environmental Health Manager

No objection subject to condition.

## Neighbour Representations

The application has been called in by Cllr. Paula Murphy on the following grounds:

- Harmful to residential amenity
- Harmful to highway safety

12 neighbours were notified by letter on 31/01/2024 with further notification on 20/02/2024 and 24/04/2024. 16 representations have also been received from 7 different properties all objecting to the proposal on the following grounds:

- Impact on parking and on highway safety
- Inappropriate location
- Impact on living conditions
- Incorrect plans and information

- Safety concerns in relation to antisocial behaviour
- Impact on value of property
- Lack of notification

## 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

### Introduction

The proposal seeks planning permission for the change of use of the premises from an office to a children's home to provide care for up to two children.

- 1.1 The main issues to consider are the principle of the development, the impact on the living conditions of neighbouring properties, the impact on the character of the area and the impact on highway safety.
- 1.2 Amended plans were received to remove the parking space in the rear garden area and to amend the red edge on the location plan. Neighbours and consultees were re-notified and re-consulted. Further proposed floor plans were also submitted. Neighbours were not re-notified as the plans were not considered to disadvantage third parties.

## **2. Background**

- 2.1 The application site has previously been part of a larger site known as 10 – 12 Northway, also including the building denoted as “the bungalow” to the rear (granted permission S/2003/1246 date: 23/01/2004) and was formerly used as an office complex. Permission was also granted at the site for a dog grooming and hydrotherapy centre (ref. S/2013/0138 date: 10/04/2013); however, this permission was never implemented.
- 2.2 A prior notification application was submitted in 2021 to convert nos. 10 – 12 into two separate dwellings (Use Class C3 – ref. DC/2021/00923) where it was confirmed that “prior approval” was not required to convert the offices. The change of use has been implemented at no. 10 and was sold as a residential dwelling on 7<sup>th</sup> November 2022. While it is understood that internal works have taken place at no. 12 it has not been used as a dwelling and its lawful use therefore remains as offices. The bungalow to the rear has also been separated off and is now in a different ownership. Therefore, no. 12 is considered to be an office space in its own right, separate from the bungalow to the rear which is also used as an office space.
- 2.3 As a part of the subdivision of the site, the bungalow and no. 10 have access to parking at the rear of the site; however, no. 12 has no right to use this parking space. The owners only have a right to cross the land to gain access to the rear of their premises.

## **3. Principle**

- 3.1 The property is located adjacent to commercial premises with active uses including painting and decorating contractors, a tuition centre and office to the rear but surrounding neighbours are otherwise residential. 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.
- 3.2 Although classified as a Residential Institution (Use Class C2) use, the use does have similarities to a dwelling, albeit the house could 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 relevant. 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.
- 3.3 Although this property is not currently in use, it could lawfully be used as an office space. To change the use to something more in line with residential is considered to be appropriate in this area and so the principle of development is acceptable in land use terms, provided that the proposal meets other planning policies and material considerations.

#### **4. Living Conditions**

4.1 It is important to consider the impact of the proposed use on the living conditions of neighbouring residents as a result of possible noise and disturbance.

##### *Change of Use*

4.2 The proposal seeks permission for the use of the premises for 2 children between the ages of 7 – 18 years.

4.3 A Design and Access Statement has been provided which sets out how the premises would be managed which includes details of the staff rota. The rota would work on the basis of six carers operating on a shift pattern 48 hours on, 60 hours off. A manager and also a carer would usually visit the site most weekdays between 9am and 5pm. Other than at change over times at approximately 9:30am, there would be no more than three staff on the premises at one time.

4.4 While external visits to the premises would also be occasional, the working schedule is considered to be acceptable. Due to the number of children and carers it is not considered to be too dissimilar to a family situation. It is therefore unlikely to give rise to unacceptable impacts on the surrounding neighbours.

4.5 The Environmental Health Manager has also suggested a condition for a Noise Management Plan prior to the change of use taking place to manage the impact of noise. Officers consider that this is addressed through the arrangement of bedrooms (which would be agreed by condition), and given the appropriate noise insulation and the small scale of the use this is not considered necessary to make the proposal acceptable.

4.6 To lessen the potential for any disturbance within the property itself across the party wall to no. 10 Northway, it is considered reasonable to attach a condition to restrict children's bedrooms from being located along the adjoining party wall to reduce the likelihood of noise being transmitted. The applicant has agreed to the condition and has also submitted proposed floor plans to demonstrate that this would be the case. The proposal is therefore considered acceptable and meets the aims of Local Plan policy EQ2 (Design), Part 2(c), which seeks to protect the amenity of those within and outside the development. The proposal also meets the aims of Policy HC3 (Primarily Residential Areas) which seeks to ensure that development protects the residential character and the living conditions of the residents in those areas.

4.7 The Environmental Health Manager also suggested a condition to require a Noise Management Plan to be submitted prior to the change of use taking place. It is not considered that information arising from this condition would add anything significant beyond what can

already be achieved through the condition restricting children's rooms adjoining the party wall. Therefore, this condition is not considered to be necessary.

4.8 The proposal also includes two staff bedrooms. A legal agreement would also 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 the rooms are used by children from Sefton only. 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 by Sefton Children's Services.

4.9 Concern has been raised regarding a fear of crime and safety; however, whilst this is a material consideration, there is no evidence to substantiate such a claim. The proposal is considered to comply with Local Plan Policy HC3 (Primarily Residential Areas) and HC4 (House Extensions, Houses in Multiple Occupation and Flats).

## **5. Character**

5.1 The site is located adjacent to a small cluster of commercial properties in an otherwise residential row and would change to residential in character. Policy EQ2 (Design) of the Local Plan seeks to ensure that proposals respond positively to the character and appearance of the area.

5.2 The use of the premises would result in an intensification of the use of the property as it is currently vacant. However, given the proposed number of children expected to reside at the premises, this is not considered to be significant. When compared to the lawful use as an office space which could potentially have a greater impact through the comings and goings to and from the site, the proposal is not considered likely to result in a more intensive use of the site. The property comprises medium sized semi-detached premises in an area characterised by properties of a similar scale; therefore, it is not considered that the proposed use would harm the character and appearance of the area. The proposal is considered to comply with policy EQ2 (Design) within the Local Plan.

## **6. Highways**

6.1 Policy EQ3 (Accessibility) of the Local Plan seeks to ensure that proposals do not cause any harm in terms of highway safety.

6.2 The proposal does not include any off-street parking. The Highways Manager suggests the proposal would require at least three off-street parking spaces. Spaces were originally proposed in the rear garden area; however, this resulted in an unacceptable impact on the garden. The layout was also unacceptable due to the spaces falling below the standard size of 2.5m x 5.0m and it was not clear that the space would actually be accessible given the parking arrangements for the offices to the rear.

6.3 The Highways Manager confirmed that six off-street parking spaces would be required when considering the lawful use as an office space. When comparing the parking standards for a children's home, only three off-street parking spaces would be required. Therefore, the proposed use would have a lower parking requirement than the lawful office use and would have less impact on street parking and highway safety.

6.4 The applicant has demonstrated in a Travel Plan that incentives would be offered to staff to use public transport or taxis which would come in the form of free bus passes or the reimbursement of taxi fares. The Travel Plan could be secured by condition.

6.5 The proposed change of use is considered to be acceptable as trips generated by the use would not be significantly greater than what could be generated from an office. The site is also within acceptable distances from bus stops where frequent and regular services are available. The site is also within an acceptable walking distance of local shops, amenities and facilities.

6.6 The Highways Manager has objected to the proposal on the grounds that no off-street parking is provided. However, the factual assessment of the lawful uses of the site and the absence of parking restrictions to Northway demonstrates that the proposal would not cause significant harm with regard to highway safety when compared to the existing lawful situation. The additional measures set out in the Travel Plan further seek to reduce an impact on on-street parking beyond anticipated levels. The proposal therefore complies with policy EQ2 (Design) and EQ3 (Accessibility) within the local plan.



## **7. Other Matters**

7.1 The Director of Children's Services (Commissioning Team) has confirmed that they support this application, and that the applicant has met with them, viewed the property and demonstrated that they have aligned their work with Sefton Council's 'sufficiency strategy'. The applicant is also willing to work directly with Children's Services and to accommodate children from Sefton.

7.2 The devaluation of properties is not a material planning consideration.

7.3 Properties have been notified in line with the Council's Statement of Community Involvement.

7.4 There are no other matters raised that give rise to concern associated with the development.

## **8. Planning Balance and Conclusion**

8.1 The proposal demonstrates that the proposed use of the premises as a children's care home for 2 children can be accommodated within the premises without causing significant harm to the living conditions of neighbouring residents. A legal agreement limiting the number of children to be cared for at the premises would further ensure the impacts on neighbour living conditions is protected. A condition to ensure children's bedrooms are not located adjoining the party wall will also help to reduce the impacts on neighbouring living conditions.

8.2 In addition to the above, the legal agreement to ensure children placed in the home are from Sefton. This would give the Local Authority a greater level of control, helping Sefton Children's Services to effectively monitor how the premises are managed.

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

## **9. Equality Act Consideration**

9.1 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.

9.2 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**

- 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:

MS54077 – Location Plan  
12N-DRA-03 – Block Plan  
12N-DRA-02 (Rev A) – Proposed Layout Plans  
Design and Access Statement (dated 24/01/2024)  
Travel Plan (dated 23/04/2024)

Reason: For the avoidance of doubt

- 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.

- 4) The bedrooms to be used by children shall not be located adjoining the party wall.

Reason: In the interests of neighbouring amenity and limiting noise transmissions.