DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0088-24**	**Applicant:**	**C Uzokwe**
Proposal:	Change of use from domestic dwelling to children's residential home		
Location:	Marriott Farm Black Hole Drove Pinchbeck		
Terminal Date:	5th July 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
28	The Natural Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

12 - Achieving well-designed and beautiful places
14 - Meeting the challenge of climate change, flooding and coastal change
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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	1	0	0	0

RESIDENTS	44	0	0	3

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for change of use from a domestic dwelling to a children's residential home at Marriott Farm, Black Hole Drove, West Pinchbeck. The proposal does not seek to amend the external appearance of the dwelling.

The dwelling contains a lobby, combined lounge/dining/kitchen area, entrance hall, lobby, hallway, two stores, a utility room, bathroom, under stairs cupboard and two bedrooms at ground floor level. At first floor level three bedrooms, two cupboards and a bathroom will be provided.

The supporting Planning Statement states "Marriott Farm is a five bedroom house which sits on three quarters of an acre in Spalding, Lincolnshire. One of the bedrooms will serve as office/sleeping space for staff. The remaining four bedrooms will each accommodate a child."

"The capacity of children to be cared for will be phased in over the first four months of commencing operations. The capacity of the building will be for four children and eight members of staff alternating in two shifts of four staff members. There will be one member of staff providing staff coverage at night."

There will be three shifts within the home:
Early Shift : 7:30am - 3:30pm : 4 members of staff (1 Manager, 1 Deputy Manager, 2 senior workers)
Late Shift : 3:30pm - 8:30pm : 4 members of staff (4 senior workers)
Night Shift : 8:30pm - 7:30am : 1 member of staff

"The model will put in place a psychologically and trauma informed approach to young people's development to
1. Reduce recidivism
2. Improve outcomes."

"Our intention is to provide a tailored, degree level training programme which all staff working at our homes will go through."

"While our homes will adhere to OFSTED regulations, this shouldn't mean they have to feel like an institution. Care will be taken to ensure that property locations are considerate of the needs and vulnerabilities of those children and young people living there and that spaces are purposefully designed not just to aid therapy but to feel like a home where they are valued and respected."

"Our staff will be trained in therapeutic practices to enable them to respond to individual needs. There will be an explicit ambition to ensure children and young people progress in chosen educational settings."

"We will use the social pedagogy method of practice which ensures a common framework with a shared language
and understanding of how to deliver care."

The supporting "Lincolnshire Sufficiency Statement" states Lincolnshire County Council Children's Services aims to secure sufficient accommodation to support Children in Care (CiC) and care leavers to achieve the highest possible outcomes. Such accommodation should be: safe and suitable, meets young people's social and emotional needs, supportive and caring, and enables an effective transition to independence and adulthood."

The document then explains the challenges that Lincolnshire County Council Children's Services

continues to face, such as existing homes operating at capacity and retaining high quality staff. The document also discusses projected increases in the number of CiC nationwide and the impact that lack of care provision can have.

"Section 22G of the Children Act 1989, and the Statutory Guidance on Securing Sufficient Accommodation for Looked after Children (2010) places a clear duty on Local Authorities (LAs) to act strategically to address gaps in provision by ensuring that they include, in relevant commissioning strategies, their plans for meeting the Sufficiency Duty."

"The Sufficiency Duty requires each LA providing children's services to take steps to secure, so far as is reasonably practicable, sufficient accommodation within its area to meets the needs of children that it is looking after and children's circumstances are such that it would be consistent with their welfare for them to be provided with accommodation in the LA area."

"Lincolnshire Children's Services is rated as "Outstanding" by OFSTED who noted that 'Children and families have benefitted from leaders prioritising and investing in services, strengthening the range and offer of support."

"The 2022 Commissioning and Markets Authority (CMA) report stated:

The Institute for Government projected in its 2021 Performance Tracker that demand for children's social care would grow by around 5% between 2019-20 and 2024-25, driven by increasing demand for foster and residential placements. The Social Market Foundation projected that, in England 'based on the growth seen in the last five years, we could expect that close to 77,000 children will be in foster care by 2030; an increase of more than 30% from now."

The submitted Transport Plan states that the home operators will "Encourage staff members to carpool wherever possible to reduce the number of vehicles on the road and minimise environmental impact", as well as "Provide incentives for staff who use alternative modes of transportation, such as public transport or cycling;" and "Establish designated pick-up and drop-off points for staff commuting by public transit, with convenient access to the care home."

With regard to the transportation of residents, the Transport Plan states that they will "Coordinate transport for residents to attend school, appointments and recreational activities using a fleet of vehicles owned or leased by the care home;" as well as "Employ qualified drivers to transport residents safely and efficiently, adhering to all traffic laws and safety regulations;" and "Maintain a transportation scheme to ensure residents arrive at their destinations on time and return to the care home promptly."

A supporting document regarding parking states: "The forecourt of Marriott Farm can comfortably accommodate seven vehicles. It is also of sufficient size to allow vehicles to turn within the site and so avoid having to enter and leave in reverse gear."

"Visitors for the children will be very occasional. The main traffic generator will be the four staff and as they operate on shifts there will not be more than four vehicles at any one time (three over weekends). It is worth noting that Marriott Farm will operate similar to a C3 dwelling."

A site visit was conducted on Wednesday 6th March 2024.

Amendments have been made to the application to provide an updated Transport Plan - 14th May 2024, and an extended drive to improve parking and manoeuvrability - 21st May 2024.

SITE DESCRIPTION

The proposal is located in outside of the defined settlement limits of West Pinchbeck in the countryside. The surrounding area is predominately rural, characterised by linear, non-nuclearised development of varying ages and designs. A dwelling named Chesterson is located beyond the eastern boundary, with arable fields to the north, west and south. The site is in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Drainage provision will remain as existing.

RELEVANT HISTORY

H14-0590-12

Full - Internal alterations and extension to existing dwelling to form link to existing barns to convert into part of dwelling - Approved - 30 November 2012.

H14-0548-15

Condition Compliance - Details of large scale drawings, window frames, materials, replacement brickwork and re-pointing (Conditions 3, 4, 8 & 9 of H14-0590-12) - Approved - 14 August 2015.

H14-0782-15

Section 73A - Internal alterations and extension to dwelling to form link to existing barns to convert into part of dwelling - approved under H14-0590-12. Modification of Condition 7 relating to materials for roofs of barns - Approved - 16 October 2015.

H14-0246-22

Full - Proposed extensions & alterations including connecting barn to dwelling - Approved - 05 May 2022

H14-0359-23 - To east of site beyond adjacent dwelling Chesterson

Prior Approval - Conversion of agricultural barn into residential dwelling - Approved - 07 June 2023.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 28th February 2024 to 20th March 2024)

Environment Agency - 29th February 2024

"The Environment Agency does not wish to make any comments on this application. However, if you believe you do need our advice, please contact me using the details below."

South Holland District Council - Environmental Protection - 19th March 2024

No comments.

Councillor Sneath - 27th March 2024

"I am concerned about this application for many reasons, some of which the applicant may be able to in committee but there is little information about the suitability of the site for housing young people, who may have very varied and complex needs. This is a very isolated site and all staff and visitors will be arriving and leaving down a long single track road, mainly used by farm machinery. I would ask that this application is determined at a full planning meeting enable more information to be shared with all Councillors to counter the worries about the many challenges this development could produce."

Lincolnshire County Council - Highways & SUDS - 2nd April 2024

"A block plan is required showing the parking available. The Transport plan doesn't give any indication of daily vehicle movements? We need to be sure of the daily vehicle movements in and out of the site."

The Right Honourable Sir John Hayes MP - 24th April 2024

"I have been contacted by a number of constituents regarding the above planning application for change of use from a domestic dwelling to children's residential home at Marriott Farm, Black Hole Drove, Pinchbeck.

"I share my constituents concerns that Marriott Farm is an isolated property located along a single track which is predominately used by farm machinery. Of course, the children's home staff and visitors will create a significant increase in traffic movements so the suitability of the location must be questioned."

"The application supporting information states that the home will cater for young people who may have varied and complex needs; my constituents have asked that, given the peace and tranquillity that they currently enjoy, will this amenity be lost by an increase in noise and disturbance. Furthermore, given the isolation of the property they have raised safety concerns if emergency services, or other healthcare professionals were required to attend the home."

"In light of all the above, I would be grateful if you could treat my letter as an objection to this planning application. I request that, given its nature and scale, this application is determined by the Planning Committee."

Lincolnshire County Council - Highways & SUDS - 7th May 2024

"Will the residents need transporting anywhere? School/appointments etc. This needs to be included in the Transport Statement.
What is the protocol for visitors? All this needs to be included also.
Will the residents be encouraged to mix/engage with the local community? We need a clear understanding of the comings and goings from the site particularly given the rural nature of the surrounding roads that lead to the site.
Will there be deliveries/collections to the site?
The access to the site will need to be upgraded to Lincolnshire County Council specification and a note should be added to the proposed block plan - this can all be added to the parking layout that was requested previously."

South Holland District Council - Environmental Protection - 16th May 2024

"No comment regarding amendment 1."

Lincolnshire County Council - Highways & SUDS - 16th May 2024

"This is very in depth and not really what I was after but I can get to grips with it all."

"They state that they can comfortably park 7 cars in the car park but they only demonstrate 5. Some of which blocks other cars in - this could be extended to provide a better parking layout. Also where does the school transport park when they arrive for collections / drop off? Likewise for deliveries also. They need to be off the highway and they also need to provide turning within the site so as all calling vehicles can enter and leave the site in a forward gear."

Pinchbeck Parish Council - 22nd May 2024

Unsustainable location.
Impact on highway safety.
Increase in vehicular movements.
Impact on character of Black Hole Drove.
Impact on public safety.
Concern over level of control from Lincolnshire County Council.

Environment Agency - 23rd May 2024

No comments.

Lincolnshire County Council - Highways & SUDS - 29th May 2024

No objections.

"*The proposal is for the change of use from domestic dwelling to children's residential home. The property has 5 Bedrooms and the Children who will be residing at the house will be between 10-17 years old. They will be children with emotional behavioural disorders, mental health issues or/and children who have faced substantial trauma in their lives. 1 bedroom will be an office/sleeping room for staff. There will be 8 members of staff alternating in two shifts of 4. 1 member of staff will provide overnight coverage.*

The access to the site will be upgraded to Lincolnshire County Council Specification. The parking on site is adequate to provide a space for all calling vehicles in addition to space for vehicles to turn

within the site. Given the rural nature of the site residents will not walk, they will be transported via motorised transport to school as would possibly be the case with a residential dwelling at this location. The details provided in the Transport Statement regarding daily vehicle movements equate to approximately 16 movements/day - cars plus one vehicle for school collection and drop off. 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.

Black Hole Drove is a single-track road but it is a straight road with good forward visibility giving motorists time to pull over, there are many field accesses and other access points in where vehicles can pull over to allow another vehicle to pass. Motorists will take care as they currently do when they meet oncoming traffic. Taking all of the above into account the proposal would not have an unacceptable impact on the public highway.

Informatives
Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:
https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, sixty-four letters of representation have been received."

These can be summarised as:

Impact on amenity of occupant of neighbouring property.
Site is not secured.
Neighbouring property can be easily accessed.
There is nothing to do.
1.1 metres from nearest footpath.
4.3 miles from nearest shop in Pinchbeck.
Speed limit of Black Hole Drove is 60 miles per hour.
Increase in traffic.
Lack of parking provision.
Lack of space for vehicular manoeuvring.
School transport may be a vehicle per child.
Staff will have to travel to and from school with the children.
Road often used by agricultural vehicles.
Black Hole Drove is in a poor state of repair.
No passing places on Black Hole Drove.
Limited public transport serves West Pinchbeck.
Proposal is not suited to a countryside location.
Limited area on site for recreation opportunities.
No indication as to how exterior spaces will be used.

No outdoor lighting plan submitted.
No waste management plan.
No fire safety plan.
No energy efficiency statement.
No biodiversity report.
No sustainability statement.
No location assessment.
Why is proposal located in West Pinchbeck when the nearest services are in Bourne and Spalding?
Can existing foul water system cope?
Failure to make mention of plans for barn on site adjacent to dwelling.
Existing boundary treatment offers little noise protection.
Only one member of staff is present at night.
No statement to show how proposal accords with local plan.
Does not provide an economic benefit, community benefit or environmental benefit criteria of Policy 1.
Residents have personal safety concerns and concerns for the safety of their animals.
The location close to the South Forty Foot Drain is a concern for potential harm.
The proposed use is vulnerable to contamination.
Operation hours incorrect on application form.
Number of employees incorrect on application form.

The applicant has responded to the comments submitted as follows:

Purpose of home - *" The home will focus on making a difference in the lives of children and young people by creating an environment where children will feel loved and cared for, an environment where their potential for doing great things will be harnessed and developed. Lincolnshire County Council currently spends in excess of £9 million pounds each year on out of area placements i.e. housing children from Lincolnshire outside the area as there is insufficient housing capacity. We have approached Lincolnshire County Council to help rectify this by housing some of these children within Marriott Farm, our proposed children's home.*

I fully appreciate that people will be apprehensive about the intended use and this can cause uncertainty, I have spent time to build and nurture relationships with trusted Charities who are respected. I have been taking guidance and am currently working with Ghino Parker, a Director of Barnardo's. Barnardo's are helping to develop a trauma informed theory of change model which will outline the homes intended ambitions, partnering in this way will deepen our impact for better outcomes for children and young people.

We are also developing an exit plan for children who will live in the home with an emphasis on better citizenship, including financial management and upskilling. In this regard we are already building connections to collaborate with institutions such as Purpose (www.Purpose.com) , Mybnk (https://www.mybnk.org/) and the Economist Educational Foundation (https://www.economistgroup.com/esg/the-economist-education-foundation to achieve the home's proposed outcomes."

Remote location of home - With regard to the remote location of the children's home the applicant has responded *"What Manilla Investment is trying to achieve is not to create a children's home but simply a home. A home for the most vulnerable in our society who more than most deserve a chance at happiness"... "The Paper by Newgate Research titled "The Local Government Association Childrens Home Research Final Project January 2021 on page 8, paragraph 4 notes that a suitable location for a children's home is ideally in a more suburban or rural area."*

Justification for location - The executive summary of LCC's market position states the following: *"The council wants to work in partnership with independent placement providers, especially those in Lincolnshire or in directly adjacent counties and wants to increase supply across all our independent placement strands."* The market position statement goes further to add: *"One of things we wish to explore during 2023-24 is the block commissioning of placements and we would like to start dialogue with providers who are interested in working more closely with us and provide high quality placements for Lincolnshire young people that are as close to home and existing communities as possible."*

Lack of recreation opportunities - *"Manilla Investment set out to create a home that feels well cared for, warm and calming with a layout that encourages a safety, opportunities for play, creativity and shared activities with others."*

Increase in traffic - *"Our proposed use of the property as a care home for children will involve a near equal number of residents (7 as was previously the case vs 8 with staff at any point in time), with a maximum of four children in our care and staff working in shifts to stagger the flow of the number of personnel and vehicles arriving and departing Marriott Farm. Thus 3 staff from the morning will arrive before 7am, Kids will be taken to school and will not return till about 3:00pm. The late shift will arrive around 2:30pm as the morning shift depart and night shift (1 person) will arrive around 9:00pm as the afternoon shift leave. Please note that there will be not be 24 hours of continuous activity as with a normal home, the home will be largely empty during school hours with the children away at school."*

Outdoor lighting plan - *"The property is well lit with security cameras in place. The property will not suffer from intense use as highlighted in the previous answers. The property will not affect surrounding properties and wildlife."*

Manilla Investments has no previous experience of operating a children's home - Manilla Investments has set up a "Six Pillars Process" for running a children's home. These Six Pillars are:
"1 - Selection and purchase of property and securing planning permission (including adhering to HMO standards).
2 - Recruitment of a manager and the satisfaction of schedule 1 & 2 requirements of OFSTED towards registering the home (including Business Plan, Statement of Purpose, securing the Registered Manager and Responsible Individual).
3 - Registration on Portals for the children's frameworks.
4 - Assessment and Placement for the children.
5 - Budgets and Finance (Cash flow management, Profit and Loss, contracts with local authorities, scaling the business, market business intelligence).
6 - Governance and Quality Assurance (corporate governance, ethics and sustainability, social care inspection framework)."
"A business plan, financial plan and statement of purpose have been prepared by Manilla Investments in line with OFSTED requirement."

Training and retaining staff - *"Our staff will be skilled and experienced in working with young people with social, emotional and mental health needs. Staff will be trained in child sexual exploitation (CSE), radicalisation, safeguarding, mental well-being, positive behaviour support (PBS) and online safety. All of our home staff will be trained to a minimum of Diploma Level 3. Our Home Managers, Deputy Managers and Team Leaders will all be trained to Diploma Level 5."*

No contact has been made with Lincolnshire County Council - *"Chu Uzokwe of Manilla Investments reached out to Sarah Keating the Commissioning Officer, Children's Strategic Commissioning of Lincolnshire County Council to propose building a concerted and collaborative partnership in building an innovative service delivery model which will address the following areas:*
- Open dialogue to help shape future provisions suitable for meeting requirements and the co-development of services with health and education services of local councils to establish more specialist provisions for children and young people with specialist needs.
- Exploring options on pooling resources to collaboratively manage the risk of very high-cost placements more effectively.
- Co-developing solutions which are based on more effective and better value for money support options for children and young people."

No waste management, fire safety plan, Heritage Impact Assessment, energy efficiency statement, biodiversity report or sustainability statements have been provided - *"A copy of the waste management, biodiversity report and sustainability plan are attached with this submission"* - Dated 27th March 2024.

Traffic concerns - *A transport plan is attached with this submission."* - Dated 27th March 2024.

How will the site be secured - *"There are 6 policies which are required to register a children's home. These are:*
1 - Behaviour management policy
2 - Safeguarding children policy
3 - Missing children policy
4 - Equalities policy
5 - Bullying policy
6 - Complaints policy

These policies are detailed in Manilla's statement of purpose policy which is attached with this submission." - Dated 27th March 2024.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Consideration of the Character and Appearance of the Area
- Impact on Residential Amenity/Land Users
- Highway Safety and Parking
- Flooding Considerations / Drainage
- Biodiversity and Landscaping

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 above.

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

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework (December 2023) details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

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 in terms of sustainability.

Policy 1 (Spatial Strategy) of the SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within the 'Countryside', development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

When assessed against the relevant criteria the following can be observed:

Economic - The proposal will provide employment in the district and the change of use will not require substantive financial costs to commence operations. There is not considered to be a wider economic benefit from the proposal.

Community - The proposal will allow the occupants to remain living in an area local to them and will increase care provision for vulnerable children in the community. Concerns have been expressed with potential noise and criminality. Presumptions as to the behaviour of future occupants does not carry material planning weight. It is considered that the remote location will provide a calming environment, which may be of benefit to the children in the home.

Environmental - The proposal will utilise an existing building. It is accepted that there will be an increase in vehicular movements as a result of the proposal, however, part of "The Paper by Newgate Research titled "The Local Government Association Childrens Home Research Final Project January 2021 on page 8, paragraph 4 notes that a suitable location for a children's home is ideally in a more suburban or rural area."

Additionally, this proposal seeks to create a commercial use via the reuse of an existing residential property in the open countryside. Because of the proposed use, this application must be considered under the guidance of Policy 7 of the SELLP.

As the proposal site is not within any employment area established by the Policies Map of the SELLP, it can be categorised by policy 7 under the 'other employment sites' section of that policy.

Policy 7 (other employment sites) of the SELLP confirms the following:

"*New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported, provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:*
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map"

Although no demonstration has been provided by the applicant to this effect, it is plainly observable that this proposal would pass sections a, b, c, and e of the above policy requirements. Compliance with sections d and g can be justified and will be discussed in greater detail later in this section of this report.

The proposal, by its nature does not risk an adverse impact upon the character and appearance of the area, and is responsive to local context, as no external alterations are proposed, leading to no substantial change in the manner in which the site is appreciated externally. Furthermore, whilst the proposed use may lead to the generation of some additional noise and traffic, this impact could be as far as practically possible limited to daytime, business hours by means of conditions such that it would not be considered to be undue or unreasonable. Otherwise, the proposed use would be relatively insular and self-sufficient, and therefore not bear any materially harmful impacts upon any neighbouring land uses, be they residential or agricultural. For these reasons, the proposal is deemed to be in accordance with sections a, b and c of Policy 7 of the SELLP.

Furthermore, the proposal is not considered to impinge upon the ability to deliver any allocated employment sites, as the site doesn't seek to utilise land which is currently identified as commercial in nature. This means that the proposal passes section e of Policy 7.

The proposal seeks permission for the establishment of a business use which services users on site

and at scale, with staff. As such, the Local Planning Authority anticipates that the proposed development would lead to visitor and staff traffic arriving on site frequently. Furthermore, the site is in an isolated location, with regular long distance access only achievable via the use of private motor vehicles. By presenting a capacity risk to the local road network and also by being proposed in an isolated location, the proposal risks a conflict with sections d & f of Policy 7. However, the Local Highways Authority has confirmed that it does not consider the potential of traffic generation in relation to this site to be unacceptably harmful and also confirmed that it considers the proposed vehicular parking and accesses to be acceptable. Therefore, the Local Planning Authority considers that the proposal, on balance, satisfies sections d & f of Policy 7.

Finally, as previously discussed, the site is not within any established employment site, and is situated in a location considered to be a part of the countryside as per planning consideration. However, the applicant has provided justification for this - as previously discussed - via The Local Government Association Childrens Home Research Final Project January 2021, which confirms that a suburban or rural location is the ideal setting for a home servicing the needs proposed to be attended to at this facility.

In consideration of the above, it is determined that, on balance, the provided justification satisfactorily identifies an exceptional need for an enterprise of this type to be situated in an isolated and non-designated setting, such as it is necessary for the provision of the proposed services, which address a key need. As such, the Local Planning Authority is satisfied that the provided justification proves compliance with section g of Policy 7.

In summary, the Local Planning Authority considers that, upon consideration of the balance of probabilities, the proposal satisfactorily addresses all of Policy 7's requirements and therefore complies with this policy.

As such, the proposal is considered to be in accordance with the requirements of Policies 1 and 7 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 amenities of neighbouring buildings, and parking provision 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 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 design of dwelling is not subject to change, although the internal room uses will be altered. An extended parking area will be provided to the site frontage, however this is not considered to materially impact the character of the part of the site that is visible from the highway. There is not considered to be a material impact on the character and appearance of the area as a result of the proposed change of use.

Additional consultation comments state:

Proposal is not suited to a countryside location.
Limited area on site for recreation opportunities.
No indication as to how exterior spaces will be used.
Why is proposal located in West Pinchbeck when the nearest services are in Bourne and Spalding?

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. 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.

There is not considered to be an overlooking, overshadowing or overdevelopment impact from the proposal. There are to be no alterations to the existing building and openings, therefore there is not considered to be a material impact on the nearby dwellings or arable land. With regard to noise and disturbance, the number of children to be housed at the building is not to be above four children at any time. A presumption as to the level of noise that may be attributed to future occupants does not carry material planning weight in the determination process.

Concerns have been expressed with regard to waste collection. A member of the public has commented *"No waste area indicated. Recycling section of form left blank. As a commercial enterprise this would presumably need to have private contractor collection, which would require the use of further, large vehicles on a regular basis."*

The applicant has responded to this question by providing a Waste Management Plan. This Plan states:

"1. Recycling Program: Implement a comprehensive recycling program to minimise waste generation and promote environmental sustainability. Provide separate bins for recyclable material such as paper, plastics, glass, and metal, and educate staff and residents about the importance of recycling.

2. Composting: Establish on-site composting facilities to manage organic waste generated from food scraps and garden waste. Use the compost produced to enrich soil in the care home's garden or to support local community garden initiatives.

3. Reducing Single-Use Plastics: Minimise the use of single-use plastics within the care home by opting for reusable or biodegradable alternatives wherever possible. Encourage staff and residents

to use refillable water bottles, reusable containers, and eco-friendly packaging.

4. Waste Reduction Strategies: Implement strategies to reduce waste generation, such as purchasing products in bulk to minimise packaging waste, donating surplus items to local charities or community organisations, and encouraging responsible consumption habits among staff and residents.

5. Regular Waste Audits: Conduct regular waste audits to monitor waste generation, identify areas for improvement, and track progress towards waste reduction goals. Use the findings from these audits to adjust waste management practices as needed."

It is not considered that the scale of the care home will generate significant amounts of waste over and above what an average household generates. Therefore private refuse collection is considered a requirement for the proposed use.

Concerns have been expressed with regard to noise and the behaviour of the young persons living at Marriott Farm. This is not a matter of material planning weight. Presumptions as to the behaviour of the future residents cannot be made. If significant noise and disturbance arises from the proposed use then the Environmental Protection department of South Holland District Council can be contacted for a complaint to be made and actions taken.

Conditions will be added to the decision notice to request details of any proposed additional lighting or CCTV provision.

As detailed above, the scale and design of 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 South East Lincolnshire Local Plan (2019).

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.

Amendments have been made to the application to provide an updated Transport Plan - 14th May 2024, and an extended drive to improve parking and manoeuvrability - 21st May 2024. A large area of gravel is to be provided to allow all vehicles to exit the site in a forward gear onto Black Hole Drove.

Other highway related concerns raised are:

1.1 metres from nearest footpath
4.3 miles from nearest shop in Pinchbeck.
Speed limit of Black Hole Drove is 60 miles per hour.
Increase in traffic.
Lack of parking provision.
Lack of space for vehicular manoeuvring.
School transport may be a vehicle per child.

Staff will have to travel to and from school with the children.
Road often used by agricultural vehicles.
Black Hole Drove is in a poor state of repair.
No passing places on Black Hole Drove.
Limit public transport serves West Pinchbeck.
Proposal is not suited to a countryside location.

Following the submission of the additional supporting information, the County Highways & SUDS Officer no longer objects to the application and has requested an amended vehicular access informative.

"The proposal is for the change of use from domestic dwelling to children's residential home. The property has 5 Bedrooms and the Children who will be residing at the house will be between 10-17 years old. They will be children with emotional behavioural disorders, mental health issues or/and children who have faced substantial trauma in their lives. 1 bedroom will be an office/sleeping room for staff. There will be 8 members of staff alternating in two shifts of 4. 1 member of staff will provide overnight coverage.

The access to the site will be upgraded to Lincolnshire County Council Specification. The parking on site is adequate to provide a space for all calling vehicles in addition to space for vehicles to turn within the site. Given the rural nature of the site residents will not walk, they will be transported via motorised transport to school as would possibly be the case with a residential dwelling at this location. The details provided in the Transport Statement regarding daily vehicle movements equate to approximately 16 movements/day - cars plus one vehicle for school collection and drop off. 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.

Black Hole Drove is a single-track road but it is a straight road with good forward visibility giving motorists time to pull over, there are many field accesses and other access points in where vehicles can pull over to allow another vehicle to pass. Motorists will take care as they currently do when they meet oncoming traffic. Taking all of the above into account the proposal would not have an unacceptable impact on the public highway.

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 / Drainage

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 site is in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Drainage provision will remain as existing. Concerns have been expressed that the drainage system will not be able to cope with the number of occupants, however, the potential number of occupants is not significantly larger than that of the previous residential use. The existing dwelling does not require the raising of finished floor levels to address the maximum predicted flood depth.

Overall, when considering the development on balance, 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 (December 2023) in this regard.

Biodiversity and landscaping

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'.

Policy 28 of the South East Lincolnshire Local Plan (2019) outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

A Biodiversity Plan has been brought in to support the application. The Plan states:

"1. Natural Habitat Preservation: Identify and preserve existing natural habitats on the care home's grounds, such as hedgerows, woodlands, and meadows, to support local biodiversity. Minimise disturbance to these habitats during construction or landscaping activities.

2. Native Planting: Incorporate native plants into the care home's landscaping to provide food and shelter for local wildlife, including birds, insects, and small mammals. Create wildlife-friendly areas with wildflower meadows, butterfly gardens, and bird feeders to attract and support diverse species.

3. Habitat Enhancement: Enhance existing habitats and create new wildlife habitats within the care home's grounds, such as ponds, wetlands, and insect hotels. Work with local conservation organisations or ecologists to develop habitat enhancement plans tailored to the specific needs of the site and its surrounding environment.

4. Education and Engagement: Educate staff, residents, and visitors about the importance of

biodiversity conservation and the role they can play in supporting local wildlife. Organise educational programs, nature walks, and wildlife watching activities to foster a deeper appreciation and understanding of the natural world."

The submitted block plan does not show any additional planting, however, this is a matter that can be addressed by condition.

As the proposal is a minor application there is a requirement to demonstrate a biodiversity net gain of 10% from the 2nd of April 2024. However, because the requirement to demonstrate a biodiversity net gain for minor applications commences for applications submitted on or after the 2nd of April 2024 this is not a requirement for this application. This is due to the application being accepted on the 2nd of February 2024. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This is can be achieved via a number of measures such as ponds, and hedge / tree planting.

A landscaping condition will be added to the decision notice to ensure that the site can satisfactorily demonstrate a material biodiversity uplift in accordance with Policy 28 of the SELLP.

Outstanding matters from representation

No Heritage Impact Assessment - This is not a requirement for change of use of a building that is not listed, not in a conservation area and not subject to an Article 4 Direction.

The proposed operator Manilla Investment Limited has no track record of operating children's homes, and is a dormant company - The previous work experience of an applicant does not carry material planning weight when assessing a change of use application.

Manilla Investments Ltd are an investment company and will be motivated by profit - The motivation behind the submission of the application does not carry material planning weight.

Prior to a children's home being established a business plan needs to be submitted to the UK Government and Ofsted in order to comply with Care Standards Act 2000. No evidence of any application has been provided - This business plan is not required to enable a planning outcome.

No pre-application advice sought - Pre-application advice is not a requirement for this change of use application.

No engagement with the local community prior to submission - Pre-application consultation with the local community is not a requirement for submission.

Children may attract or cause crime - Presumptions as to the behaviour of future occupants does not carry material planning weight.

Lack in police in South Holland - This is not a matter with the remit of responsibility of the applicant.

Impact on property value - This matter does not carry material planning weight.

Loss of privacy - There is no alteration to existing fenestration and the occupants of the children's home are free to use Black Hole Drove for recreational activity such as walking or cycling should they see fit to do so.

Loss of safety - A presumption as to the safety of future occupants or nearby properties from the change of use does not carry material planning weight.

Loss of quietness - A presumption as to the noise generated from the site cannot be made. The site previously had five residents, therefore, the site has never been completely silent with regard to noise.

Anxiety from slamming car doors - A presumption as to the noise generated from the site cannot be

made. The site previously had five residents, therefore, the site has never been completely silent with regard to noise.

Dogs react to the sound of vehicles - The welfare of dogs and noise generated by dogs as the result of an adjacent use does not carry material planning weight.

The application is not truly a children's home - Each application has to be taken in good faith. The application is for a children's residential home and will be assessed as such.

The previous proposal at the site resulted in the loss of an established colony of bats and a nesting area for owls - There has been evidence submitted to support this claim. Additionally, no alterations to the existing buildings are proposed by this application.

A child could be bitten by a dog being taken for a walk - This could happen in any location in the district at any time.

Impact on dog walkers - There is not considered to be an impact on dog walkers from this proposal. The County Highways & SUDS Officer has no objection to the submitted details.

Lack of good wifi provision - This does not impact whether or not a change of use to a children's residential home accords with local or national planning policy.

Remoteness from emergency services - This matter does not carry material planning weight. There are a number of residences in the district in remote locations.

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 open countryside. 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 (December 2023) 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

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Sections 12, 14 and 15 contained within the National Planning Policy Framework (NPFF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.