

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0193-23 **Applicant:** Farrington Care Homes Ltd.

Proposal: Proposed conversion of residential care home to 9 self-contained apartments.

Location: Field House Residential Home Old Main Road Fleet Hargate

Terminal Date: 5th May 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for conversion of a residential care home (registered for 28 residents) to 9 self-contained apartments (4 no. 1 bed and 5 no. 2 bed), including demolition of two modern utilitarian extensions.

Site Description

The site lies on the southern edge of Fleet Hargate village. It is occupied by a large red brick property (circa 1935), which was originally constructed as a single dwelling, but which has more recently been used as a care home and significantly extended. The property is situated in spacious mature landscaped grounds, including preserved trees along the entrance roadway and elsewhere on site.

A caravan site (Delph Bank Touring Park) is located to the south, with access along the western boundary of the site. A recreation ground is situated to the west. Residential properties are situated to the north-east fronting Old Main Road.

Relevant Planning History

H05-0550-17 - TPO Tree Works - Works to Tree Preservation Order No. 4, 1991 within Fleet Hargate Conservation Area - Approved 24 July 2017.

Consultation Responses

Fleet Parish Council

No response.

LCC Highways

No objections.

South Holland Internal Drainage Board

No comments.

Environmental Protection

Noise - No objections.

Anglian Water

No comments.

Environment Agency

Proposal falls under Cell F7 of the local flood risk standing advice.

Public

Letter of support received (summarised):

Very good to see an application that will ensure the building will be sustainably used in the future rather than fall into poor repair as other vacant buildings in the area. The original care home was dated and was unfit for use as a care facility due to the building style and shape. 9 flats will be useful commodity to the area.

Information from applicant's agent (summarised)

Originally constructed in 1935 as a single dwelling, the building has in more recent years been significantly extended and used as a care home, registered for 28 residents.

The property is significantly constrained in its current use having multiple shared bedrooms and no ensuite rooms, which are no longer acceptable to regulatory bodies. The main building is nearly 90 years old, with accommodation arranged over three floors with a variety of level changes across them. There are a number of narrow winding staircases and no lift, which, when combined with other ongoing building issues, means the building is no longer suitable as a modern care facility.

The building lends itself to conversion with little or no external alteration save for some demolition work to some more recent extensions.

Planning Considerations

The main issues in this case are:

- Policy;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage and ecology.

Policy/Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location, or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 23 of the SELLP specifically relates to the re-use of buildings in the countryside for residential. It indicates that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and

5. development leads to an enhancement of the immediate setting of the building.

Where permission is granted, permitted development rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Having regard to the criteria listed in the policy, the building is structurally sound. It is of architectural merit and together with the mature grounds makes a positive contribution to the character of the area and is in keeping with the surroundings.

Moreover, the site is accessed off Old Main Road and is closely related to the settlement. It is within easy walking distance of village amenities and the bus stop.

Paragraph 84 of the National Planning Policy Framework, 2021, indicates that planning policies and decisions should enable the retention and development of accessible local services and community facilities. The proposal would involve the loss of a residential care home. However, it is understood that the general layout of the building is no longer acceptable to regulatory bodies. The main building is nearly 90 years old, with accommodation arranged over three floors with a variety of level changes across them. There are several narrow winding staircases and no lift, which, when combined with other ongoing building issues, means the building is no longer suitable/viable as a modern care facility.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

A caravan site (Delph Bank Touring Park) is located to the south, with access along the western boundary of the site. A recreation ground is situated to the west. Residential properties are situated to the north-east fronting Old Main Road.

The proposed use is likely to be less intensive than the previous use as a residential care home in terms of associated activity and occupancy. The site is profusely landscaped. No public objections have been received. It is considered that the amenity of neighbouring residents/occupiers would not be materially harmed in terms of overlooking, lack of privacy, noise and disturbance, etc. The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

The proposal is for 4 no. 1 bed and 5 no. 2 bed apartments. Access is currently gained from Old Main Road and there are no plans to alter this arrangement. 16 parking spaces would be available for use. On street (overflow) parking is available nearby if required. As the building is currently served by a private drive, refuse will be collected by a private contractor, which is the case at present.

LCC Highways has been consulted and has indicated that the existing access meets the guidelines set out in Manual for Streets for visibility. The dimensions of the existing access are adequate to enable 2 cars to pass in opposing directions and adequate provision for car parking and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear. The Authority therefore considers that the proposal would not result in an unacceptable impact upon highway safety.

The proposal satisfactorily complies with Policies 2, 3 and 36 in terms of highway safety and parking requirements.

Flood Risk

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The South East Lincolnshire Flood Risk Assessment indicates that the site is within an area designated as no hazard. Consequently, the risk of flooding is low. Moreover, the Framework states at paragraph 164 that minor development and changes of use applications such as this should not be subject to the sequential or exceptions tests. Given the nature of the scheme, neither the sequential or exception tests are required in this case.

Paragraph 164 also stresses that proposals within Flood Zone 3 should still meet the requirements for site specific flood risk assessments. The existing and proposed uses are both classed as 'More Vulnerable' and therefore there is no change in vulnerability as a result of the proposal. There will be a betterment resulting from the scheme in that there will be a reduction in the number of bedrooms from 12 to 8 on the ground floor. The flood risk assessment indicates that the ground floor for the flats is to remain at the existing level of 3.51mODN which is 300mm above the general site level.

The proposal therefore satisfactorily complies with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2019.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

The building is located in mature landscaped grounds, including a number of preserved trees the subject of Fleet Hargate Tree Preservation Order No. 4, 1991. The application indicates that there is no requirement to remove any of the existing trees within the curtilage as these will provide a ready-made communal landscaped environment for future residents.

Policy 28 indicates that development proposals should provide an overall net gain in biodiversity. This can be addressed by means of a condition.

Planning Balance

The building is of architectural merit and structurally suitable for conversion. It is no longer suitable for its present use. Together with the mature grounds it makes a positive contribution to the character of the area and is in keeping with the surroundings. Moreover, the site is accessed off Old Main Road and is closely related to the settlement. It is within easy walking distance of village amenities and the bus stop.

No objections are raised on amenity and highway grounds. There are no flood risk issues in this case. Bio-diversity can be addressed by means of a condition.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal generally accords with the aims and objectives of the development plan and advice within the National Planning Policy Framework, 2021. There are no material considerations which outweigh factors in favour of the scheme.

Recommendation

That the application be approved under delegated powers.