



## Planning Committee

**Date:** Thursday, 12 January 2023

**Time:** 6.00 p.m.

**Venue:** Committee Room 1 - Wallasey Town Hall

**Contact Officer:** Katherine Brown

**Tel:** 0151 691 8543

**e-mail:** katherinebrown@wirral.gov.uk

**Website:** <http://www.wirral.gov.uk>

Please note that public seating is limited, therefore members of the public are encouraged to arrive in good time.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

## AGENDA

**1. WELCOME AND INTRODUCTION**

**2. APOLOGIES FOR ABSENCE**

**3. MINUTES (Pages 1 - 10)**

To approve the accuracy of the minutes of the meeting held on 15 December 2022.

**4. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked whether they have any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

5. **LDP/22/01313; 52 PENKETT ROAD, LISCARD, WALLASEY, WIRRAL, CH45 7QW, PROPOSED CHANGE OF USE FROM 7 BED RESIDENTIAL DWELLING TO AN OFSTED REGISTERED RESIDENTIAL CHILDREN'S HOME, PROVIDING ACCOMMODATION FOR UP TO FOUR LOOKED AFTER CHILDREN AGED BETWEEN 10-18. (Pages 11 - 16)**

#### **Planning Committee Terms of Reference**

The terms of reference for this committee can be found at the end of this agenda.

## PLANNING COMMITTEE

Thursday, 15 December 2022

Present:

Councillor S Kelly (Chair)

Councillors

S Foulkes  
G Davies  
T Elzeiny  
H Gorman  
K Hodson

M Jordan  
B Kenny  
P Martin  
J McManus  
A Wright  
S Powell Wilde (for P  
Stuart)

102 **WELCOME AND INTRODUCTION**

The Chair welcomed Members of the Planning Committee, Officers and members of the public to the meeting.

103 **APOLOGIES FOR ABSENCE**

Apologies were received from:  
Councillor Paul Stuart.

104 **MINUTES**

The Head of Legal Services submitted the minutes of the meeting held on 10 November 2022 for approval.

The Lead Principal Lawyer noted an error on minute 98 where a typo read: "...under Minute 9" when it should have read "... under Minute 90" and that the correct date in the resolution should have been 13 October 2022 and not 8 September 2022.

**Resolved – That, subject to the resolution on Minute 98 being corrected to read:**

**"Resolved – That, subject to Councillor P Stuart being noted as the seconder for the substantive motion under Minute 90, the minutes of the meeting held on 13 October 2022 be approved"**

**The minutes of the meeting held on 10 November 2022 be approved.**

105 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and if so to declare them and state the nature of the interest,

No such declarations were made.

106 **APP/22/00977 9 CALDY ROAD, WEST KIRBY, WIRRAL CH48 2HE**

The Senior Planning Officer presented the report of the Director of Regeneration and Planning in relation to the above application for consideration.

Lead Petitioner Martha McInerney addressed the committee.

Ward Councillor Jenny Johnson addressed the committee.

Ward Councillor Simon Mountney addressed the committee.

Applicant's Agent Paul Nellist from Asteer Planning addressed the committee.

The Chair moved a motion for refusal which was seconded by Councillor Kathy Hodson.

The motion was put and lost (5:6) (1 abstention).

On a motion by Councillor Steve Foulkes and seconded by Councillor Brian Kenny, it was –

**Resolved (7:5) – that the application be approved subject to the following conditions:**

**1. The development hereby permitted shall begin not later than 3 years from the date of this decision.**

***Reason:* To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.**

**2. The development hereby permitted shall be carried out in accordance with the approved plans listed as follows:**

**PLAN 01 Revision B (Proposed Site Plan) received 31.10.2022**

**and the following plans received by the Local Planning Authority on 05 August 2022:**

**PLAN 02 (Proposed Ground and First Floor Plan)**

**PLAN 03 (Proposed Second Floor and Roof Plans)**

**PLAN 04 (Proposed Front and North Side Elevations)**

**PLAN 05 (Proposed Rear and South Side Elevations)**

**PLAN 06 (Proposed Bin and Cycle Stores Plans and Elevations)**

**PLAN 07 (Existing and Proposed Street Scene Elevations)**

***Reason:* For the avoidance of doubt and to define the permission.**

**3. The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawings numbered PLAN 04 (Proposed Front and North Side Elevations) and PLAN 05 (Proposed Rear and South Side Elevations).**

***Reason:*** To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policy HS4.

**4. NO DEVELOPMENT SHALL COMMENCE until a Demolition and Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. For each phase of development, the CEMP shall demonstrate the following and, once approved, development shall be carried out in accordance with the approved plan.**

**(A) Highways**

**A.1 - Location(s) for the parking of vehicles of site operatives and visitors,**

**A.2 - Location(s) for the loading and unloading of plant and materials**

**A.3 - Location(s) for the storage of plant and materials used in the demolition and construction of the development**

**A.4 – The erection of security hoardings (including decorative displays and facilities for public viewing where appropriate), and**

**A.5 - Measures to prevent the deposit of mud/grit/dirt on the public highway, with wheel washing facilities where appropriate.**

**(B) Residential Amenity**

**B.1 - Control, monitoring and mitigation of emissions of noise, dust and sub-surface vibration.**

**B.2 - Hours of demolition and construction activity, and deliveries to and dispatches from the site not to exceed 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. For the avoidance of doubt no activity, deliveries or dispatches shall take place on Sunday or Public Holidays.**

**(C) Waste Management**

**C.1 - The anticipated nature and volumes of waste that the demolition and construction phases of development will generate,**

**C.2 - The steps to be taken, where appropriate, to ensure that the maximum amount of waste arising from the development is incorporated into the new development,**

**C.3 - The steps to be taken to ensure effective segregation of waste at source including as appropriate, the provision of waste sorting, storage, recovery and recycling facilities, and**

**C.4 - Any other steps to be taken to manage the waste that cannot be incorporated into the new development.**

**(D) Invasive Species Removal**

**A method statement prepared by a competent person including the following information:**

**D.1 - A plan showing the extent of the plants,**

**D.2 - The method(s) that will be used to prevent the plants spreading further, including demarcation,**

**D.3 - The method(s) of control that will be used, including details of post-control monitoring, and**

**D.4 - How the plants will be disposed of after treatment/removal.**

***Reason:*** In the interests of highway and environmental safety, the amenity of highway users and neighbouring occupiers, and to ensure that demolition and construction of the development achieves efficient use of resources in accordance with policy WM8 of the Merseyside and Halton Joint Waste Local Plan.

**5. NO DEVELOPMENT SHALL COMMENCE UNTIL details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes shall include:**

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;**
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);**
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;**
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and**
- (v) Foul and surface water shall drain on separate systems.**

**The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.**

**Thereafter, the drainage schemes shall be completed in accordance with the approved details prior to first occupation of the development and retained for the lifetime of the development.**

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. No plant or materials shall be brought onto site until Root Protection Area fencing has been installed in accordance with the submitted tree protection plan and specification. (Drawing number 22/AIA/WIRR/99 03) within the Arboricultural Impact Assessment and Method Statement by Tree Solutions Ltd, Revision A, dated November 2022.

Thereafter:

- i) Development shall be carried out in accordance with the approved details and the fencing shall be retained until development subject to this consent is completed. There shall be no excavation or other alteration of ground levels, storage of materials or plant, parking of vehicles, deposit of soil or rubble, lighting of fires or disposal of liquids within any area fenced off as part of the tree protection plan and specification.

**Reason:** In the interests of the health and amenity value of trees and to accord with saved policy GR7 of the Wirral Unitary Development Plan.

7. No development other than demolition and vegetation removal shall take place until detailed construction plans setting out finished internal floor levels and external ground levels, and eaves and ridge heights, relative to existing levels and those of neighbouring properties have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out as approved.

**Reason -** To ensure the finished levels at construction accord with the levels approved at planning stage in the interests of maintaining the character of the area and residential amenity in accordance with the objectives of saved policy HS4 of the Wirral Unitary Development Plan.

8. No development above ground floor slab level shall take place until a detailed scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a plan and specification and demonstrate:

- i) The materials to be used for hard and soft surfacing;
- ii) Compensatory tree and hedge planting across the site (including a minimum of eight trees and, where practical, the retention and infilling of the existing hedge to the Caldry Road frontage) to replace those specimens removed as part of the development to include the location, number, species and size of trees to be planted and a method statement to secure the sustainable planting of trees.
- iii) Detailed planting plan and specification for soft landscaping of land forward of the principal elevation of the building;

- iv) The location and design of fences, gates, walls, railings or other means of enclosure; and
- v) The timing of implementation of the scheme.

Thereafter development shall be carried out as approved.

**Reason:** In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

9. If, within a period of five years from the date of planting of any tree under the landscaping scheme approved under condition 8, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place unless the Local Planning Authority agrees to any variation.

**Reason:** In the interests of visual amenity and to accord with saved policy GR5 of the Wirral Unitary Development Plan.

10. No demolition or vegetation removal shall take place within the main bird nesting season (March to September inclusive) until a pre-commencement check is carried out by a qualified ecologist no earlier than 48 hours before works take place and the qualified ecologist confirms in writing to the Local Planning Authority no later than 48 hours after the check has taken place, that no actively nesting birds will be affected by the works.

**Reason:** In order to avoid harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework

11. The construction of the development hereby approved shall be carried out in accordance with the following reasonable avoidance measures for terrestrial mammals:

- i) All trenches and excavations should have a means of escape (e.g. a ramp);
- ii) Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- iii) Raised storage of materials on pallets to ensure that mammals do not use material stockpiles for shelter.

**Reason:** To avoid harm to protected species in accordance with the objectives of saved policy NC7 of the Wirral Unitary Development Plan.

12. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been submitted to and approved in writing by the Local Planning Authority.



Thereafter the bird boxes shall be installed as approved and subsequently retained.

**Reason:** To provide suitable mitigation for the loss of breeding bird habitat in accordance with saved policy NC7 of the Wirral Unitary Development Plan and paragraph 180 of the National Planning Policy Framework.

13. Prior to first occupation of the development hereby approved, the cycle storage and refuse storage structures as shown on approved drawings PLAN 01 Revision B (Proposed Site Plan) and PLAN 06 (Refuse and Cycle Stores Plans and Elevations) shall be constructed in accordance with the approved plans, made available for use, and there after retained.

**Reason:** To ensure satisfactory provision is made for the storage of refuse and cycles in the interests of amenity and to accord with the objectives of saved policies HS4 and TR12 of the Wirral Unitary Development Plan.

14. The areas shown on approved drawing PLAN 01 REVISION B (Proposed Site Plan) for vehicular access, turning and parking shall be constructed, marked out, and made available for use prior to first occupation of the development hereby approved. Thereafter the vehicular access, turning and parking areas shall be retained for their intended purpose.

**Reason -** To ensure satisfactory off-street accommodation for vehicles is provided for and maintained, in the interests of highway safety and amenity and to accord with the objectives of saved policies HS4 and TR9 of the Wirral Unitary Development Plan.

15. Prior to first occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a residents management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

**Reason:** To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

**16. Prior to the installation of any external lighting, details of the type, location and luminance of the lighting to be installed shall be submitted to and approved by the Local Planning Authority. Thereafter the lighting shall be installed as approved. When designing the lighting scheme the designer should have regard to the Institute of Lighting Professionals and Bat Conservation Trust Guidance Note 08/18 'Bats and Artificial Lighting in the UK.'**

***Reason - To avoid significant harm to protected species in accordance with saved policy NC7 of the Wirral Unitary Development Plan.***

**17. The development hereby permitted shall not be occupied until the windows identified on the approved floor plan and elevation drawings to be fitted with glazing obscured to at least Pilkington level 3, have been so fitted. Thereafter the obscured glazing shall be retained.**

***Reason: To prevent harmful overlooking in the interests of protecting the privacy and amenity of neighbouring residents.***

#### **NOTES TO APPLICANT:**

**1. Merseyside Fire and Rescue Service advise the following:**

- i) Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.**
- ii) Water supplies for firefighting purposes should be risk assessed in accordance with the undermentioned housing guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied, and**
- iii) The premises should comply with Section 55 of the County of Merseyside Act 1980.**

#### **Housing**

**Housing developments with units of detached or semidetached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development.**

**2. The applicant, their advisers and contractors should be made aware that if any roosting bats are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.**

**3. Consent under the Highways Act is required for the construction of a new vehicle access or the amendment/removal of an existing vehicular access. Proposed vehicle access to be constructed in accordance with LPA commercial concrete crossing specifications. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal**

of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

107     **ADV/22/00807 APPLICATION FOR ADVERTISING CONSENT, LAND AT STANLEY ROAD, BIRKENHEAD CH41 7AZ**

The Development Management Manager presented the report of the Director of Regeneration and Place in relation to the above application for consideration.

Ward Councillor Liz Grey addressed the committee.

It was then moved by Councillor Julie McManus and seconded by Councillor Sue Powell-Wilde, that the application be refused for the following reason:

“That the Local Planning authority consider that the advertisements would harm the visual amenity of the area. The size and the positioning of the proposed advertisements when combined with the illuminated display and the format of displaying advertisements with changing images would exacerbate the impact on the street scene. The proposed advertisement displays would therefore appear more visually obtrusive and readily apparent than the current existing boards. As such, it is considered to be harmful of the amenity of the local area and the proposal therefore would fail to meet paragraphs 130 and 136 of the National Planning Policy Framework which requires development to be sympathetic to the local area, and for decision makers to consider the effect of advertisements on amenity.”

The motion was put and carried (12:0),

**Resolved (12:0) – That the application be refused for the following reason:**

**The Local Planning authority consider that the advertisements would harm the visual amenity of the area. The size and the positioning of the proposed advertisements when combined with the illuminated display and the format of displaying advertisements with changing images would exacerbate the impact on the street scene. The proposed advertisement displays would therefore appear more visually obtrusive and readily apparent than the current existing boards. As such, it is considered to be harmful of the amenity of the local area and the proposal therefore would fail to meet paragraphs 130 and 136 of the National Planning Policy Framework which requires development to be sympathetic to the local area, and for decision makers to consider the effect of advertisements on amenity.**

This page is intentionally left blank

# Agenda Item 5

Planning Committee

12<sup>th</sup> January 2023

**Reference:**

LDP/22/01313

**Area Team:**

DM

**Case Officer:**

Mr B Pratley

**Ward:**

New Brighton

**Location:**

52 Penkett Road, Liscard, Wallasey, Wirral, CH45 7QW

**Proposal:**

Proposed change of use from 7 bed residential dwelling to an Ofsted Registered Residential Children's Home, providing accommodation for up to four Looked After Children aged between 10-18.

**Applicant:**

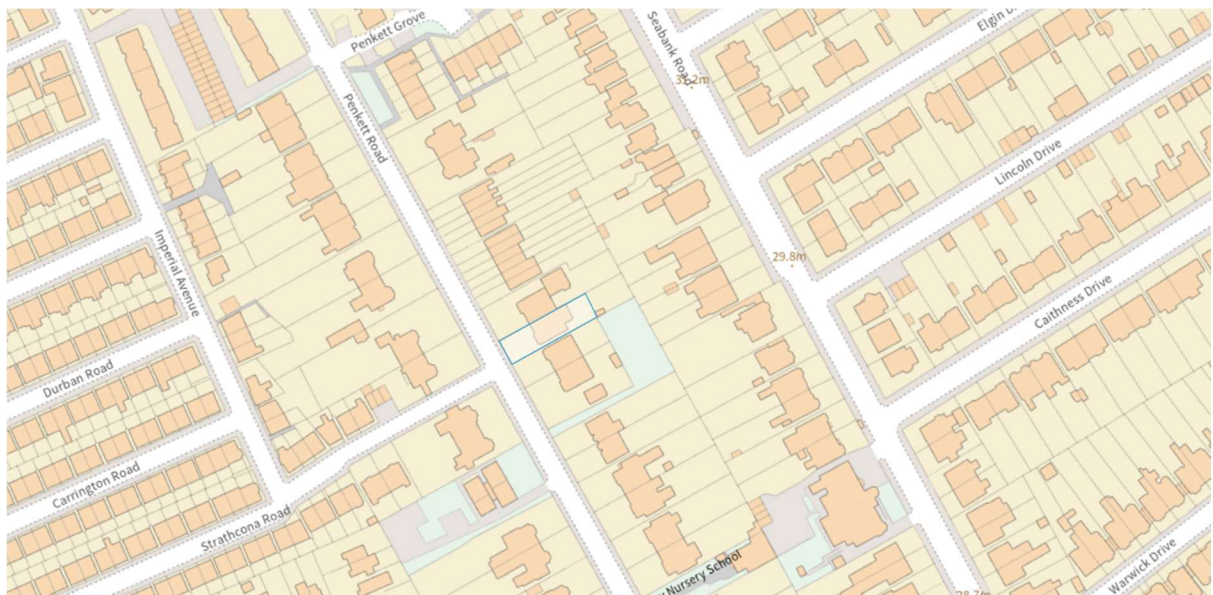
Lauren Huggon

**Agent:**

**Qualifying Petition**

A petition with 92 signatures has been received.

**Site Plan:**



© Crown copyright and database rights 2022 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

**Development Plan designation:**

Areas of Greatest Need, Primarily Residential Area

**Planning History:**

APP/75/02884 - Rr 42-54 Penkett Rd New Brighton L457qn - *Stables, tack store etc. yard, exercising paddock and grazing.* Withdrawn.

**Summary Of Representations and Consultations Received:**

<b>1. Ward Member Comments</b>	Councillor Martin has confirmed that he has received a number of representations from constituents regarding this application.
<b>2.1 Summary of Representations</b>	<p>Applications for Lawful Development Certificates are based purely on an assessment of whether planning permission is required for a proposed development or use. As such, no planning judgement can be made in relation to such applications. For this reason, the Council does not publicise such applications. Nonetheless, two objections have been received to this application, listing the following matters:</p> <ul style="list-style-type: none"> <li>• There are already too many care homes in the area.</li> <li>• Detrimental impact on amenity of neighbours</li> </ul> <p>A petition against the proposal has also been received, containing 92 names.</p>
<b>2.2 Summary of Consultations</b>	There is no legal requirement to carry out consultations for this type of application and none have been undertaken.
<b>3.1 Site and Surroundings</b>	The site comprises a semi-detached dwelling located within a Primarily Residential Area.
<b>3.2 Proposed Development</b>	Proposed change of use from 7 bed residential dwelling to an Ofsted Registered Residential Children's Home, providing accommodation for up to four Looked After Children aged between 10-18. The number of staff in the dwelling at any one time will not normally exceed four. Two staff will sleep overnight in the property.
<b>3.3 Material Planning Considerations</b>	<p>Section 192(1) of the Town and Country Planning Act 1990 ("the 1990 Act") (as amended) provides that any person who wishes to ascertain whether any proposed use of a building would be lawful, may make an application for the purpose to the local planning authority, specifying the land and describing the use in question.</p> <p>In relation to such applications "Material planning considerations" which are as a matter of course considered in planning applications are not relevant. The decision in this matter is to be based strictly on factual evidence, the planning status/history of the site and the relevant law applicable to the circumstances of the case. The planning merits of the proposed use applied for do not fall to be considered.</p> <p>Section 192(2) of the 1990 Act provides that if, on an application under that section, the Council is provided with information satisfying it that the new use described in the application would be lawful they should issue a certificate to that effect. In any other case the application should be refused. The onus is firmly on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.</p> <p>National Planning Practice Guidance sets out that on an application for a Certificate, "A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the use would be lawful. Planning merits are not relevant.</p>

In determining an application for a prospective development a local planning authority needs to ask, "if this proposed change of use had occurred on the application date, would it have been lawful for planning purposes?"

The lawfulness of the use for which a certificate of lawful proposed use or development is in force shall be conclusively presumed unless there is a material change, before the use is instituted, in any of the matters relevant to determining such lawfulness.

Having regard to the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the Use Classes Order") Class C2 includes the following:

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C3 includes the following:

C3: Use as a dwelling house (whether or not a main residence) by

A) a single person or by people to be regarded as forming a single household,

B) Not more than six residents living together as a single household where care is provided for residents; or

C) Not more than six residents living together as a single household where no care is provided to residents (other than use within Class C4)

"Care" is defined amongst other matters as meaning the personal care of children including any medical care and treatment.

In the case of *North Devon District Council v First Secretary of State* [2003] 2 non-resident staff were to be on duty at all times in relation to a premises that was used for the purpose of providing accommodation to looked after children. The premises that was the subject of the application for a certificate of lawful proposed use was under the supervision of a team of 6 or 7 adult carers operating in 8 hour shifts. It had been argued that the children would constitute a single household within Class C3(b) living together. It was held that the children were not capable of forming a single household in the absence of a live-in carer on the basis that children are not generally capable of running a household themselves.

The judge stated that "The question ...arises whether carers who do not live but who provide, not necessarily through the same person, a continuous 24 hour care can be regarded as living together. In my view, the answer to that is no. .... what is required is indeed residential care with a carer living in full—time and looking after those in the premises who otherwise would be unable to live as a household."

The judge found that the use came into Class C2. However, he went on to say that notwithstanding this, planning consent may not be required if the change of use was not a material change of use as a matter of fact and degree.

The judge found based on the particular facts that there was no material change of use.

### 3.5 Assessment

The applicant recognises that the present use of the property is C3 and the proposed use would be C2 but asserts that the changes do not represent a material change of use.

The definition of care in the 1987 Use Classes Order links the personal care of children specifically to class C2. Children cannot form a household without a care-giver and a children's home cannot fall within use class C3 unless a care giver is also resident at the property such that a single household is formed. A care giver staying overnight at the property in the course of their work is not resident if that care giver has their own residence elsewhere, which would be the case in this instance. As such a change of use to C2 will occur, but, in accordance with North Devon District Council vs First Secretary of State (2003), this only constitutes development if the change of use is material, namely that a clear change in the overall character of the use will arise.

The main issue pertinent in the assessment of the proposal is therefore whether a material change of use will occur. The case of East Barnet UDC v British Transport Commission (1962) held that 'material' means 'material for planning purposes'.

PPG guidance states that

A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case. [And] Movement from one primary use to another within the same use class is not development and does not require planning permission.

The applicant has confirmed that there will be a maximum of four young people between the ages of 10 – 18 at the house supported by a maximum of four members of staff during the day and two through the night. The young people will attend school, undertake indoor and community-based activities, and will have a routine as would any other household.

The house will not be changed structurally while the function of the dwelling would remain fundamentally the same in that it would be run as a single household. The house is located close to public transport routes and local amenities and the young people will attend local schools, leisure centres and activity clubs under supervision.

On the basis of the submitted information, the number of occupants of the property, the amount of projected comings and goings, and the activities undertaken at the property would not be materially different in overall character to those which could be expected under the existing use of the property as a single dwelling. As such, on the basis of this information it is considered that a material change of use will not occur.

Representations have been made on behalf of occupants of a neighbouring property, including concerns raised in relation to the health implications of the proposal. However, the circumstances of the occupants of neighbouring dwellings are not material in considering whether or not a material change of use will occur at this site.

### Summary of Recommendation

In reaching this recommendation consideration has been given to the following:-



	<p>The dwelling would be used as a children's home supervised by non-resident carers which will place the proposed use within use class C2. On the basis of the evidence presented during the course of the application, on the balance of probabilities the use of the building and the character of activity associated with that use would not be significantly different to that which could be expected at a single dwellinghouse of this size. Therefore, a material change of use would not occur and a Lawful Development Certificate should be granted</p>
--	---

<b>Recommended Decision:</b>	Planning Committee is recommended to approve the application for a Certificate of Lawful Property Use of Development
------------------------------	--

<b>Reason for Decision:</b>
<p>1</p> <p>The dwelling would be used as a children's home supervised by non-resident carers. This puts the proposed use within use class C2 rather than the current use which is class C3. Nevertheless, on the basis of the submitted evidence on the balance of probabilities the use of the building and the character of activity associated with that use would not be significantly different to that which could be expected at a single dwellinghouse of this size. Therefore, a material change of use would not occur by virtue of the proposed use.</p>

<b>Last Comments By:</b>	
<b>Expiry Date:</b>	19-January-2023

This page is intentionally left blank

## Planning Committee – Terms of Reference:

The principal role of the Planning Committee is to act as the administrative committee responsible for making decisions as local planning authority on planning applications, development control and similar regulatory matters, which are more particularly described as *Functions relating to town and country planning and development control* and related matters as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The Committee is charged by full Council to fulfil those functions:

- (a) to consider and determine applications submitted under the Planning Acts for planning permission, listed building consent, and reserved matters pursuant to major planning applications;
- (b) to consider and determine applications for the display of advertisements submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations;
- (c) to determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused;
- (d) related matters including but not limited to:
  - (i) applications for 'hedgerow removal' (Hedgerow Regulations 1997, as amended);
  - (ii) applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999, as amended);
  - (iii) applications for remedial notices in respect of high hedges (Anti Social Behaviour Act 2003, as amended);
  - (iv) applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990, as amended);
  - (v) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
  - (vi) powers related to Commons Registration;
  - (vii) functions relating to public rights of way;
  - (viii) the licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980; and
  - (ix) functions relating to Town and Village Greens;

- (e) to exercise any other function of the Council under the Planning Acts and related legislation, whether as a local planning authority or otherwise, which may be referred to it by the Director for Economic and Housing Growth or other officer authorised by him/her.