

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H13-0767-24	Applicant:	Virtue Therapeutic Care & Education (East Sussex) Limited
Proposal:	Change of use of a (C3a) dwelling to a children's home & garage conversion into habitable games room		
Location:	Holly Cottage Fen Gate Moulton Chapel		
Terminal Date:	22nd November 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
17	Providing a Mix of Housing
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 9 - Promoting sustainable transport	
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	0

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	3
RESIDENTS	4	0	0	0

Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

PROPOSAL

The proposal seeks full planning permission for the change of use of Holly Cottage, Fen Gate, Moulton Chapel from a five bedroom residential dwelling to a children's home. The proposed children's home would serve a maximum of five 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 has been selected so that it is away from threats and distractions of a busy urban area, outside a village location, as the care is intended for individuals which include those who have emotional and/or behavioural difficulties, or victims of trauma.

The use of the proposal would be C2 of the Use Classes Order. The age range will be between 8 and the 18th birthday of each child. It is designed for long term therapeutic care rather than short stay or emergency accommodation. The aim is to provide a family environment, with consistency of care and associated support.

The care would be provided on a 24 hour shift basis - with up to three carers and a manager on site during the day, two of whom sleep or are awake overnight, working on a rota basis. The proposal involves the conversion of a garage to a games room.

OFSTED have a stringent impact risk assessment system to ensure integration with the local community. They require security cameras, emergency lighting (but not external visual distinction from normal lighting) and locks on bedroom doors for the privacy of each child. The application is to ensure that the property will meet both planning and OFSTED regulations. An electric/hybrid vehicle will be available to transport the children to school or for other visits.

There will be minimal changes to the external appearance of the property. Following amended plans clarifying the extent of the public highway, application red line boundary excludes the public highway as requested by the Local Highway Authority. A 1.8m close boarded fence is proposed around the perimeter with a secure barn style 1.8m gates. A turning area outside of the fences but not on the public highway incorporates a turning area and reverse in parking bay. Cycle parking has been moved into the garden area along with bin stores to provide for 4 car parking spaces inside the boundary fencing. In reality, additional parking could be provided on site if cars are blocked in (such as the car parking for the two staff who stay overnight). The proposal includes a bin store, an

EV charging points and a relocated cycle storage area in the garden. The parking arrangements will involve the loss of a tree in the centre of the parking area. A replacement tree is proposed in the garden area. The site has an Outhouse which is used for storage, originally a garage, with a home gym at first floor. The proposals involve the use of the outhouse as a games room, which would be particularly suited to teenagers. The existing garage is not of a modern enough design to house cars. The ground floor garage doors will be replaced by domestic windows.

Site Description

The application site is on the east side of Fen Gate within the countryside. The property comprises a two-storey, five bedroom house with detached two storey outhouse and secure garden. The property benefits from an existing vehicular access and area of hardsurfacing to the front of the property for off-street car parking with a central tree. The site is removed from immediate neighbours although Fen Gate Farm exists to the south west also on Fen Gate and Vickers Farm exists to the north east, also on Fen Gate. The farms are on spacious plots and are not in close proximity to each other.

History

H13-0804-98 - Replacement dwelling and garage with games room over including temporary siting of mobile home. Approved 5 January 1999.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Lead Local Highway and Flood Authority

Response dated 30 October 2024

Additional information required.

Turning zone shown in blue hatch encroaches onto the adopted highway verge which cannot be utilised for this provision. Ask applicant to revise details and show an amended turning facility to enable vehicles to enter and leave the premises and the highway verge fronting the property including the BT column.

Existing access arrangements will need amendment, damage has occurred from over running and rutting of the highway verge.

Response dated 6 November

No objection

This proposal is for the Change of use of a (C3a) dwelling to a children's home & garage conversion into habitable games room which will utilise the existing access arrangements from Fen Gate with some slight amendments to the site's frontage and gated access with perimeter fencing which has been set back. Sufficient visibility is provided at this location to allow drivers to judge if it is safe to complete the manoeuvre and enter the highway. Adequate provision for car parking and turning space can be provided within the limits of the site to enable vehicles to enter and leave in a forward gear.

Although the site is located in a rural area, where services and facilities are not within a reasonable distance to be accessed via sustainable travel options, such as walking and public transport and, where future children and carers will be reliant upon the private car, does not make it unsafe in accordance with the National Planning Policy Framework. There are no recorded Personal Injury Accidents (PIA) in the vicinity of the access in the last five years. A Design and Access Statement has been submitted to support this application which concludes that there is little difference in planning terms between the proposed use and the current authorised use. The carers, working on a rota basis, would effectively live at the dwelling house to provide 24-hour care, as a single household. Facilities such as the bathroom/wc, kitchen and living rooms would be shared and the living mode would be communal. The comings and goings associated with the use would not be materially different from a typical residential household. The National Planning Policy Framework (NPPF) is clear in its advice, that developments should be resisted or refused only where the residual cumulative transportation impacts are severe, or that the development would have an

unacceptable safety impact. This is clearly not the case from this application, as the overall impact of vehicle trips created by the development on the highway network will be negligible and therefore it is considered that the proposed development would not have a severe residual cumulative impact on highway safety or capacity issues in accordance with the NPPF. No obvious constraints have been identified that may impact the proposed development and the type of mitigation measures that can be used to reduce the flood risk as there is no change to the existing building and therefore, there is no increase in the flood risk to others. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response regarding drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application, and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

The Local Highway Authority raise no objections but suggest informatives.

Internal Drainage Board

Application does not meet their threshold for consultation. No comments.

Moulton Parish Council

The council would like to draw to your attention the close proximity of the property to a 60mph road and on a bend. We have our SID machine on this road on many occasions during the year and the data shows this road has more traffic breaking the speed limit than any other road in any three villages that we have our SID machine on. We have been campaigning for a speed reduction for years and will continue to do so. The Clerk has more complaints about speeding on this road than any other in the three villages. There is no footpath on the majority of Fen Gate, if children were to leave the home of their own accord, we believe it would be an accident waiting to happen.

SHDC Children's Services

No comments.

Police

No objections.

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, representation have been received from 3 households during the course of the application, some of which are from the same households/same person, some which repeat objections multiple times.

The concerns raised have been summarised below:

Initial Concerns

- inadequate parking, will lead to inappropriate parking on the highway, causing impact on dangerous 60mph road.
- electric gates will expand parking area. Cars will park on the turning zone, some cars will reverse into it.
- does not accept scales on drawing.
- cars will be parked too close together.
- number of vehicles visiting is underestimated.
- where will hybrid vehicle be parked?
- parking will occur in the turning zone.
- car movements will not replicate a family home.

- noise and disturbance, fear of crime.
- cut off from village.
- excess of visitors to the property causing highway issues.
- huge increase in traffic flow and speed, not suitable for children's home.
- on a bend, poor visibility, no footpath.
- lack of garden space.
- unable to walk safely to Moulton Chapel park.

Response of 2 October and 29 September

- concerns about scale of plans
- turning area looks too small, parking will occur outside the gates
- no spaces for visitors
- 1.8m fence would not prevent young people escaping
- increased comings and goings, noise and nuisance.

Response dated 4, 14, and 15 November

- add to previous objections and feel that revised version further supports initial objection about inadequate parking and risk to safety of the highway.
- turning circle moved away from highway, grass is removed, will encourage parking
- inadequate parking.
- unsafe especially at harvest times throughout the year.
- poor state of roads, no capacity.
- security concerns.
- inadequate parking and risk to highway safety without solving the problems.
- not suitable for work place with shift patterns. Not like a family home.
- if all 5 spaces will be used by 4 staff and the centre's EV vehicle, parking will occur on the highway or block the gate, where will they move to when the cars need to leave the gated area?
- One space outside the fence.
- Escape risk
- Visitors will park on road. No extra parking capacity.
- Turning circle has now been moved away from adopted highway verge, grass due to be moved either side of the dropped kerb - will be used for parking.
- Speed limit is exceeded.
- no space for turning circle.
- How secure for young people be if the fence outside the gate is moved closer to the stairs leading up to the first floor gym, they could get over the gate and drop on any parked vehicle.
- objection still stands.

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 (December 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.

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 overcome trauma, this type of care home is considered to fall into the category of this advice.

The application site in this instance is within the countryside, outside any 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 re-uses an existing residential property, so does not create a new dwelling. It is therefore appropriate form of development 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 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, however, this is not the case with the potential residents associated with this use. Given the specific needs of this type of care home, it is considered that the use 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 significant external changes to the property. A 1.8m close boarded fence and entrance gates will be added to front of the site and the car parking layout will be rationalised which would involve the removal of a tree, although a replacement tree will be placed in the garden area. Four car parking spaces are provided within the curtilage with an additional space for turning vehicles outside of the proposed gates. The Local Highway Authority required amended plans separating the site area from highway land, and requested alterations to access arrangements. The amended layout shows four parking spaces within the curtilage, plus an additional space outside the access gates to allow for turning, none of which are in the public highway. The cycle parking has been relocated to the garden area, freeing up more space for an additional car parking space. The tree to be removed is not protected by a Tree Preservation Order and is being replaced in the garden area.

The proposal relates to the care of five 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 akin to a family. Three carers would be present during the day plus a manager, the staff will rotate as to who will sleep overnight. 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, although one objection is concerned with the lack of amenity space. Given that the property is a large detached five bedroom property, it represents a large family home with a garden and could be used as a multi-generational house, such as grandparents staying at ground floor level. It is not considered that the garden would be required to be enlarged for the proposed use.

Externally the only difference visible to the external appearance on the street scene would be the presence of more cars parked regularly during the day, entrance gates, minor alterations to the outhouse with replacement windows for the existing doors at ground floor level to facilitate the use as a games room. These changes are not considered to be significant, and will not affect the external elevation in a negative way and not harm the character of the area.. It is considered that the number of vehicles, or increased comings and goings would not be so significant that the proposal would be significantly out of character or out of keeping with residential properties. Parking overnight would be for a maximum of 2 staff.

It is correct to say that the property may experience a degree of increased comings and goings compared with 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 5 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 in a residential property 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. The proposals are not significantly different from that situation, there is no evidence of demonstrable harm.

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 five children/young people, as long as the total numbers are conditioned.

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 during lunchtime at the property, and some visitors will be required to attend the site. 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 given the fact that the property is remote from nearby neighbouring dwellings. 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 five 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 on a country road, not close to neighbours. This allows a degree of separation between the application premises and the neighbours. Extensive screening also exists in the garden to the neighbouring property to the south. Given that the premises is a large five bedroom house with an ancillary games room, and 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 to the existing main building, and as a result, 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 in at night and the keys have to be on the caring staff and not left for the children to access. This is more secure than a conventional family house due to Ofsted requirements.

The potential occupiers may be required to gain confidence building to overcome anxieties - they would naturally need supervision. Other Ofsted requirements which are stringent in all aspects of child safeguarding, require risk assessments, safety plans and child to staff ratios based on need. 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 driveway which is set to block paving, and a residential use would be similar to a care home. Revised details associated with parking and turning were requested by the Local Highway Authority and provided, which excluded development on highway land. The site plan was amended relocate the cycle parking in the garden, parking for 5 spaces and a replacement tree.

The arrival and departure patterns of the staffing would result in two staff members staying overnight whilst the other two carers will leave in the evening. It is considered that the site can provide adequate off road parking as a result of the proposed shift pattern, and accommodate any visitors. Although the site is located in a rural area, where services and facilities are not within a reasonable distance to be accessed via sustainable travel options, such as walking and public transport and, where future children and carers will be reliant upon the private car, does not make it unsafe in accordance with the National Planning Policy Framework. There are no recorded Personal Injury Accidents (PIA) in the vicinity of the access in the last five years. A Design and Access Statement has been submitted to support this application which concludes that there is little difference in planning terms between the proposed use and the current authorised use. The carers, working on a rota basis, would effectively live at the dwelling house to provide 24-hour care, as a single household. Facilities such as the bathroom/wc, kitchen and living rooms would be shared and the living mode would be communal. The comings and goings associated with the use would not be materially different from a typical residential household. The National Planning Policy Framework (NPPF) is clear in its advice, that developments should be resisted or refused only where the residual cumulative transportation impacts are severe, or that the development would have an unacceptable safety impact. This is clearly not the case from this application, as the overall impact of vehicle trips created by the development on the highway network will be negligible and therefore it is considered that the proposed development would not have a severe residual cumulative impact on highway safety or capacity issues in accordance with the NPPF. The Lead Local Flood and Highway Authority do not object to the application. The Local Highway Authority does not object to the proposals and does not consider that the use would result in an adverse impact on the highway network or be contrary to highway safety, which would be contrary to Paragraph 115 of the National Planning Policy Framework (December 2023).

Given the maximum number of staff on site at any given point would be 5 children and 4 adults, the Local Planning Authority are satisfied that there is adequate provision for off-street parking, now that the parking and turning arrangements have been amended to take the use off the public highway, relocate the cycle parking and demonstrate the parking arrangements. The comments of the objectors are fully taken into account, but in this instance, the lack of a Highway objection on road safety grounds, or due to the impact on the highway network means that refusing planning permission on highway grounds would not be sustained at appeal or reasonable.

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 1 of the Environment Agency's Flood Maps which is at the lowest probability of flooding. A Flood Risk Assessment is not required.

No obvious constraints have been identified that may impact the proposed development and the type of mitigation measures that can be used to reduce the flood risk as there is no change to the existing building and therefore, there is no increase in the flood risk to others. The Local Highway Authority also do not object to the proposal in flood risk terms. The IDB also do not object.

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. The replacement tree is positive in a Biodiversity and landscaping sense.

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

It is noted that some objectors considered that the 1.8m boundary fence would provide inadequate security, as would the car parking space outside of the gates to be used for visitors. Ofsted regulations govern safeguarding and security and manage risks associated with runaways from children's homes. This regulatory regime is separate from the planning system.

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 as it reuses an existing residential property. 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

It is recommended that planning permission be approved under delegated authority.