

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 18 May 2022

(Author: Sundas Shaban - Planning Officer)

Purpose: To consider Planning Application H11-0039-22

Application Number: H11-0039-22

Date Received: 18 January 2022

Application Type: FULL

Description: Change of Use from residential dwelling to childrens care home

Location: 29 Wisbech Road Long Sutton Spalding

Applicant: Mr T Hedman

Agent: Mark Simmonds Planning Services Ltd.

Ward: Long Sutton

Ward Councillors: Cllr A C Tennant
Cllr J Tyrrell
Cllr D J Wilkinson

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H11-0039-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises issues that warrant consideration by the Planning Committee.

2.0 PROPOSAL

2.1 This is a full planning application for the change of use of an existing residential dwelling to a residential children's care home.

2.2 The property would be reconfigured by changing the existing integral garage into a games room with the removal of the garage door and the addition of a new window plus the existing small bathroom would be extended into the existing garage to provide a larger downstairs bathroom. The ground floor dining room, kitchen and lounge would remain. To the first floor, the existing 4 bedrooms and 1 bathroom would remain, and a small office would be added by dividing the existing hallway space. The proposal includes some minor external alterations to include the removal of the garage door and the addition of a new window and erection of a 1.5 metre high fence along the front.

2.3 The care home would be for 3 children and 6 staff would be employed to care for the children with 24-hour care and supervision provided 7 days a week. The aim of such a facility is to simulate a family dwelling, with the children experiencing the average family arrangement by attending the local schools and experiencing the local facilities. Each child would have their own individual bedroom and the living spaces and private garden would be shared just like the average family home.

2.4 It should be noted initially the incorrect ownership was signed. The application form has been

amended and certificate B is now signed and a notice served on the relevant owners due to the shared access within the red line boundary.

3.0 SITE DESCRIPTION

- 3.1 The application site is located on 29 Wisbech Road in Long Sutton. It comprises a detached red brick built dwelling. The dwelling is set in a generous plot and has a long, gravelled drive with ample off-street parking. The property is just outside of the settlement boundary for Long Sutton, therefore classed as being within the countryside. Long Sutton is less than half a mile to the north and this can be described as a semi-rural location. There are a large number of dwellings in a linear arrangement and a very short walk from the site are facilities such as a petrol station with shop and coffee shop.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 Spatial Strategy
Policy 2 Development Management
Policy 3 Design of New Development
Policy 17 Providing a Mix of Housing
Policy 30 Pollution
Policy 36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 No relevant planning history.

6.0 REPRESENTATIONS

6.1 Cllr J Tyrrell

Would like to see this brought to committee as has a few concerns on location.

6.2 LCC Highways/SUDS

Does not wish to restrict the grant of permission. The existing access arrangements are acceptable and adequate provision for car parking is proposed within the limits of the site including a turning facility to allow vehicles to enter and leave in a forward gear. Therefore, it is considered that the change of use from a residential dwelling to a children's care home would not have an unacceptable impact upon highway safety.

6.3 Public

4 letters of representation have been received siting the following concerns:

- The shared access between no's 27 and 29 is not shown on the block plan;
- Wisbech Road is extremely busy therefore the location is unsuitable for this type of use;
- Noise disturbance from the proposed use;
- The proposal would devalue other properties in the area;
- The walnut tree at the application site is unstable and there are concerns if the new owners will continue to maintain it;
- Limited parking space within the site;
- Very small garden for recreation;
- Limited local amenities;
- Lack and loss of privacy;
- There is already a children`s care home in Long Sutton;

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle of development

7.3 The site is located outside the Long Sutton settlement boundary as set out in the South East Lincolnshire Local Plan (2019).

7.4 The proposal is effectively for a small scale care facility for up to 3 children and a maximum of 6 staff. It has not been specified but is assumed that all 6 members of staff would not be on the site at all times.

7.5 Historically the Council has considered that similar changes of use, by virtue of the scale and characteristics of the proposed use, would be covered by use class C3(b) and would therefore be permitted development, not requiring permission.

7.6 The key issue is whether the proposed use can be considered as reflecting the characteristics of a single household. In the context of this, previous appeal decisions have appeared to indicate that facilities should be communal rather than individual. Based on the details that have been submitted, it appears that the use reflects the nature and character of a single household. The aim of such a facility is to simulate a family dwelling, with the children experiencing the average family arrangement by attending the local schools and experiencing the local facilities. Each child would have their own individual bedroom and the living spaces and private garden would be shared just like the average family home. Therefore, taking all considerations into account, there would be no material differences in planning terms between the proposal and a typical residential household.

7.7 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 therefore it is acceptable in principle.

7.8 Layout, Design, Size and Scale

7.9 Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

7.10 The proposal involves some minor external alterations to include replacing the garage door with a window and erection of a 1.5 metre fence along the front. These changes are considered minor and would not significantly or unacceptably change the overall appearance of the site.

- 7.11 As such the proposed external changes are considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.
- 7.12 Residential amenity
- 7.13 Paragraph 130 of the National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.
- 7.14 A number of neighbours have raised concerns with regards to noise disturbance, loss of privacy and size of the garden being insufficient for the proposed use. The concerns are noted and addressed below.
- 7.15 The proposed scheme is not considered to create unacceptable levels of noise given the applicant's intention is for the proposal to simulate a family dwelling environment. 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 the same amounts of noise. With regards to noise from vehicle movements as a result of the proposed use, these would also be similar to a normal family home. In addition, Environmental Protection was consulted but has not commented on the scheme.
- 7.16 With regards to loss of privacy, the scheme does not propose any new window openings directly facing any neighbours therefore there are no loss of privacy concerns.
- 7.17 The application dwelling does have a modest sized rear garden, however this is considered sufficient for a single dwelling, which is how the care home is proposed to be operated.
- 7.18 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.
- 7.19 Highways and parking
- 7.20 Local residents have raised concerns with regards to parking and whether this location is suitable for this type of use given Wisbech Road is extremely busy. The concerns are noted, however, the Local Highways Authority has not raised any objections to the proposed scheme as it considers the existing access arrangements to be acceptable and adequate provision for car parking is proposed within the limits of the site including a turning facility to allow vehicles to enter and leave in a forward gear. As such it is considered that the change of use from a residential dwelling to a children's care home would not have an unacceptable impact upon highway safety.
- 7.21 Taking the above into account, the proposal is considered acceptable on parking and highways grounds, and thus in accordance with Policies 2, 36 and Appendix 6 in this regard.
- 7.22 Other matters
- 7.23 The following concerns were raised by local residents:
- 7.24 The shared access between no's 27 and 29 is not shown on the block plan - It is noted that initially the incorrect ownership was signed. The application form has been amended and certificate B is now signed and a notice served on the relevant owners due to the shared access within the red line boundary.
- 7.25 The proposal would devalue other properties in the area - This is noted, however, unfortunately this is not a material planning consideration therefore the scheme could not reasonably be resisted on this basis.

- 7.26 The walnut tree at the application site is unstable and there are concerns if the new owners will continue to maintain it - The concerns are noted, however the proposal does not include works which may impact this tree.
- 7.27 Limited local amenities - The application site is only approximately 200 metres from the Long Sutton settlement boundary, which is a main service centre with all local amenities.
- 7.28 There is already a children`s care home in Long Sutton - This is noted, however, this does not form basis for refusal of this application.

7.29 Planning Balance

- 7.30 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 these are not considered to be sufficient basis to refuse the application on these grounds.
- 7.31 The planning balance is therefore considered to be in favour of the proposal.

7.32 **Conclusion**

- 7.33 The proposal is considered to be in accordance with Policies 1, 2, 3, 17, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan, as well as Sections 5, 9 and 12 of the National Planning Policy Framework (2021).

7.34 **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.

8.0 RECOMMENDATIONS

- 8.1 **Grant permission subject to those conditions set out in Section 9.0 of the report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement
21304 004
21304 005
21115 001
21304 002
21304 003
21304 006

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The maximum number of children permitted to reside at the children's home hereby approved is 3.

Reason: To ensure that the Local Planning Authority retains control over the number of children residing at the home.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

