



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

3 March 2021



S20/1820

Proposal: Change of use from a dwelling house into a small children's home that will cater for up to four children.

Location: Grange Farm, South Witham Road, North Witham, NG33 5LA

Applicant: Mrs Marina Gough, Anchor Care and Education Ltd

Agent: Mrs Marina Gough

Application Type: Full Planning Permission

Reason for Referral to Committee: At the request of Councillor David Bellamy

Key Issues: Principle of the use
Impact of the use on the character of the area
Impact on neighbouring properties
Highway issues

Technical Documents: Additional information report - Details operation

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Isaac Newton

Reviewed by:

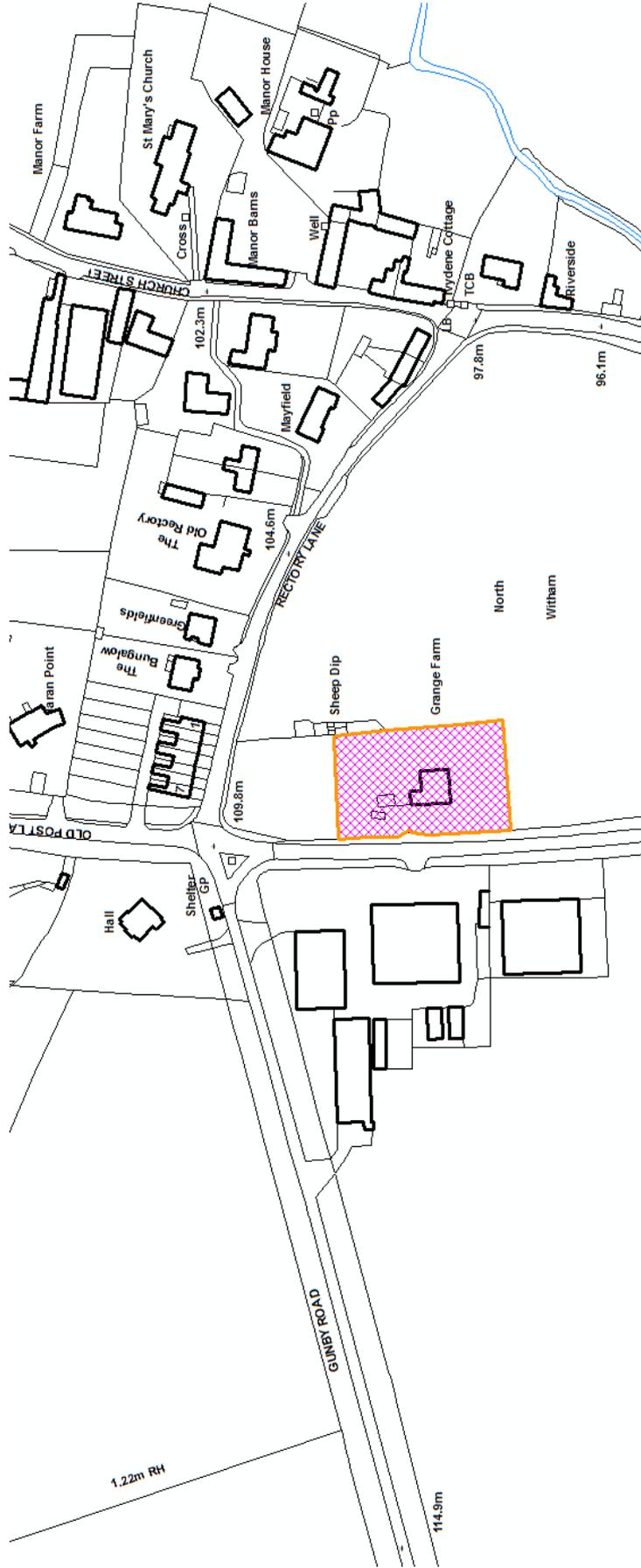
Phil Jordan, Principal Planning Officer

12 February 2021

Recommendation (s) to the decision maker (s)

That the application is approved conditionally

S20/1820 Grange Farm, South Witham Road, North Witham, NG33 5LA



Key



Application
Boundary

1 Description of Site

- 1.1 The application site is located on the east side of South Witham Road, just to the south of the village of North Witham. The property is a detached, 5 bedroom house with a detached garage to the north, an existing vehicular access off South Witham Road and with room to park 5 vehicles off road within the site.
- 1.2 To the north of the application site there is a small coppice with the nearest residential properties to the north of this on the opposite side of Rectory Lane. To the west on the opposite side of South Witham Road there are a collection of agricultural buildings. To the east and south are fields.

2 Description of Proposal

- 2.1 The proposal seeks to use this existing dwelling house (Use Class C3) as a children's residential care home (Use Class C2). The property would accommodate a maximum of four children/young persons, aged between 6 and 16. No external alterations are proposed or envisaged, and no signage would be erected to the property.
- 2.2 When the property is at full capacity staffing would be as follows:
- 5 staff during the day, 7am to 9pm
 - 2 waking staff at night, 8pm to 8am

3 Relevant History

- 3.1 No relevant planning history

4 Policy Considerations

- 4.1 **SKDC Local Plan 2011 - 2036**
Policy SP2 – Settlement Hierarchy
Policy H4 – Meeting All Housing Needs
Policy DE1 - Promoting Good Quality Design
Policy SP6 – Community Services and Facilities
Policy SD1 - Principles of Sustainable Development in South Kesteven
- 4.2 **Colsterworth and District Neighbourhood Plan**
- 4.3 **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 **Colsterworth Parish Council**
- 5.1.1 Do not object in principle, but raise the following points in relation to the location of this site:

- The village lacks any of the facilities, even a corner shop, that those used to living in a more developed location would expect.
- Public transport in the village is poor. The only bus service is to Grantham and the frequency of this service is limited. There is no bus service on Sunday.
- All visitors and staff to the property would have to travel by private car. Any activities arranged for the children would require multiple car journeys. This is environmentally damaging and an unsustainable situation at a time when we are encouraged to reduce our impact on the environment.
- The location of the building itself runs alongside the main road through the village which carries a maximum of a 40mph speed limit. While the Parish Council acknowledges there have been no comments raised by the Lincolnshire Police or Highways Department it is important to state that there is no pavement to provide a safe walking route to and from the property. Vehicles speed through the village, and this continues to be a safety problem. Speed related road traffic incidents are a feature of the road and junction adjacent to the property.
- Would this application sit within the SP4 Policy of the SKDC Local Plan

5.2 **Environmental Protection Services (SKDC)**

5.2.1 No objection, subject to fire regulations being implemented.

5.3 **LCC Highways & SuDS Support**

5.3.1 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

5.4 **Lincolnshire Police Crime Prevention**

5.4.1 No objections to the proposal.

5.5 **North Witham Village Hall Committee**

5.5.1 Make the following comments:

- The location of the property is not suitable which is adjacent to a busy road with no footpath leading into the centre of the village
- The property is adjacent to a working farm, with all the inherent risks of machinery and livestock
- North Witham is a small rural village with very limited facilities.
- There is limited public transport with 2 buses on Saturday and none on Sunday
- The population of the village is aging, we have concerns that the children would not be able to become part of the community by integrating with their own age group.
- There are no suitable facilities for children in the village, although the Village Hall forms a hub for the community, there are no clubs or groups for children, as numbers in any age group are far too small
- Fear of crime

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 16 representations have been received. The points raised can be summarised as follows:

- 1) Object to the proposal, but understand Anchors' wishes
- 2) The village has nothing for the children to do
- 3) I feel that the village children would not feel safe going to the village hall with different residents they do not know
- 4) This type of facility has got a well-documented reputation for anti-social behaviour
- 5) Not sustainable, only a limited bus service to Grantham, all other trips will be by car
- 6) Any increase in road traffic and noise will be unwelcome
- 7) If passed will result in a general loss of amenity for the existing residents
- 8) If the level of supervision is insufficient the quality of life and value of property in the village may be adversely affected
- 9) There is a working farm over the road
- 10) They need to be placed somewhere with things to do ie a town somewhere
- 11) While the proposal appears to be a logical business opportunity we can't ignore the fact that the home wouldn't be a normal, parent-invested family environment
- 12) The main of the population is pensioners and the elderly
- 13) The residents of the children's home will have nothing in common with the locals and are likely to be a source of intimidation for them
- 14) Safety: The access to the proposed property is on a main road, close to the village crossroads where vehicles pass at relatively high speed, and the road has no pavement

7 Evaluation

7.1 Principle of the Use

7.1.1 The site is located just to the south of the main village development of North Witham. 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. North Witham is identified within Policy SP2 as a smaller village where development will be supported in accordance with relevant policies where development will not compromise the village nature and character. There is already a dwelling house on the site and the proposal relates solely to a change of use with no external alterations proposed. Therefore, the principle of having a residential use on the site is already established and it is necessary to consider the impacts that would result from changing from the existing use to that proposed.

7.1.2 Local Plan Policy H4 - 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. Local Plan Policy SP6 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. Likewise, there will be children from this District and County cared for in homes outside of this area for the same safeguarding reasons.

- 7.1.2 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.
- 7.1.3 The provision of a children's care home would provide a specialist type of housing and provide a care facility that would benefit the wider community, the principle of which is supported under policies H4 and SP6. Specific environmental and technical issues, which support this conclusion, are discussed in detail in the following sections below.

7.2 **Impact of the Use on the Character of the Area**

- 7.2.1 Local Plan Policy DE1 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.
- 7.2.2 The building will retain the appearance of a dwelling house 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 dwelling house accommodating a large family, and this would not adversely affect the rural character of the area.
- 7.2.2 The size of the private amenity area associated with 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.
- 7.2.3 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. The submitted car parking layout shows the provision of 5 parking spaces all within the application site.

7.2.4 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.

7.3 **Impact on Neighbouring Properties**

7.3.1 Local Plan Policy DE1 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.

7.3.2 Colsterworth and District Neighbourhood Plan Policy 10 states "The expansion of existing and new local services or community facilities will be supported providing that it does not have significant harmful impacts on the amenities of residents or on other neighbouring uses."

7.3.3 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. During non-school time, they would be under supervised care at appropriate ratios as advised by Ofsted.

7.3.4 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.

7.4 **Highway Issues**

7.4.1 Local Plan Policy SD1 - Principles of Sustainable Development in South Kesteven makes reference to minimising the need to travel. 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.

7.4.2 The nature of this use would not minimise the need to travel due to private vehicles being used for the majority of journeys due to the limited bus services available in North Witham. 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 and would have limited additional impact compared to the property remaining in use as a dwelling house. There is an existing vehicular access and off road car parking serving the site which are considered to be appropriate for the proposed use. The Highway Authority have raised no objection to the proposal.

8 Crime and Disorder

- 8.1 It is considered that the proposal would not result in any significant crime and disorder implications. There is a perceived concern regarding these type 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. Therefore, although the fear of crime is a material consideration, the supervision arrangements that would be in place for this facility are considered adequate to ensure an appropriate level of control over the proposed use. These are discussed further below.

9 Control and Monitoring

- 9.1 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.
- 9.2 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 "homes 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".
- 9.3 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.
- 9.4 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.

10 Human Rights Implications

- 10.1 Articles 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.
- 10.2 It is considered that no relevant Article of that act will be breached.

11 Conclusion

On balance, it is considered that this proposal, operated by the applicant, would comply with the relevant policies of the South Kesteven Local Plan, Colsterworth and District

Neighbourhood 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.

11.1 **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. Block plan received 10 November 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 Anchor Care and Education 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.

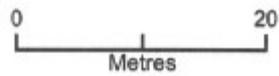
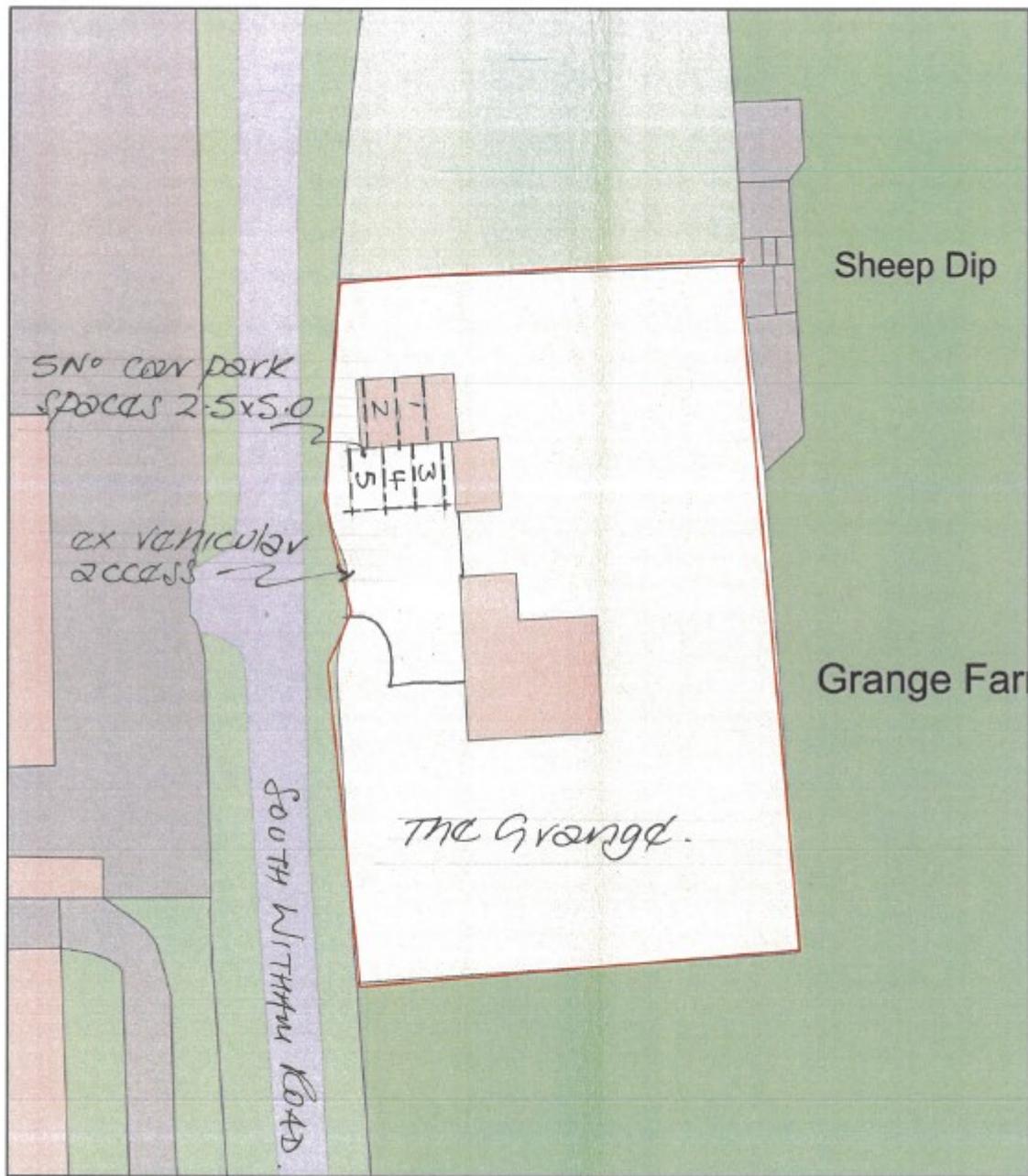
Reason: Planning permission has been granted in this instance based on the applicant's method of care which would ensure compliance with Policy DE1 of the South Kesteven Local Plan (2020) and Section 12 of the NPPF.

Standard Note(s) to Applicant:

- In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.

Proposed site plan

Block Plan for Grange Farm North Witham NG33 5LA



Plan Produced for: Anchor Care and Education

Internal layout

