



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

3 March 2021



### S20/1851

**Proposal:** Change of use from a C3 (Dwelling house) use to C2 (Care Home) use  
**Location:** Belvoir House, 44 Chapel Street, Haconby, PE10 0UL  
**Applicant:** Cambian Group PLC, C/O The Agent  
**Agent:** Mr Sam Deegan, Planning Potential Ltd, 14-15 Regent Parade, Harrogate, HG1 5AW  
**Application Type:** Full Planning Permission  
**Reason for Referral to Committee:** Significant local interest and on the grounds of impact on residential amenity on existing occupants and suitability of site in terms of highway safety  
**Key Issues:** Principle of the use  
Impact of the use on the character of the area  
Impact on neighbouring properties  
Highway issues  
Control and Monitoring  
**Technical Documents:** Planning Statement  
Statement of Need

#### Report Author

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**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Aveland**

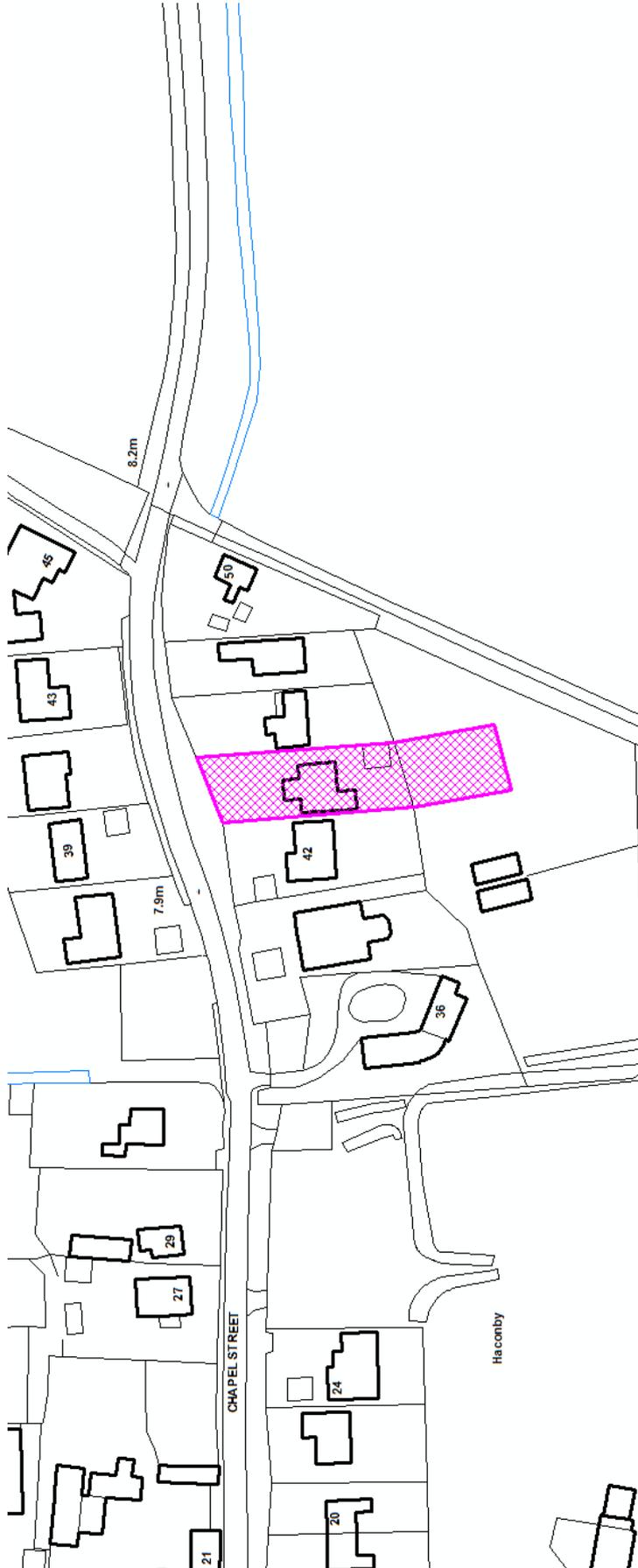
**Reviewed by:**

Phil Jordan, Principal Planning Officer

12 February 2021

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

**That the application is refused**



Key



**Application  
Boundary**



## **1 Description of Site**

- 1.1 The application site is located on the south side of Chapel Street to the east of the centre of Haconby, a village approximately 3 miles to the north of Bourne. The property is a detached four bedroom house with a detached garage to the rear and an existing vehicular access to the east side boundary leading to the garage.
- 1.2 To either side of the site there are detached houses of a similar size to the application property with further residential properties on the opposite side of the road.

## **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 three children/young persons, aged between 11 and 18. Each child/young person would have their own bedroom, with various internal alterations to the house to create an office, staff sleeping and bathrooms. The garage is to be converted to a games room and store.
- 2.2 No external alterations are proposed or envisaged, and no signage would be erected to the property.

A 24 hour staff rota including activity is provided below:

- Team Leader arrives on site at 8 am
- 3 x Residential Care Workers arrive on site at approx. 8.00 am (staggered - although at some homes staff car share)
- Children leave for school at approx. 8am (give or take 15 mins depending on arrival of staff). The children will travel together in one car.
- Residential Care Worker returns back to the house following school drop off - time of return will vary as the worker may undertake a food shop etc. on way home.
- Residential Care Worker leaves to go and collect children from school at approx. 2.30pm.
- Children return from school at approx. 4.30pm
- Team Leader leaves site at 8 pm
- 3 X Residential Care Workers leave site at approx. 8.00 am (staggered)

2.3 The home does not intend to implement waking night support.

2.4 With these staffing patterns the car trips when the house is at full capacity would equate to six trips:

- four staff (3 x residential support staff and one manager) arriving in the morning and two residential staff going home in the evening. The average number of daily car trips involving the children - for attendance at school for example - is two resulting in eight car trips per day to and from the house.

### **3 Relevant History**

3.1 No relevant planning history

### **4 Policy Considerations**

#### **4.1 SKDC Local Plan 2011 - 2036**

Policy SP2 - Settlement Hierarchy

Policy DE1 - Promoting Good Quality Design

Policy H4 - Meeting All Housing Needs

Policy SP6 - Community Services and Facilities

Policy SD1 - The Principles of Sustainable Development in South Kesteven

#### **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**

5.1.1 Haconby and Stainfield Parish Council requests that determination of S20/1851 consider the material planning considerations below.

5.1.2 SKDC New Local Plan 2011-2036 (January 2020) (NLP) and National Planning Policy Framework (February 2019) (NPPF).

5.1.3 Planning Statement:

5.5 The policies relevant to the determination of the application include:

- SP1 'Spatial Strategy'
- SP2 'Settlement Hierarchy'
- H4 'Meeting All Housing Needs'
- DE1 'Promoting Good Quality Design'

5.1.4 The Council has seen no evidence that the proposed change of use would facilitate growth in the local economy or support local residents. (SP1). It questions the relevance of SP2, H4 and DE1 to a change of use in Haconby:

- SP2 focuses on Grantham, three market towns and 15 larger villages (which do not include Haconby).
- H4 (Meeting All Housing Needs) deals with 'Major proposals for residential development' and 'New housing proposals', which the proposed change of use is not.
- DE1 (Promoting Good Quality Design) seeks to 'ensure high quality design is achieved throughout the District', which the proposed change of use does not do.

## 5.1.5 Planning Justification

### 5.1.6 Planning Statement:

- 5.1.6.1 6.1 (1). The main considerations in the planning application are principles of development, impact on residential community and impact on the highway network. These are 'assessed against the relevant national and local policies'.
- 5.1.6.2 The Council does not think that this assessment proves that the proposals are 'entirely acceptable'. Not only are 'there are no policies in SKDC Local Plan that seek to prevent care homes of this nature', but there is also none in SKDC NLP or, indeed, the NPPF that make any specific reference to care homes at all.

## 5.1.7 Principle of Development

### 5.1.8 Planning Statement:

- 5.1.8.1 6.4 (1) Includes mention of SP3 'Infill Development' and SP4 'Development on the Edge of Settlements'. 6.5 (1) then notes that policies SP3 and SP4 are not relevant to the proposal, which is therefore assessed against H4 'Meeting All Housing Needs', highlighting criteria a) as stating 'specifically that proposal should (inter alia) promote specialist housing for the most vulnerable to promote, sustain and secure their independence'.
- 5.1.8.2 The Council does not think that H4 sub-paragraph a) supports the application. Research suggests that 'Specialist housing' means the range of housing options for older people.
- 5.1.8.3 6.6 (1). States that paragraph 61 of the NPPF includes looked-after children. The Council notes that it does not specifically do so. 'Looked-after children' are not excluded from the list of different groups in the community for whom the size, type and tenure of housing needed should be assessed and reflected in planning policies, but they are not specifically included either.
- 5.1.8.4 6.1 (2) - 6.3 (2). The Council finds no evidence to support the assertions that 'the introduction of a care home will help create a sustainable and mixed community' (6.1), that 'it would make a valuable contribution to the community and given its location within a residential area, close to amenities, the principle can be considered acceptable' (para 6.2). The house is not close to any amenities since there are none in Haconby and it is not clear what the 'principle' is.
- 5.1.8.5 6.3 (2). Council points:
- There is, indeed, 'no policy that could prevent the change of use from C3 to C2' because use as care homes is not mentioned in NPPF or NLP (a point of some concern in itself). The Council does not regard this as evidence that the 'principle is acceptable' when it is not clear what 'the principle' is.
- 5.1.8.6 There is no S2 in SKDC Local Plan. If the Planning Statement means SD2, it does not explain how the change of use will "...minimise the impact on climate change and contribute towards creating a strong, stable and more diverse economy...". The Council does not accept that the development will, for example, "...proactively minimise... the

need to travel, and wherever possible be located where services and facilities can be accessed more easily through walking, cycling or public transport..." (quite the reverse), or "...proactively enhance the district's character, natural environment, cultural and heritage assets or services and infrastructure..."

### **5.1.9 Impact on Residential Amenity**

#### 5.1.10 Planning Statement:

5.1.10.1 Para 6.5 states that 'One of the Core Principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings.' The Council does not disagree but does not see its relevance the planning application.

5.1.10.2 Para 6.6 quotes selected text from NLP DE 1 (Promoting Good Quality Design) but provides no evidence to support the expectation that the change of use will reinforce local identity nor that it has regard to features that minimise the fear of crime. This is currently low in Haconby but a rise is anticipated if the application is approved, given well-known resource shortfalls in Lincolnshire Police neighbourhood policing activities and response capabilities.

### **5.1.11 Vehicle Parking**

#### 5.1.12 Planning Application:

5.1.12.1 Section 9. The question 'Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?' is answered 'No'. The Council believes that comparison between existing and proposed site plans indicates otherwise.

#### 5.1.13 Planning Statement:

5.1.13.1 4.7. It is stated that 'No external alterations to the host property are proposed'. And in 6.4 (2) it is stated that "...no external alteration is required or proposed...". The Council believes that comparison between existing and proposed site plans indicates otherwise. The car parking space to front of the house is shown as being significantly altered.

5.1.13.2 6.12-6.13. It is stated that the staff will park in the area immediately in front of the property and that there are enough car parking spaces. The Council believes that currently, they cannot and that there are not. The car parking area must be increased to provide space for five cars, as shown in the proposed site plan.

### **5.1.14 Impact on Highways**

5.1.15 The Council believes that the change of use does not 'proactively minimise the need to travel, and wherever possible be located where services and facilities can be accessed more easily through walking, cycling or public transport' (NLP SD2), nor that it is 'located where travel can be minimised and the use of sustainable transport modes maximised' (NLP ID2). On the contrary, its establishment will entail daily trips for up to three children to school in Wisbech, and staff for shift changeovers. This was one of the reasons for the

refusal of planning application S19/1938 on 5 March 2020, also a planning application for change of use from C3 to C2.

#### 5.1.16 Planning Statement

- 5.1.16.1 In 4.5 it is stated that 'Given staffing patterns, the car trips when the house is at full capacity will equate to six trips...', in 4.6 it is stated that the average number of daily car trips that will take place involving the children - for attendance of school for example - is two, resulting in eight car trips per day to and from the house, and in 6.14 it is stated that given staffing patterns, car trips will equate to six trips per day. This does not include school run, which is likely involve departure of at least one car at around 07.30 am during term times.
- 5.1.16.2 6.16 states that 'It has been demonstrated that the home would... (not compromise) residential amenity or traffic movement'. The Council and neighbours feel strongly that this has not been demonstrated. A time and motion study on movement of staff for shift changeovers and children on school runs that takes account of movement of heavy agricultural traffic along Chapel Street at various times would be useful.
- 5.1.16.3 The Council noted that another reason for refusing planning application S19/1938 was "...It is considered that the nature of the proposed use, combined with the high level of staff and visitor movements to and from the property, and frequent car parking manoeuvres within a tightly constrained site, will give rise to high levels of noise and disturbance detrimental to the residential amenities of occupiers of adjoining and nearby residential properties, and contrary to the provisions of Policy DE1 of the South Kesteven Local Plan...".

#### 5.1.17 **Deficiencies in Community Social, Recreational and Cultural Facilities and Services.**

##### 5.1.18 Planning Statement:

- 5.1.18.1 6.1 suggests that the introduction of the proposed C2 home will help to create a sustainable, inclusive and mixed community. It does not say how it will do this. Haconby lacks most community, social, recreational and cultural facilities and services that children aged 11-18 normally require, particularly those who may have a wide range of social and emotional difficulties. There is a church and a public house in Haconby, both closed due to Covid-19 restrictions. Facilities and services in the local area are limited:
- 5.1.18.2 The nearest Army Cadet hut is in Bourne, as are the nearest Scouts groups.
- 5.1.18.3 The bus service (Delaine - Aslackby to Bourne) was limited before Covid-19 and is more so now - one bus weekly on Thursdays.
- 5.1.18.4 Haconby is part of the Bourne and Billingborough Neighbourhood Police Area. The nearest Police Office is in Bourne, open Tuesday & Thursday 09:00 to 17:00. The Neighbourhood Police Team (NPT) is thinly spread and rarely seen in Haconby. One PCSO is responsible for the rural element of the NPA. There has been no police presence at Parish Council meetings for several years.

### **5.1.19 Flood Risk**

#### 5.1.20 Planning Application:

5.1.20.1 Section 11 (Assessment of Flood Risk) answers correctly that the site is not in an area at risk of flooding. It incorrectly states that the proposal is not within 20 metres of a watercourse. There is a drain that runs west - east into the fen all along the south edge of Chapel Street.

### **5.1.21 Nature, Conservation and Biodiversity Issues**

#### 5.1.22 Planning Application:

5.1.22.1 Section 12 (Biodiversity and Geological Conservation), answers 'No' to questions on 'Protected and priority species' and 'important habitats'. The Council believes these to be incorrect and that the development proposals could have a negative impact on a site of nature importance - Great Crested Newts (GCN) and grass snakes have been sighted in the garden. Neither Planning Application nor Planning Statement mention any 'appropriate measures to avoid, mitigate and, as a last resort, compensated for any negative effects (as required by NLP EN2: Protecting Biodiversity and Geodiversity) and national guidance on GCN11 and grass snakes12.

### **5.1.23 Inconsistencies and Errors**

#### 5.1.24 Planning Statement

5.1.24.1 6.7. It is stated that "...no alterations or extension are proposed to accommodate the change of use...". The Council suggests that comparison between existing and proposed floor plans indicates otherwise. En-suite to Bedroom 2 becomes Staff Sleep, Proposed Detached Garage shown as Lounge becomes Games Room / Store, and there is an additional internal wall in former Master Bedroom to become YP Bedroom 1. Also, there is no mention of planning permission for the apparent conversion of a garage shown as a lounge to a games room / store.

5.1.24.2 6.9. It is stated that the current 4-bedroom home could reasonably have 6 cars. The Council suggests that existing site plan indicates otherwise. Reference is made to NLP H4 (Meeting All Housing Needs: All major proposals for residential development should provide appropriate type and sized dwellings to meet the needs of current and future households in the District...). The Council suggests that proposed change of use is not a 'new or major proposal for residential development' and finds the reference to this policy inexplicable.

5.1.24.3 6.11. It is stated that 'an existing property in a sustainable location with sufficient onsite parking' is compliant with NLP DE1 (Promoting Good Quality Design). No evidence is produced to support the 'sustainable location' point and 'sufficient onsite parking' is subject to work to increase what currently exists.

5.1.24.4 Planning Application: 20. Industrial or Commercial Processes and Machinery. The question 'Does this proposal involve the carrying out of industrial or commercial activities and processes?' is given the answer 'No'. The Council believes this to be incorrect - Cambian Group is a commercial organisation and provides its services on a commercial basis.

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

5.2.1 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.

## 5.3 **Crime Prevention Design Officer**

5.3.1 No objections.

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

5.4.1 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 26 representations have been received. The points raised can be summarised as follows:

- 1) Support, perfect place to support the children's needs
- 2) There should be no negative impact on neighbours
- 3) Objection
- 4) Chapel Street is a very quiet peaceful place
- 5) Haconby has nothing for youth and children to do
- 6) We need more of this type of accommodation in rural areas
- 7) Vehicle movements are misrepresented, does not include any social trips
- 8) There are no public transport links for staff or children
- 9) Disturbance at unsociable hours to local residents during at change over time from staff
- 10) No account taken for visitors to the site
- 11) How can children engage with the community when they attend school in Wisbech?
- 12) Loss of pond in front garden and Great Crested Newts
- 13) There are no facilities in Haconby, no shops, no regular bus service
- 14) Proposal is appropriate to the scale of the property
- 15) Potential problem of noise and other issues have not been addressed

## 6.2 **Principle of the use**

- 6.2.1 The site is located within a built up frontage to the western end of the village of Haconby. 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. Haconby 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. This proposal relates solely to a change of use with no external alterations proposed but with some internal changes to meet the requirements of the proposed use. 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.
- 6.2.2 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.
- 6.2.3 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.
- 6.2.4 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.

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

- 6.3.1 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.
- 6.3.2 The building would retain the appearance of a dwellinghouse as no external changes, are proposed. 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.

- 6.3.3 However, having regard to the location of the proposed car parking area, the proposed number of vehicle movements to and from the property with the arrival and departure of staff associated with the operation of the care home and the close relationship with the adjacent residential properties, it is considered this would have a detrimental impact upon the character of the area contrary to Local Plan Policy DE1.
- 6.4 Impact on the neighbouring properties
- 6.4.1 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 the use of the dwelling as 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 Concern has been raised over the impact through the increase in the number vehicles at the property, particularly during shift changeover will have on the surrounding residential development. The submitted car parking layout shows the provision of 5 parking spaces, created due to changes to the front garden, all within the application site.
- 6.4.4 Having regard to the location of the parking, the proposed number of vehicle movements to and from the property with the arrival and departure of staff associated with the operation of the care home and the close relationship with the adjacent residential properties, it is considered this would have a detrimental effect upon the residential amenities of adjacent dwellings with a level of noise and disturbance from vehicular movements above and beyond what would normally be expected at a residential property, contrary to Local Plan Policy DE1.
- 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. 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.
- 6.5.2 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 Haconby. The

proposal would not significantly impact upon the surrounding highway network in terms of additional traffic. There is an existing vehicular access and the proposed off road car parking arrangements are considered to be appropriate for the proposed use. The Highway Authority have raised no objection to the proposal.

## 6.6 **Great Crested Newts**

6.6.1 Following comments received an investigation and report has been submitted and has concluded that the pond at the rear of the garden does contain a presence of Great Crested Newts (GCN) but due to its size this would not be a large number. The pond to the front garden is not suitable for GCN and few suitable opportunities for newts were found during the investigation. The report states that any works undertaken in the front garden appropriate Reasonable Avoidance Measures will be employed.

## 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 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.

## 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 "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".
- 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 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.

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

## **10 Conclusion**

10.1 It is considered that this proposal would have a detrimental effect upon the character of the area and the residential amenities of adjacent properties above and beyond that normally expected in a wholly residential location due to the level of vehicular activity associated with the use and the close proximity of neighbouring dwellings causing noise and disturbance contrary to Policy DE1 of the Local Plan.

### **RECOMMENDATION: that the development is refused for the following reasons**

- 1 It is considered that this proposal would have a detrimental effect upon the character of the arear and the residential amenities of adjacent properties above and beyond that normally expected in a wholly residential location due to the level of vehicular activity associated with the use and the close proximity of neighbouring dwellings causing noise and disturbance contrary to Policy DE1 of the Local Plan.