DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-1051-20**	**Applicant:**	**Juventas Services Ltd.**
Proposal:	Change of use of an existing residential dwelling (Use Class C3) to a residential children's care home (Use Class C2)		
Location:	Wilden House 36 Roman Bank Gedney Dyke		
Terminal Date:	18th February 2021		

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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	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	14	1	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the change of use of an existing residential dwelling (Use Class C3) to a residential children's care home (Use Class C2) at Wilden House, 36 Roman Bank, Gedney Dyke.

The home would provide care and accommodation for up to 4 children. The aim of the applicant is to simulate a family dwelling, with the children utilising the local schools and facilities. Each child would have their own individual bedroom and the living spaces and private garden would be shared like a normal family home.

Staff would be present in the home 24/7, with the existing ground floor dining room being converted to an office and the smallest bedroom at first floor being converted to a staff bedroom. There would be a minimum of two staff for a night shift (one sleep in and one waking night) and 4-6 in the day (taking into account staff changeover times). The existing lawn at the front of the property would be replaced with gravel to provide additional parking space for staff within the curtilage.

In terms of the age range of children who would be cared for, this would be between the ages of 8-16. The applicant has advised that the children may present with learning difficulties or disabilities, and would not be children who are criminalised.

SITE DESCRIPTION

'Wilden House' is a large detached dwelling that is situated on a spacious plot in between other frontage development, which extends either side. There are fields opposite and to the rear. There is further frontage residential development further west on the opposite side of Roman Bank. The locality can be described as a semi-rural location.

The property has a gravelled driveway and small lawn to the front, and a large garden at the rear. Close-boarded fencing exists either side as the boundary treatment with some trees also on the western side and hedging on the eastern side. It has been noted that the neighbouring bungalow to the west has facing windows.

RELEVANT PLANNING HISTORY

No relevant history.

REPRESENTATIONS

Gedney Parish Council

Object due to its impact on the local amenity, inadequate parking, and lack of fire escapes.

LCC Highways/SUDS

Does not wish to restrict the grant of permission. This proposal is for the change of use of an existing dwelling to a residential children's care home and the access remains unchanged. Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. This proposal has 8+ spaces, and whilst it is possible that the

development may result in more parking demand than these spaces, there is parking available on the highway in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

SHDC Environmental Protection (noise)

Aware that several objections to this planning application have been submitted by local residents which cover a variety of concerns, including the potential for additional noise from the children. Understand that the applicants have stressed, to the Planning Officer, that only those children suited to that particular location would reside there, and any problematic children would be homed in a more isolated environment. They have also stated that only 4 children will be resident at the property. The EP Team are not in a position to corroborate the objections as we have no independent evidence to support the local residents concerns as the property is currently a private residence.

Lincolnshire Police

No objections.

Public
16 objections/general comments received, summarised: -
- Lack of services and facilities in Gedney Dyke to occupy children;
- Foul drainage issues;
- Gravelling the lawn would increase surface water run-off;
- Highway safety concerns due to busyness of road and type of vehicles using it;
- Parking concerns;
- Overlooking from rear terrace;
- Any expansion and redevelopment to Wilden House will be a challenge as it is 3 old cottages converted into one large house;
- Children moving to a rural location from an urban environment would not settle;
- Potential for crime and anti-social behaviour;
- No live-in manager could result in behavioural issues;
- 24/7 vehicle movements associated with use as care home will cause increased noise for residents; driveway should be tarmaced to minimise vehicle noise;
- Additional noise from children;
- Extensive research on the applicant does not portray them in a good light. Appears a certainty that the home is likely to cause problems in the village as found on other sites in South Holland that are more favourably sited, secured and managed than this one will be;
- Comments regarding the suitability of the internal layout of the property;
- Population of the village is predominantly elderly;
- Carbon footprint (impact due to unsustainability of location);
- Property does not meet fire regulations.

Public (1 comment in support, summarised): -
- Children need love and support not afforded to them in their current situation;
- Children in the village for them to interact with and lovely schools.

In response to the objections received, the applicant has responded with the following:
"We would wish to assure the community of Gedney Dyke that the proposed Children's home would reflect the same functions as any other family home in the village, the difference would be that the home would be subject to strict regulations as required by Ofsted and the 'Children's Homes Regulations and Quality Standards'. One of the principles of this legislative guidance and one that we value is 'children in residential child care should be loved, happy, healthy, safe from harm and able to develop, thrive and fulfil their potential'. This statement is at the core of everything we do, we believe that all children looked after must have the same opportunities as any child, to be able to achieve their potential within their own aspirations and ability, we believe for an inclusive environment for all. This also means supporting the children's understanding about being part of a community, valuing and contributing to maintaining the integrity around local responsibilities.

Our response to individual concerns is set out below in italics:

- Lack of services in facilities in Gedney Dyke to occupy children
Services are a short drive if required (Kings Lynn, Holbeach, Spalding, Peterborough), equally we can make use of local footpaths and bridleways. The children would not need the use of a

playground in the village and they will not roam the village on their own as this would be a safeguarding concern. They would be accompanied by an adult if they were to have walks and rambles. There is a good sized garden for trampoline, basket ball and garden activities. Rural locations provide a rich and healthy environment for children to grow and thrive, the risks to the children from gangs and exploitation is minimal compared to homes within large towns or cities.

- Foul drainage issues
This would be highlighted within the property searches through the solicitor.

- Highway safety concerns due to busyness of road and type of vehicles using it
Highways have had the relevant information regarding this matter.

- Parking concerns
Highways have had the relevant information regarding this matter.

- Overlooking from rear terrace
Having seen the property there is minimal oversight at the rear of the property, we would be concerned about neighbours being able to have clear oversight for safeguarding reasons.

- Any expansion and redevelopment to Wilden House will be a challenge as it is 3 old cottages converted into one large house
There will be no expansion to the property as there is no need for this, any updating will remain within the current layout of the property.

- Children moving to a rural location from an urban environment would not settle
We have a stringent matching process (part of Ofsted requirement) and would ensure the children are suitable for the location as well as being a good match to any children who are already residing at the property.

- Potential for crime and anti-social behaviour
This is assumption based on preconceived ideas of children looked after. These children are some of the most vulnerable in our society. This statement could relate to any new family / person moving into the village.

- No live-in manager could result in behavioural issues
There are staff 24/7 the same as parents would live with their children.

- 24/7 vehicle movements associated with use as care home will cause increased noise for residents This would be *only just above average compared to a normal family home, there will be four children - school journey in term time. Staff work 24hr rota, which will keep movements to a minimum. The Registered Manager works Monday-Friday 9-5 at the home. Staff will be respectful of the neighbours and neighbourhood.*

- Additional noise from children
This would be the same as a family home.

- Extensive research on the applicant does not portray them in a good light. Appears a certainty that the home is likely to cause problems in the village as found on other sites in South Holland that are more favourably sited, secured and managed than this one will be
Unsure of this allegation? We only have one other residential home in Norfolk at this time.

- Comments regarding the suitability of the internal layout of the property (bathroom facilities poor)
Bathroom facilities are adequate for the requirements of a four bed children's home.

- Population of the village is predominantly elderly
There are also families that live in the village, we have one enquiry of employment from a local resident.

- Carbon footprint (impact due to unsustainability of location)
This would apply to anyone based in a rural location. We would reduce this where possible as we are an environmental conscious organisation.

- Property does not meet fire regulations
The property has to meet fire regulation as outlined in Ofsted requirements, we would have a fire

risk assessment and adhere to the requirements, installing fire doors etc. before Ofsted registration. We would have a fire evacuation plan and an assembly point on the premises.

We would be happy to speak with anyone who has concerns face to face so we can reassure them of our intentions and explain who we are. I have offered to speak with one resident on two occasions, unfortunately they declined my invitation."

PLANNING CONSIDERATIONS

- Principle
- Residential amenity
- Highways and parking
- Other

Principle

The site is located within the settlement boundary for Gedney Dyke, as set out in the South East Lincolnshire Local Plan (2019). Policy 1 of the Local Plan identifies Gedney Dyke as an 'Other Service Centre and Settlement'. This policy indicates that inside "the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill."

It is not considered that the proposed use as a children's care home would conflict with this policy's intentions for such a settlement. As indicated by the applicant, it would be the intention for the children to utilise facilities in the local area, such as schools and sports clubs, and the proposal would provide employment opportunities as carers. Resident objections have raised concerns regarding the sustainability credentials of a village such as Gedney Dyke, with particular emphasis placed on the lack of services and facilities located in the village itself. However, this would equally apply if the building were to remain in C3 use and a new family with 4 young children were to move into the property. Occupants would be equally as likely to require the use of motorised forms of transport to access services and facilities due to the nature of the village.

Given that the intention of the applicant is for the home to function as similar to a normal family unit as is possible, it is not considered that there are grounds to refuse the application solely on principle.

Residential amenity

A significant proportion of resident objections received raise concerns around residential amenity, particularly regarding the noise impacts of the proposed use.

The applicant has reiterated that the intention is for the proposal to simulate a family dwelling and that they have a stringent matching process (part of Ofsted's requirement) to ensure that children are suitable for the location, as well as being a good match to any children who are already residing at the property.

Environmental Protection colleagues have been consulted on the application and have responded in the following terms:

"I am aware that several objections to this planning application have been submitted by local residents which cover a variety of concerns, including the potential for additional noise from the children.

I understand that the applicants have stressed, to the Planning Officer, that only those children suited to that particular location would reside there, and any problematic children would be homed in a more isolated environment. They have also stated that only 4 children will be resident at the property.

The EP Team are not in a position to corroborate the objections as we have no independent evidence to support the local resident concerns as the property is currently a private residence."

As such, Environmental Protection have not objected to the application.

Realistically, any children between the ages of 8-16, whether it be those in a cared for setting or a normal family unit, could feasibly generate noise.

Concern has also been raised regarding an increase in noise from vehicle movements as a result of the proposed use. In response to this, the applicant has stated that vehicle movements would only be just above average compared to a normal family home. There would be journeys to school in term time and to access any sports clubs (for example), but staff work a 24hr rota which will keep movements to a minimum. Environmental Protection have raised no concerns regarding vehicle movements.

Taking the above into account, it is not considered that perceptions around the likely noise impact of cared for children and vehicle movements would be a justifiable reason for refusal.

One objector has raised the issue of overlooking from the rear terrace of the property, however there is screening either side in the form of hedging and/or fencing and thus there is no material overlooking aspect.

In light of the above, there are not considered to be any significant and/or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

Highways and parking

Concerns have been raised regarding highway safety and availability of parking within the curtilage of the property.

The applicant has submitted a plan showing how 8 vehicles could be accommodated within the curtilage at the front of the building. Given that the maximum number of staff that would be present at any one time would be 6 (taking into account staff changeover times), this is considered adequate. The Highway Authority have not objected to the proposed parking arrangements, commenting that:

"This proposal is for the change of use of an existing dwelling to a residential children's care home and the access remains unchanged. Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. This proposal has 8+ spaces, and whilst it is possible that the development may result in more parking demand than these spaces, there is parking available on the highway in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety."

Taking the above into account, the proposal is considered acceptable on parking and highways grounds, and thus in accordance with Policies 2 and 36 (incl. Appendix 6) in this regard.

Other

Foul drainage would be as existing and there would be no significant difference than if the property were to continue to be used as a family home. With regard to concerns relating to surface water drainage at the front of the property and the suitability of gravelling the lawn area, gravel is a permeable surface type and is a commonly accepted material for surfacing a driveway. It is therefore not considered that there would be any significant run-off issues or that there would be a material noise impact.

The proposal does not involve the extension of the building and internal changes are limited to the existing ground floor dining room being converted to an office and the smallest bedroom at first floor being converted to a staff bedroom. The intention is for the property to simulate a home environment for children and the layout is suitable for the applicant's needs. In terms of fire safety, there are regulations which govern children's homes and these require that certain provisions are made regarding this.

Comments have been made that no live-in manager could result in behavioural issues. However, staff would be at the property 24/7. Furthermore, the applicant does not currently have any children's homes in South Holland and comments regarding crime and anti-social behaviour can only be treated as assumptions at this stage.

It is also worth noting that if the children were to be looked after by a permanent resident, rather than the staff working shift patterns as is proposed, the change of use could be undertaken without planning permission being required as it would be permitted development. Given that staff would be on site 24/7, the proposal is not considered to be significantly different to what permitted development rights would allow.

PLANNING BALANCE

Given that the intention of the applicant is for the home to function as similar to a normal family unit as is possible, the proposed change of use is considered acceptable in principle. Concerns have been raised by residents regarding impact on residential amenity, highway safety and parking, however in the absence of any objection to the application from Environmental Protection or the Highway Authority there are not considered to be sufficient basis to refuse the application on these grounds.

The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

The proposal is considered to be in accordance with Policies 1, 2, 3 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan, as well as Sections 5, 9, 12 and 15 of the National Planning Policy Framework (2019).

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.

RECOMMENDATION

That the application be approved under delegated powers.

The application was presented to Chairman's Panel on 5th February 2021 and members were satisfied that the decision could be dealt with under delegated powers.