DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0591-22**	**Applicant:**	**24/7 Children Services Ltd.**
Proposal:	Change of Use from residential dwelling to children's care home - approved under H11-0039-22. Modification of Condition 3 to increase the number of children permitted to reside at the children's home from 3 to 4.		
Location:	The Walnuts 29 Wisbech Road Long Sutton		
Terminal Date:	24th August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
17	Providing a Mix of Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application which seeks to vary condition 3 of application H11-0039-22 which restricts the number of children at the property to 3. Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission.

The original application was for the change of use of an existing residential dwelling to a residential children's care home.

SITE DESCRIPTION

The application site is located on Wisbech Road in Long Sutton. It comprises a detached red brick built dwelling. The dwelling is set in a good sized plot albeit with a larger front garden than rear. It 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.

RELEVANT PLANNING HISTORY

H11-0039-22 - Change of Use from residential dwelling to children's care home - Approved

REPRESENTATIONS

Long Sutton Parish Council

No objections.

LCC Highways/SUDS

Does not wish to restrict the grant of permission. The proposal is for minor amendments to Condition 3 that already has approval under H11-0039-22. The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.

Public

3 letters of representation have been received (2 from the same property) siting the following concerns:

-The site will become a HMO for older teenagers left to their own devices
-The property is of insufficient size to accommodate 4 children and carers
-Lack and loss of privacy
-Increase in noise disturbance
-Increase in footfall/traffic

PLANNING CONSIDERATIONS

Principle of development

The principle of development has already been established for the site under the planning application granted earlier this year.

The proposal would increase the number of children from 3 to 4 but would still effectively be for a small scale care facility for up to 4 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.

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.

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.

Layout, Design, Size and Scale

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.

The previous permission included the conversion of the garage to a playroom plus some other internal alterations to the house. No further external changes are proposed under this application therefore the scheme is considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Residential amenity

Paragraph 130 of 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 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.

2 nearby residents have raised concerns with regards to noise disturbance and loss of privacy. The concerns are noted and addressed below.

The proposed scheme is not considered to create unacceptable levels of noise given the site would still operate as a family 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. 3 children have already been permitted for the site and increasing to 4 is not considered to significantly or unacceptably increase noise levels.

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.

In light of the above, the proposal to increase the number of children from 3 to 4 is not considered to result in 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

The proposed amendment would not change the parking requirements for the site or result in highway safety issues. The concerns raised with regards to increase in footfall/traffic as a result of the proposal have already been addressed in the previous application.

The Local Highways Authority has not raised any objections to the proposed scheme as it does not consider the scheme to result in any unacceptable impact on the public highway.

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.

Planning balance

It is considered that the proposed increase from 3 to 4 children would not result in detrimental impact on residential amenity or highway safety and parking. The site would still function in a manner similar to a normal family unit therefore the proposed change of use is considered acceptable in principle.

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

Conclusion

Taking the above into account, the amendment to the pervious permission is deemed to comply 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).

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.