



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

22 July 2020



### S20/0246

Proposal: Change of Use from dwellinghouse (C3) to Children's Residential Care Home (C2)

Location: Heath Farm, Newgate Lane, Londonthorpe, NG31 9HD

Applicant: Ms Tanya Netto, Protea Care Ltd, c/o agent, 14 St Georges Business Centre, St Georges Square, Portsmouth

Agent: Mr Keith Oliver, The Town Planning Experts, 14 St Georges Business Centre, St Georges Square, Portsmouth, PO1 3EZ

Application Type: Full Planning Permission

Reason for Referral to Committee: At the request of Cllr Adams

Key Issues: Impact on Residential Amenity and Surroundings  
Noise and Disturbance  
Level and Type of Use  
Adequacy and Suitability of Site  
Safety  
Highway Safety

#### Report Author

Peter Lifford, Development Management Planner



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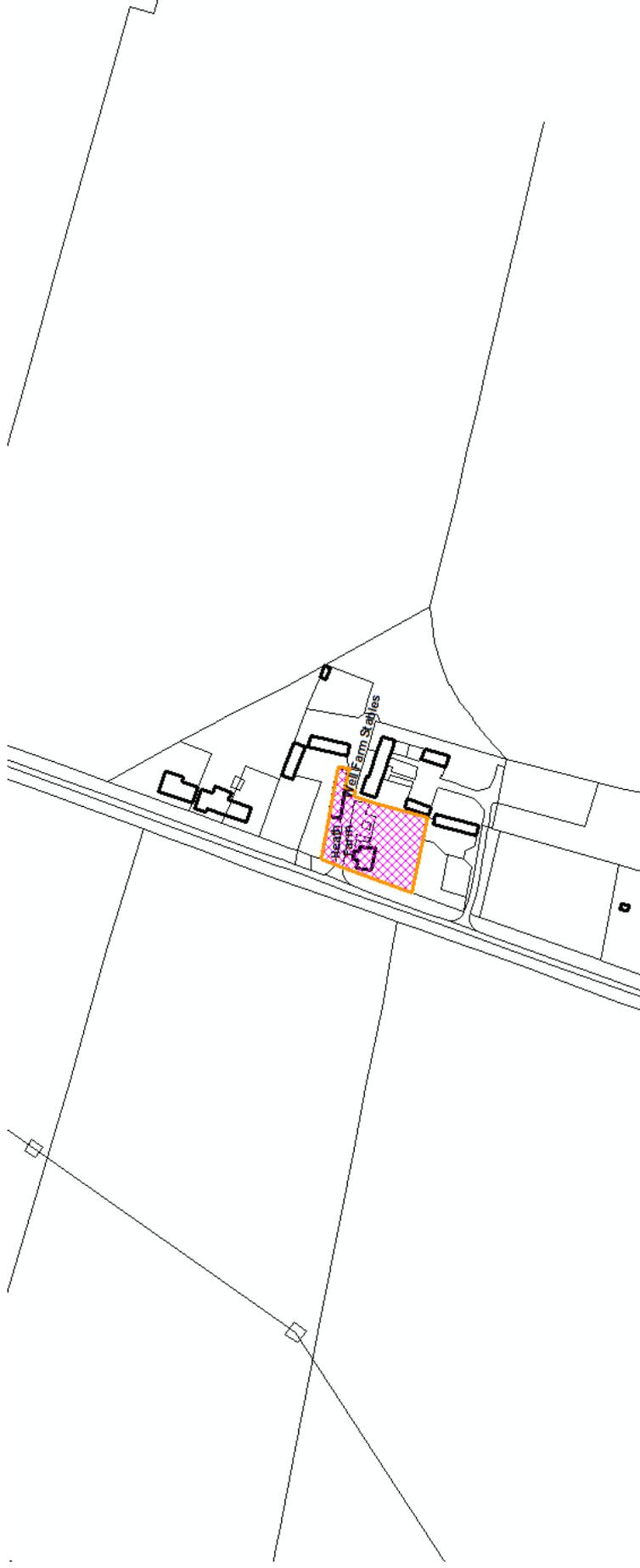
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<b>Corporate Priority:</b>	<b>Decision type:</b>	<b>Wards:</b>
<b>Growth</b>	<b>Regulatory</b>	<b>Belmont</b>
<b>Reviewed by:</b>	Will Richards, Interim Head of Development Management	6 July 2020

#### Recommendation (s) to the decision maker (s)

That the application is approved conditionally

S20/0246 Heath Farm, Newgate Lane, Londonthorpe, NG31 9HD



Key



Application  
Boundary



## **1 Description of Site**

- 1.1 The application site is located on the east side of Newgate Lane within a small group of 3 residential properties. The site comprises a detached 5 bedroom two storey house with a large garden to the south side and an existing vehicular access to the north providing off road car parking for up to 8 cars.

## **2 Description of proposal**

- 2.1 The proposal seeks to use this existing dwellinghouse (Use Class C3) as a children's residential care home (Use Class C2).
- 2.2 The property would accommodate a maximum of five children/young persons, aged between 8 and 18. Each child/young person would have their own bedroom, with the downstairs reception rooms used as family rooms. The only change proposed internally is that the family room would be used as a 5th bedroom and that the 'bedroom/study' on the first floor will be used as a staff office.
- 2.3 No external alterations are proposed or envisaged, and no signage would be erected to the property. The children/young persons will attend local schools.
- 2.4 A dedicated multi-skilled and highly qualified team of (in total) 11 care staff (with a minimum Level 3 Diploma in Children's and Young People's Workforce) led by a knowledgeable and experienced QCF Level 5 qualified Registered Manager will be allocated to the care home.
- 2.5 When the property is at full capacity there will be up to 4 members of staff on duty throughout the day and it is envisaged that there would be 2 waking night staff on duty each night.
- 2.6 The intention is to offer a low staff to young person ratio at all times, 24 hours a day, 7 days a week. The staff rota is designed such that there will only be changeover of staff teams at 08:00 each morning and then again between 15:00 and 17:00 in the afternoons.

## **3 Relevant History**

- 3.1 No relevant planning history

## **4 Policy Considerations**

- 4.1 **SKDC Local Plan 2011 - 2036**  
Policy SP5 - Development in the Open Countryside  
Policy H4 - Meeting All Housing Needs  
Policy SP6 - Community Services and Facilities  
Policy DE1 - Promoting Good Quality Design  
Policy SD1 - The Principles of Sustainable Development in South Kesteven  
Policy SP2 - Sustainable Communities

- 4.2 **National Planning Policy Framework (NPPF)**  
Section 8 - Promoting healthy and safe communities  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places

## **5 Representations Received**

### **5.1 Parish Council**

We find this application rather strange; it is in the middle of a close-knit group of properties on a narrow lane. This does not seem like a good place for what we believe to be youngsters that maybe need some integration with others or is it the case they are being isolated for some reason? It is not clear from the application.

5.1.1 What is clear though is they are expecting a large number of visitors, hence the original plan showing the full frontage made up of hardstanding car parking spaces. The amount of traffic down the lane would also be expected to increase dramatically if these parking spaces are required!

5.1.2 The use of the front of the property on the grassed verge should not be allowed for parking. LCC Highways have said as much.

5.1.3 The parish council cannot support this application under its present guise.

### **5.2 LCC Highways & SuDS Support**

5.2.1 No objection to the proposal.

### **5.3 Environmental Protection Services (SKDC)**

5.3.1 No comments to make.

## **6 Representations as a Result of Publicity**

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and one representation has been received. The points raised can be summarised as follows:

- 1) Is the foul drainage adequate?
- 2) Why are there car parking spaces on the verge to the front, there is adequate room within the site?

### **6.2 Principle of the use**

6.2.1 The site is located within open countryside to the east of Grantham. Development within the District will be allowed in accordance with the Settlement Hierarchy as set out in Policy SP2 of the South Kesteven Local Plan (SKLP). The site is located within the open countryside to which Policy SP5 directly relates and refers to development which has an essential need to be located outside the existing built form of a settlement. This proposal

relates solely to a change of use with no external alterations proposed. Policy H4 of the SKLP - Meeting All Housing Needs refers at criteria a) to enabling the most vulnerable to promote, secure and sustain their independence in a home appropriate to their circumstances, including through the provision of specialist housing (glossary refers to this usually comprising use class C2). Whilst the children would not be living independently due to their age it is important that they can feel secure. Policy SP6 of the SKLP relates to Community Services and Facilities and states that they should prioritise and promote access by walking, cycling and public transport where feasible, but that as they may have a wider catchment area their accessibility should be considered proportionately relative to their purpose. Care homes come under the definition of a community facility in the supporting text to the policy. The residents of the home are likely to come from a much wider area than just the District, or even the County, due to their specific needs, ensuring an appropriate mix of residents, and as they frequently have to be cared for in different areas for safeguarding purposes. There will be children from this District and County cared for in homes across the country so as to create a balance.

6.2.2 The National Planning Policy Framework (NPPF) at Section 8 also encourages the provision of local services to enhance the sustainability of communities and residential areas.

6.2.3 The provision of a children's care home would be a community, in its wider sense, asset and is supported under the relevant policies. Specific environmental and technical issues, which support this conclusion, are discussed in detail in the following sections below.

### 6.3 **Impact of the use on the character of the area**

6.3.1 Policy DE1 of the SKLP seeks to ensure development is appropriate for its context. Further, paragraph 127 of the NPPF provides that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

6.3.2 The building will retain the appearance of a dwellinghouse as no external changes, including in relation to the existing landscaping, are proposed. Although the carers, when visiting the site, would increase the number of comings and goings, the day-to-day activities associated with the use, carrying out the school run, receiving a shopping delivery, out of school activity journeys etc. would be similar to that of a dwellinghouse accommodating a large family, and this would not adversely affect the rural character of the area.

6.3.3 The size of the private amenity area to the rear of the dwelling is suitable for the size of the property. Separate regulation and controls, such as those set out by Ofsted would determine if it is of a suitable size for the proposed use, the application could not be refused for this reason.

6.3.4 Concern has been raised over the impact upon the character of the area through the increase in the number vehicles at the property, particularly during shift changeover and the potential use of the grass verges to the site frontage. The submitted car parking layout shows the provision of 6 staff and 2 visitor parking spaces all within the application site with no parking proposed on the verge to the front of the site.

6.3.5 Overall it is not considered that the proposed change of use of this dwelling to a small children's care home operating as a family unit in the interests of the needs of the children in their care would have a significant adverse impact upon the character of the area.

#### 6.4 **Impact on the neighbouring properties**

6.4.1 Policy DE1 of the SKLP states that new development proposals will be expected to ensure there is no adverse impact upon the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime. It is not considered that a small-scale children's home as proposed would cause significant detrimental noise and disturbance. The frequency of any noise or bad behaviour would be difficult to predict and would depend on individual children in their care at any one time and the supervision they receive. The children will be supervised at all times and as such and bad behaviour, and ultimately noise, should be able to be managed to a level where it does not exceed 'normal' residential occupation of a dwelling.

6.4.2 The applicant has stated that the children within their care will all be in some form of education during the day within school term time.

6.4.3 Having regard to the small scale of the proposed use, the low number of children to be accommodated and the level of care available to support their needs, along with the established boundary treatments at the site and the relationship with adjacent dwellings, the proposed use would have no significant detrimental impact on the residential amenities of the nearby properties by way of noise, overlooking or loss of privacy.

#### 6.5 **Highway issues**

6.5.1 Policy SD1 - Principles of Sustainable Development in South Kesteven - of the SKLP makes reference to minimising the need to travel.

6.5.2 Section 9 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.5.3 The nature of this use, which as explained above is located in a rural area for the benefit of its residents, would not minimise the need to travel due to private vehicles being used for the majority of journeys. However, due to the size of the building and its curtilage, together with the limited number of children and carers at the site, the proposal would not significantly impact upon the surrounding highway network. There is an existing vehicular access and off-road car parking serving the site. The Highway Authority have raised no objection to the proposal stating that due to the limited additional traffic generated by the development it would not be reasonable to request highway improvement works such as passing places or road widening. The maintenance of the existing highway is a responsibility of the local highways authority, and this function is not to be requested of a developer.

- 6.5.4 It is not considered that turning facilities within the site would be necessary in this instance due to the low level of traffic passing along Newgate Lane and the ability to therefore to reverse either into or out of the property.

On balance it is considered that the needs for this use to be located within a rural area outweigh the reliance on private vehicles for travel, with the impact upon the road network not being severe.

## **7 Crime and Disorder**

- 7.1 It is considered that the proposal would not result in any significant crime and disorder implications. There is a perceived concern regarding these types of uses increasing demand upon emergency services but it would be difficult for the Council to refuse the application on these grounds as it would not be possible to predict the potential behaviour outcomes and would depend on individual children and the supervision they received. There is also other legislation and controls in relation to the proposed use where this would be better controlled.

## **8 Control and Monitoring**

- 8.1 The operation of a children's care home is controlled and monitored by OFSTED, not the district or county council. Any new home must be registered with Ofsted but this cannot take place until planning permission has been obtained. Ofsted regulate the operation against the national minimum standards for children's homes and the Children Act.
- 8.2 The national minimum standards for children's homes, on which Ofsted bases its inspections, state that children's homes should be located in safe areas. The inspection should assess whether the "home's location and design promotes children's health, safety and wellbeing and avoids factors such as excessive isolation and areas that present significant risks to children".
- 8.3 Ofsted has statutory powers and wide-ranging sanctions to ensure compliance, including limiting admissions, cancelling registration (which would stop a home operating) and ultimately prosecution. Ofsted also regularly inspect homes, always unannounced and an annual full inspection lasts up to 2 days.
- 8.4 Further scrutiny should also be provided by the placing authority's social worker who should visit, as a minimum every 6 weeks, as well as an annual inspection conducted by the placing authority's commissioning team. The registered provider of the children's home must also pay for an independent person to visit once a month (Regulation 44 NMS) and their reports must be sent to Ofsted upon completion, in the month of the visit.

## **9 Human Rights Implications**

- 9.1 Article 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

9.2 It is considered that no relevant Article of that act will be breached.

## **10 Conclusion**

10.1 On balance it is considered that this proposal, operated by the applicant, would comply with the relevant policies of the South Kesteven Local Plan and the NPPF and would have no detrimental effect upon the residential amenities of adjacent properties above and beyond a residential dwelling house due to the level of use proposed or on the surrounding highway network in terms of highway safety.

**RECOMMENDATION: that the development is Approved subject to the following conditions**

### **Time Limit for Commencement**

1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- i. Site Location Plan - received 12 March 2020
- ii. Proposed Parking Layout - received 8 April 2020
- iii. Proposed Internal Layout - received 14 February 2020

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

### **Ongoing Conditions**

3 Notwithstanding the provisions of Schedule 2, Parts 3 and 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the premises shall only be used for the purposes specified in the description of the proposal and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) unless Planning Permission for a new use of the premises has been granted by the Local Planning Authority.

Reason: The use of the premises for any other purpose would be unacceptable because of the size of the building and likely traffic generated by other uses.

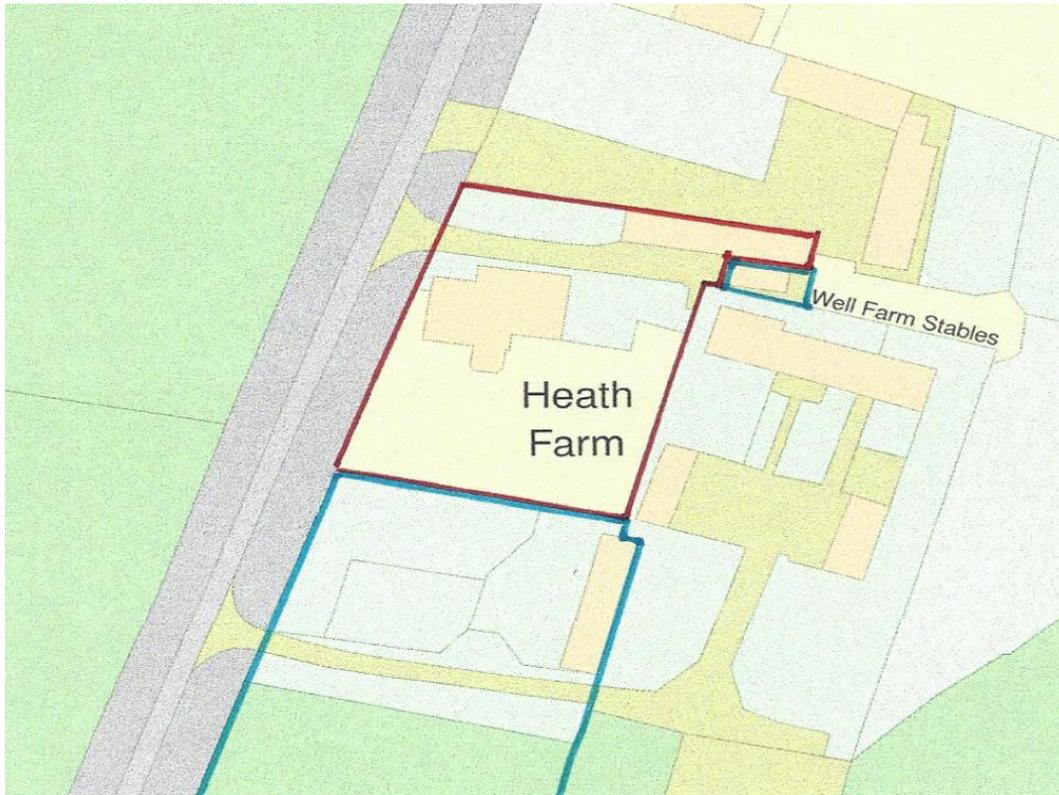
- 4 This permission shall endure solely for the benefit of Protea Care Ltd. When this company ceases to use the dwelling and land for the permitted purpose, they shall be returned to residential (C3) use unless further planning permission has been granted.

Reason: Planning permission has been granted in this instance based on the applicant's method of care and the nature of the operation of other children's homes in their control which would ensure compliance with Policy DE1 of the South Kesteven Local Plan (2020) and Section 12 of the NPPF.

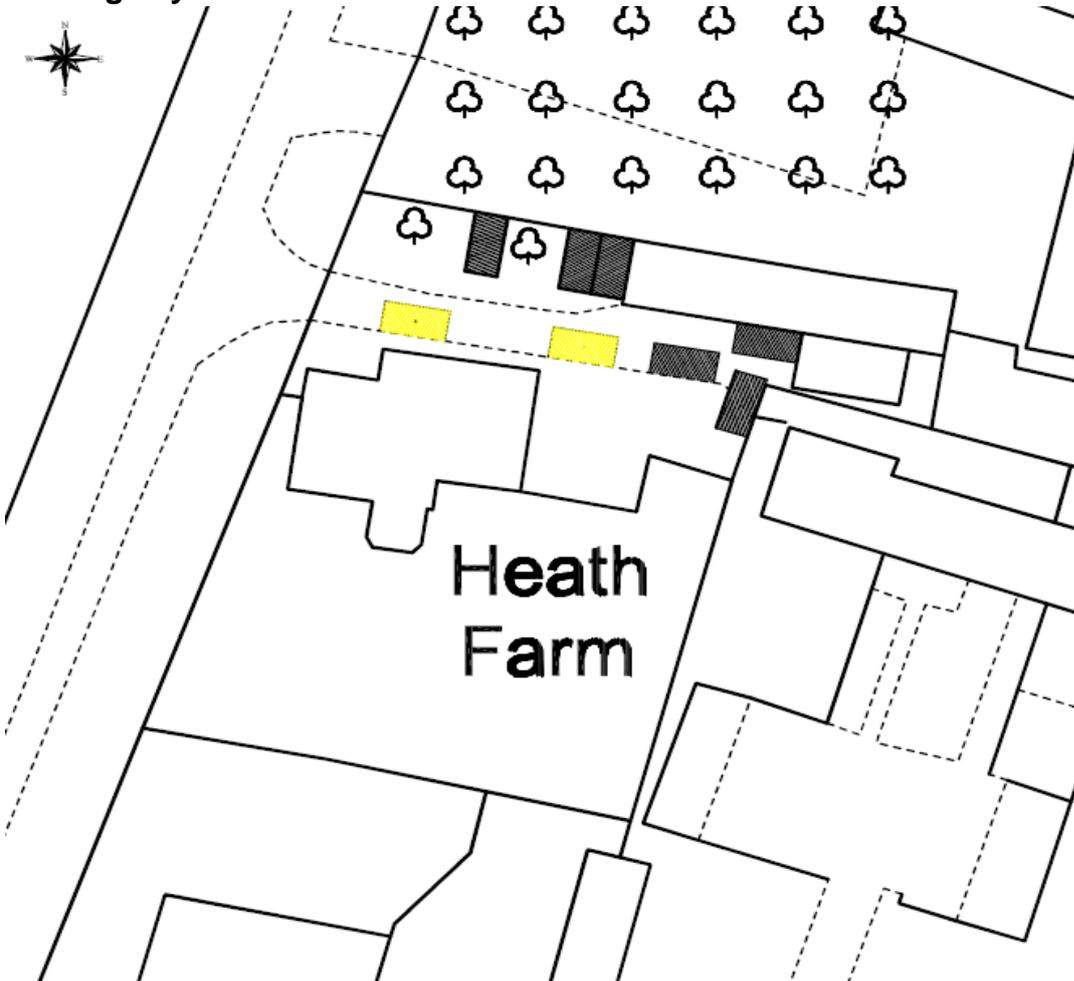
**Financial Implications reviewed by: Not applicable**

**Legal Implications reviewed by: Not applicable**

## Site Plan



## Parking Layout



# Floor Plan Layout

