DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H23-0409-23**	**Applicant:**	**Heartwood Care Group**
Proposal:	Change of use of Dwelling to Children's Home		
Location:	Rose Lodge Stockwell Gate North Whaplode		
Terminal Date:	27th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2021

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

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for change of use of C3 (b) dwelling to children's home C2 at Rose Lodge, Stockwell Gate North.

There are no external changes proposed to the existing dwelling, with only internal change being the downstairs bedroom becoming a staff room. The care home would be for a maximum of 5 children and 10 staff would be employed to care for the children with 24-hour care and supervision provided 7 days a week. The children would attend school during the week. Each child would have their own individual bedroom and the living spaces and private garden would be shared just like the average family home.

Site Description

The detached dwelling is situated within the defined settlement limits of Whaplode, according to the South East Lincolnshire Local plan, 2019.

The dwelling sits within a spacious plot and is set back from the main road, with a gated entrance to the property. The surrounding dwellings are on similar sized spacious plots and are mostly detached, varying in ages and designs. To the north of the site are open agricultural fields. The application site Use Class is currently C3(b) that covers up to six people living together as a single household and receiving care.

History

H23-0674-22 - S192 Lawful Development Certificate - Change of use of residential dwelling (C3) to dwelling for use by not more than six residents living together as a single household (including a household where care is provided for residents) (C3b) - Approved 06 September 2022

Consultation Responses

Whaplode Parish Council

No Comment

Public

1 letter of representation has been received siting the following concerns:

-Residential area with elderly people
-Can do without the dramas involved
-Noise disturbance from the proposed use;
-The proposal would devalue other properties in the area;
-Disturbance of in and out of cars
-Waste and recycle bags are left outside the property on the side of the road

Planning Considerations

Principle of Development

The South East Lincolnshire Local Plan (SELLP) 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; 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 SELLP 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 sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location, in sustainability terms for development.

Policy 1 (Spatial Strategy) of the SELLP indicates that within 'Minor Service centres', "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. Development will normally be limited to Allocated and Committed sites and infill".

The existing property, currently a detached dwelling, is situated within the defined settlement limits of Whaplode, according to the South East Lincolnshire Local plan (2019). The proposal is effectively for a small scale care facility for up to 5 children between the ages of 8 to 17, and a maximum of 10 staff. All 10 members of staff would not be on the site at all times.

The application site is currently a C3(b) dwelling that has up to six people living together as a single household and receiving care between the ages of 17 and 18. A change of use from C3 to C2 may not amount to a material change of use and may not amount to development which requires planning permission, however, in this instance it is considered that there is a material change, requiring planning permission.

The material change in this application relates to the need for children to be looked after and require full time care from an adult. Carers who provide 24-hour care, but were not residents themselves, could not be regarded as living together in a household. Therefore, a children's home run on shift patterns cannot be considered to fall within Class C3 (b), because clearly, this is not occupation of a dwelling house by a single person or people living together as a family.

Notwithstanding the need for permission, as detailed, the application site is situated within the defined settlement limits of Whaplode, and as such, although resulting in the loss of a 'typical' residential dwelling the development of the sought proposed would, in principle, accord with the South East Lincolnshire Local plan (2019).

In addition to the above, further to the proposal being in accordance with Policy 1, the resultant development proposed by this application, has very little differences to that of the existing use, and the intention of the applicant is for the home to function as similar to a typical family unit as possible. This also provides weight as a material planning consideration, that further weighs the balance of acceptability in addition to the proposals compliance with Policy 1. Therefore, it is considered that based on both policy compliance and material considerations, the proposal is acceptable in principle.

Layout, Design, Size and Scale

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

There are no external changes proposed to the existing dwelling, with only internal change being the downstairs bedroom becoming a staff room. These changes are internal only and are considered minor and would not significantly or unacceptably change the overall appearance of the site.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Residential amenity

Paragraph 130 of the National Planning Policy Framework (2021) amongst other matters seeks

places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The neighbouring property has raised concerns with regards to noise disturbance. The concerns are noted and addressed below.

The proposed scheme is not considered to create unacceptable levels of noise given the applicant's intention is for the proposal to simulate a family dwelling environment. Realistically, any children between the ages of 8-16, whether it be those in a cared for setting or a normal family unit, could feasibly generate the same amounts of noise. With regards to noise from vehicle movements as a result of the proposed use, these would also be similar to a normal family home. In addition, Environmental Protection was consulted but has not commented on the scheme.

With regards to loss of privacy, the scheme does not propose any new window openings directly facing any neighbours therefore there are no loss of privacy concerns.

In light of the above, there are not considered to be any significant and/or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

Highways and Parking

The Local Highways Authority has not raised any objections to the proposed scheme as it considers the existing access arrangements to be acceptable and adequate provision for car parking is proposed within the limits of the site including a turning facility to allow vehicles to enter and leave in a forward gear. As such it is considered that the change of use from a residential dwelling to a children's care home would not have an unacceptable impact upon highway safety.

Taking the above into account, the proposal is considered acceptable on parking and highways grounds, and thus in accordance with Policies 2, 36 and Appendix 6 in this regard.

Other matters

The following concerns were raised by local residents:

The proposal would devalue other properties in the area - This is noted, however, unfortunately this is not a material planning consideration therefore the scheme could not reasonably be resisted on this basis.

Limited local amenities - The application site is with the settlement boundary of Whaplode, which is a minor service centre with all local amenities.

Planning Balance

The proposed change of use is considered acceptable in principle. Concerns have been raised by residents regarding impact on residential amenity, however in the absence of any objection to the application from Environmental Protection these are not considered to be sufficient basis to refuse the application on these grounds.

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

Conclusion

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

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.