

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0524-24 **Applicant:** Florinee Homes
Proposal: Change of use from residential dwelling to children's home
Location: 29 Pipwell Gate Moulton Seas End Spalding
Terminal Date: 18th October 2024

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
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5 - Delivering a Sufficient Supply of Homes
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the Challenge of climate change, flooding and coastal change
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	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	30	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

The proposal seeks full planning permission for the change of use of No. 29 Pipwell Gate, Moulton from a residential dwelling to a children's home. The proposed children's home would serve a maximum of four vulnerable young people who would be assisted and supervised by a team of professional carers and support staff.

The location has been selected specifically away from a larger town to best meet the operational needs of this type of care home in housing vulnerable people. Its relative isolation (whilst still being within a settlement boundary), has been selected so that it is away from threats and distractions of a busy urban area, in a quieter village location, as the care is intended for individuals which include those who have suffered trauma, have social anxiety, ADHD and Autism.

The care home will be a provider for vulnerable children but the referral criteria excludes young people who require psychiatric supervision, or who have a physical or profound learning disability.

The care would be provided on a shift basis - a daytime shift and a night time shift. The normal staffing pattern would be 2 members of staff to provide care overnight, who will secure the home and sleep overnight and 3 members of staff providing care present during the day. This pattern represents a 24 hour presence at the property with children not left unattended at any time, with a short overlap period between 8am and 8.30am to provide a handover between night and day staff.

In addition to the care staff, one admin staff member and one manager will also be present between the hours of 9am to 5pm Mondays to Fridays.

The 3 day care staff would arrive at 8am. One of the 3 day staff will leave before 11pm, leaving the two staff who entered the premises at 8am to stay overnight. These two staff sleep on the premises between 11pm and 7am.

A short term level of additional support may be necessary on occasion overnight, for example if an additional carer needs to attend overnight and has to remain awake to provide individual support for a child during this period, rather than sleep at the premises. In this situation one staff member would sleep and one would stay awake. The third staff member would go home. This is not expected to happen regularly and it will depend upon the individual needs of the child.

No extensions or alterations to the fabric of the building are proposed as a result of the change of use.

Amended plans clarified that the septic tank that exists on site is to remain in situ as existing. The original application form indicated it was connected to the mains sewer when it isn't; there are no alterations currently proposed to alter its location or size.

Amended plans also show a parking layout for 8 cars on the existing block paving. This shows the existing landscaping on the site to remain as existing. The parking layout is to demonstrate that 5 members of staff who would be regularly present on site can park on the drive without having to park on street. 3 extra spaces are available for visitors. If necessary, night staff can move their cars through the front entrance gates and park in the rear garage or back garden to make more space if required.

Site Description

The application site lies to the north-east of Pipwell Gate, which is in the south-east end of Moulton Seas End. The red line plan encompasses the existing property of No. 29 Pipwell Gate and its associated front and rear gardens. The property benefits from an existing vehicular access and area of hardsurfacing to the front of the property for off-street car parking. The site is bound to the north-west by a residential property, on one side, agricultural land to the north and an access track to the south-east. An IDB drain exists to the south east boundary, beyond which is another residential property.

The site is within the defined settlement boundary of Moulton Seas End, which is designated as an 'Other Service Centre and Settlement'. The site is therefore not in the countryside.

The property has an annex which is physically attached to the main house, but which has a separate vegetable patch, chicken coop and a further yard situated at the rear of the premises. The application site has been specifically selected to enable outside access for the children, with animals, whilst still being enclosed. The annex occupies most of the flank with the neighbour.

History

H13-1044-10 - Proposed conversion to form annexe. Approved 22.02.11.

H13-0858-98 - Alterations and extension. Approved 02.11.98.

Consultation Responses

Moulton Parish Council

The Moulton Parish Council have had many concerned residents contact in regards to the application. The potential lack of parking for staff, especially at change over time means parking on the road outside will occur. Also concerns about anti-social behaviour. As a Parish Council we have seen first hand the damage caused from children living at the existing children's facilities nearby. (Broken play equipment in our play area and even the fire crews needing to attend). This has all come at a large financial cost and even required the play area to be closed for periods of time for repairs. Please consider our points made.

Police

No objections.

Anglian Water

Response dated 17 September

The water mains would be unaffected by this application. It would be outside of Anglian Water's jurisdiction to comment on private sewerage systems.

Initial Response

Recommend seek comments from Environment Agency.

Anglian Water has a 3 inch water supply pipe within the area of the proposed development which would require a 4.5m overall easement. Any new landscaping would be affected. Low level bushes are acceptable to Anglian Water but taller trees and deep root systems, such as conifers would not be permitted to be planted within 4.5m of the Anglian Water water main.

Cllr A R Woolf

I have received comments from local residents who have expressed their concerns regarding this application and request this is heard at Planning Committee.

South Holland Drainage Board

No objections, subject to appropriate consents being sought if discharges are made.

Lincolnshire Police

Do not have any objections to this application.

SHDC Environmental Protection

No comments.

LCC Local Highway and Lead Local Flood Authority

Responses dated 1 July and 14 August

Requested additional information:

- In terms of staff overlap - will mean that there would be no staff for a time?
- A parking layout is required.
- Calling vehicles should be able to park and turn within the site to enable them to enter and leave the site in a forward gear
- A simple Transport Statement is required detailing the existing movements compared with the proposed. It shall include the different types sizes of vehicles that will access the site daily.
- Secure cycle parking should be included within the site plan
- Requested information about residents moving around village.

Response dated 19 September

Existing Conditions

Pipwell Gate is a two-way road that is subject to a 30mph speed limit on both approaches to the site. For most of the connection to Seas End Road there is a footpath with a small break where pedestrians walk within the verge. There is a pub at the junction of Pipwell Gate with Seas End Road. The built-up nature of Pipwell Gate, occasional on-street parking and the bends in the road result in low-speed traffic.

Highway safety

There are no reported personal injury accidents in the vicinity of the site.

Highway capacity

The most cars that will be parked on site at any one time will be 5 and there will be space for cars to turn so they can enter and leave in a forward gear. If vehicles do have to reverse out onto the highway, then this will not be detrimental to highways safety or the safety of the users of the site. Not all properties on Pipwell Gate have turning facilities so people will proceed with care as many residents already do at this location. There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Site Layout

8 parking spaces have been demonstrated however they state that they will not use the garage space for parking therefore 7 spaces will be available which is acceptable and in line with the transport information received. Staff parking requirements will be 5 at the most with 1 additional space for the tutor. Staff will be encouraged to car share where possible and secure cycle parking is available on site.

Flood Risk and Drainage

A Flood Risk Assessment has been submitted - surface water drains naturally through a soakaway to the IDB drain. The eastern boundary of the site is formed by an IDB ordinary watercourse. The site is in the South Holland district - this is a change of use application there will be no additional hardstanding.

Off-Site Improvements

There is a footway on the other side of Pipwell Gate so people can walk into the Village however, there is a small break in the footway where the footway commences on the other side of the road. This proposal could increase footfall into the Village and the facilities available, so this connection should be made to the existing footway network with a pedestrian crossing point on both sides of the carriageway ensuring that future residents of the home will have a safe place in which they can walk.

The Local Highway Authority suggest conditions associated with widening the footway and an informative in relation to a highway legal agreement.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 42 letters of representation have been received during the course of the application, some of which are from the same households/same person.

The concerns raised have been summarised below:

- Lack of services and facilities in the settlement of Moulton.
- Lack of need given an existing children's home in the village.
- Safety and security concerns.
- Impact on neighbouring properties amenities (general noise and disturbance, particularly during shift changes).
- Highways safety (increased comings and goings, off-street car parking provision).
- Drainage - application form initially stated mains drainage, then corrected to existing septic tank, concerns about septic tank capacity. Suggest alternative costing £20,000 which will avoid problems. IDB byelaws breached.
- No details submitted relating to trees/loss of trees, concern about Walnut Tree.
- Concerns over staff cover during shift changes.
- Impact on house values and the sale of properties.
- Inadequate consultation of the application.
- Inadequate parking, parking disruption, access restrictions, vehicle movement disturbance, concerns about visitors, not complying with highways.
- Disturbance to peace and quiet, 50% are retired, would disrupt community.
- Not a village to have a children's home in, we don't want it there, plenty of big houses, why disrupt people's lives, we want a quiet life.
- Inappropriate location, already children's home on village outskirts, which has caused problems.
- Concerns about young children living nearby.
- Quiet residential area - facility will have detrimental effect on lives of other residents, lives will be turned upside down.
- Concerns that children would not be supervised, concerns about number of staff shifts, staff do not sleep in the house.
- Sleepy village does not offer children any amenities or good transport links, will disrupt community.

- Septic tank will not accommodate number of people.
- Concern of impact on Ugly Bridges watercourse and water pipes.
- Current demographic on Pipwell Gate - 15 children living on the street, 10 in nursery or primary. Troubled or challenged children should not be brought into the street.
- Property is on a bad bend, limited visibility, traffic concerns. They want a gate at front, IDB would not allow this.
- Location of Golden Lion Pub and Jack Bucks Farms and 3 farms in village in easy walking distance, could be a temptation, dangerous places for children. The comments note that many of the above points are based on assumptions and worse case scenarios regarding the assumed potential demographic of the children's home.
- Want consultation with residents.
- Children will be isolated. Children might run away.
- Concerns about children's safety.
- Lack of facilities for teenagers.
- object to planting on front being moved, vehicles should exit in a forward gear. Should be 6 cars maximum.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within the settlement boundaries of 'Other Service Centres and Settlements', 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. This policy goes on to detail that development within 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

This application is for a C2 residential use, which is a specific type of housing where the use is for the provision of residential accommodation and care to people in need of care, in this case, vulnerable children.

Paragraph 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area, in this case, small specialist homes.

The Planning Practice Guidance stresses that "the provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them live safe and independent lives... Providing suitable housing can enable disabled people to live more independently and safely, with greater choice and control over their lives". It goes on to say "disabilities can include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs, which may generate a range of housing requirements which can change over time. To enable disabled people to live more safely and independently, local planning authorities will need to consider their variety of needs in both plan-making and decision-taking." In this case, as the children are specifically being selected to live in a quiet environment to improve social anxiety or recover from trauma, this type of care home is considered fall into the category of this advice.

The application site in this instance is within Moulton Seas End, an 'Other Service Centre and Settlement', and lies within the defined settlement boundary as detailed by Policy 1. In context of this, the principle of the change of use from a residential dwelling to a children's home within this location is considered to be appropriate because it isn't in the countryside; it therefore comprises an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

Policy 17 of the South East Lincolnshire Local Plan (2019) relates to providing a mix of housing. It states that specialist care home provision should be located in the most sustainable settlements, e.g. 'Sub-Regional Centres' and 'Main Service Centres', but this follows on from the recognition that 10% of homes over the plan period need to cater for a growing ageing population with the increasing likelihood of mobility and disability needs. The locational requirements of that sector relates to the need to be close to services that an ageing population, many of whom can become disabled would require. In this situation, the needs of the vulnerable children being provided for as part of this application are different due to the specific type of children being catered for, where a more remote location, whilst still being in a settlement boundary would suit their needs better. Children with much higher support needs, such as those needing to access hospital services in relation to psychiatric care, may be more appropriate in more central locations. It is recognised that some objectors question the overall location of a children's home in a village, however, in overall locational terms, it is considered that the type of care home under consideration is appropriate for the location.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2023), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed change of use would not result in any extensions or external alterations to the existing fabric of the building at 29 Pipwell Gate. A car parking layout has been submitted showing that 8 car parking spaces can be provided, but the front has already been largely set to block paving. Staff would be able to park their vehicles within the curtilage. The front block paving which will remain in situ. The existing peripheral planting will remain, as would the existing trees. None of the trees on the front drive are protected by Tree Preservation Orders.

One comment was received from Anglian Water about a pipe running through the front garden, but as there is no excavation work, this would be affected by the proposed parking layout. The existing fencing is to remain, and as such it is not considered that the proposals would affect the adjoining dyke. The comments from the IDB will be forwarded to the applicant should permission be granted should the existing septic tank require changing but at present, it is to be kept as existing. Some objectors cite the capacity of the septic tank but this is not a matter that the Local Planning Authority could refuse planning permission for, the focus as part of this application is whether or not the proposal is an acceptable use of land.

The proposal relates to the care of four children, who would utilise the four first floor bedrooms already present at the property. In this sense there is no difference to a residential property in conventional residential use. Two staff members would sleep overnight at the accommodation. If required, one of the staff would stay awake to provide support for any of the children should they require this at a particular time. The staff quarters are situated towards the rear of the premises in the adjoining annex which would be utilised as a staff sleeping area. A further staff member would sleep on the ground floor in addition. The layout also includes a small office. It is not considered that there are concerns in terms of layout or design with respect to the proposed use.

The rear garden is a conventional residential garden, but a further separate vegetable patch exists, with a chicken coop and other animals such as rabbits. A separate paved yard exists with sheds in addition. Collectively the garden area shows a reasonable amount of space for four children, as it

represents a large family home with an annex which could be used at present as a multi-generational house, such as grandparents staying at ground floor level.

In terms of general character of the area, the only difference visible to the external appearance on the street scene would be the presence of 5 cars parked regularly during the day. Whilst one of the two garages would be able to accommodate cycles. It is considered that the use would be car dependent, as would any other residential property would be in the village, as bus routes would not be frequent enough for the property to operate as a care home, but this is likely regardless of location due to children having to be supervised in accordance with Ofsted regulations. It is not considered that the parking of 5 cars would result in an adverse impact upon the street scene to justify refusal of planning permission in terms of its visual impact. Whilst 5 vehicles may be larger than a conventional property, it is not considered that the number of vehicles would be so significant that the proposal would be significantly out of character or out of keeping with residential properties.

In the morning period, two night staff members would go home at 8.30am, and 3 day time staff would arrive around 8am. Then a further 2 members of staff would arrive and stay between 9am to 5pm. Other visitors such as a tutor could visit the premises depending upon the individual needs of the children, this will vary. It is not expected that more than 8 staff members would be present during the day.

It is correct to say that the property may experience increased comings and goings compared to a conventional residential dwelling, but the key consideration is whether or not that increased activity would be demonstrably harmful in a planning sense. Taking into account the fact that there would be a maximum of 4 children present, it is not considered that the level of activity would be so significantly detrimental that planning permission should be refused because it is not considered that the children's home would be so different to a large family house. Some larger families have children living there which have taxis taking children to school if they have Education, Health and Care Plans, and families also can have visiting tutors or other professionals visiting from time to time, especially if those children have special educational needs or are disabled. Overall, as the increased activity is likely to be during the day, it is not considered that this would be especially out of character or harmful to residential amenity.

Officers are therefore satisfied that the proposal would not result in significant impacts on the character of the property or the streetscene given the scale of the proposal - accommodating a maximum of four children/young people.

As such, the proposal is considered to be acceptable in terms of layout and character. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. The proposed staff schedule would see shift changes at 8am, 9am, 5pm and before 11pm. The proposal would therefore result in an increase in permanent and temporary users of the site at the property during the day, but with a more conventional number of people at night resembling a large family in a five bedroomed property. Whilst there may well be some increased activity mainly during the day, that activity would be similar to carers visiting residents being cared for in their own homes in a multi-generational household, or tutors visiting resident children. The carers are unlikely to behave in a way that results in noise and disturbance to any significant degree. The staff arrive in a staggered manner on site, and staff do not arrive or leave after 11pm generally. The purpose of the levels of staffing is to provide care for the children who may have varied needs, and those needs will vary on an individual basis and by age. The key consideration is whether or not four children, living as if in a supported family, would generate such a level of noise and disturbance to harm surrounding residential amenity in comparison with a large family home.

The premises are situated next to a residential dwelling on one side, with an IDB water course on the other. This allows a degree of separation between the application premises and the neighbour on the other side of the watercourse. Extensive screening also exists between the two properties. The bedrooms are also at first floor level and set in from that flank of the plot with both neighbours. This further separates the bedrooms spatially. The garden has the annex running along the flank of the garden with the adjoining neighbour which provides some screening from that neighbour. Given that the premises is a large four bedroom house with an adjoining annex which also contains a bedroom, with a garden, vegetable patch, chicken run, yard and sheds, given the high staff to child ratios, that they would be supervised when outside, it is not considered that the use would generate sufficient general noise and disturbance that significantly impacts neighbouring residential properties.

It is worth noting that as the proposal does not involve the erection of any extensions or alterations to the existing building, the proposed development would not result in any detrimental overbearing, overshadowing, overlooking or loss of light impacts on any neighbouring residential property.

In order to ensure that the intensity of the use does not result in harmful levels of noise and disturbance, it is suggested that a condition limiting the number of children cared for at the home, and a limit on the number of staff and visitors present at any one time, is imposed on any permission, should it be forthcoming.

Some objectors cite the fear of crime from the children themselves, anti-social behaviour from the children and fear that the children will damage surrounding areas, or run away, or intimidate existing residents and young families. Ofsted regulations require extremely high levels of supervision for looked after children and safety plans, including procedures for runaways. Other regulations require the premises are locked at night and the keys have to be on the caring staff and not left for the children to access.

Some objectors felt that the children would be left unsupervised which is not the case. The potential occupiers may be required to gain confidence building to overcome anxieties - they would naturally need supervision. The Care home has programmes to gradually integrate children into the surrounding area in a manner that meets their needs and does not cause further trauma, and interacts with the local area. Other Ofsted requirements which are stringent in all aspects of child safeguarding, requiring risk assessments, safety plans and child to staff ratios based on needs would also be required for these children. These aspects are separate regulatory regimes to the planning system.

Paragraph 194 of the National Planning Policy Framework (December 2023) states that "the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land." Planning decisions should assume other regulatory regimes will operate effectively; this would also apply to Ofsted regulations - it has to be assumed in planning terms that the children can be adequately safeguarded and supervised in line with those regulations and the planning system should not interfere with those regulatory requirements.

As detailed above, the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public

transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

While the change of use from a private residential dwelling to a children's home would be somewhat different to a conventional dwelling due to the rotational staff and increased comings and goings, the property has a large wide driveway which is set to block paving with boundary landscaping and a central landscaping section. A car parking layout has been submitted demonstrating that staff can arrive and leave the premises without needing to resort to on street car parking. Eight car parking spaces can be accommodated on the front drive. The site also has two garages, which could be utilised for staff staying overnight for storing bicycles if they arrive to work in that manner. In addition, a gate exists to the side of the house into the rear garden which also has an element of block paving. If necessary, further cars could be parked through this gate in the back garden. Either of the garages could house cycles. The existing front block paving and associated landscaping would remain unchanged. The Local Highway Authority note that staff parking will be 5 at the most with 1 space for a tutor and that staff will be encouraged to car share and cycle parking is available.

The arrival and departure patterns of the staffing has been clarified. Five staff members will be present on site during the day, with a front parking area that can accommodate 8 cars. It is considered that the site can provide adequate off road parking as a result of the proposed shift pattern, and accommodate any visitors. No physical changes are required to accommodate the parking and the landscaping will remain in situ. The Local Highway Authority wished parked cars to be able to enter and exit in a forward direction, and some objectors also cited this as a concern. A condition is suggested to this effect to require a car parking management plan secured by condition. Given the maximum number of staff on site at any given point would be five, the Local Planning Authority are satisfied that there is adequate provision for off-street parking subject to these conditions. Furthermore, the existing property benefits from a storage shed and two garages that could accommodate bicycles to encourage sustainable modes of travel.

There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

The Local Highway Authority note that there is a footway on the other side of Pipwell Gate so people can walk into the Village however, there is a small break in the footway outside of 2 Pipwell Gate where the footway commences on the other side of the road. This proposal could increase footfall into the Village and the facilities available, so this connection should be made to the existing footway network with a pedestrian crossing point on both sides of the carriageway ensuring that future residents of the home will have a safe place in which they can walk. It is possible this footway could be provided via another permission which is currently extant. To safeguard if it is not provided as part of the other consent, a condition on this site is suggested to ensure the footway is provided, allowing 6 months for a scheme to be submitted and a further 6 months for implementation post approval of the details, rather than stipulating this is provided prior to occupation. Such a condition is considered more reasonable as this would allow the approved use to commence. The agent and Local Highway Authority consider the wording of the amended condition acceptable.

The Local Highway Authority also suggest an informative in relation to a highway legal agreement.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact

on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk- based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland 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 Environment Agency Long Term Flood Risk maps show that the area is within a low risk flood area from rivers or the sea (annual probability between 0.1% and 1%), it has a very low risk of surface water flooding (annual probability less than 0.1%), and is not within an area at risk of reservoir flooding.

The SFRA Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site is outside the 'low hazard' area for the present day and is in the 'Danger for some' in the 2116 year. The Residual Peak depth map for the 1% fluvial and 0.5% tidal event shows the site to be outside the area at risk of flooding, and in an area at risk between 0.25 and 0.5m. The site is located within an Internal Drainage Board catchment and through the operation and maintenance of the pumping stations and the channel system the Board seek to maintain a general standard capable to providing flood protection to agricultural land and developed areas of 1 in 20 and 1 in 100 years, respectively.

The site benefits from defences on the River Welland which provide protection during the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200) tidal event including climate change.

It is recommended that the manager of the site receives flood warnings. The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location. As such, sequential and exception tests are not required in this instance and given the proposal does not involve any increase in impermeable area, there is no potential that flood risk will be increased elsewhere.

Amended plans were received during the course of the application to address an error in the originally submitted application form which stated that surface water and foul water drainage was via mains sewer as opposed to an existing soakaway and septic tank. It is noted that no alterations are proposed to the existing foul or surface water drainage from the existing situation. Whilst some objectors have expressed concerns about this, the capacity of the existing septic tank compared with the number of people residing and working at the premises is not considered to be a planning matter - this would be a matter for Building Control if a capacity issue were to occur. It is unclear if the septic tank discharges into the adjoining IDB dyke. In case discharge will occur, the comments of the IDB will be forwarded to the applicant with a view to ensuring they obtain the necessary drainage consent, which is separate to the planning regime. There are no alternations to the front parking area that affect underlying pipes.

As such, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning policy Framework in this regard.

Impacts of Climate Change

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

The application re-uses an existing residential property for a use that is very similar to a residential use. It is not considered that there are any aspects of the proposal that worsen climate change over and above an existing residential property, particularly as no extensions are proposed.

Taking the above into account it is considered that given the details submitted and those required by suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan (2019) and Section 14 of the National Planning Policy Framework (December 2023).

Other Matters

Some objections express concerns about shift patterns making reference to the working time directive and how long staff work on shifts. These are not planning matters - it has to be assumed that the Care Home adheres to the relevant employment law.

There are no physical changes to the property and so the application does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat, or 5 metres of on-site linear habitats such as hedgerows. Given that there are no physical changes associated with the change of use, the proposals are exempt from Biodiversity Net Gain requirements.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

It is considered that in land use planning terms, the proposal is an appropriate use of land. The proposed change of use is considered acceptable.

Recommendation

The recommendation is for the decision be approved under delegated authority