

Agenda Item 8

S24/1707

Proposal: Change of use from dwelling (C3) to children's home (C2) for up to 2 young people

Site Address: The Lodge, Main Street, Hougham

Summary of Information Received:

- 3 no additional public representations all of which have raised further objections.
- An enquiry for the Local MP in relation to the application following receipt of objections from local residents.

The points raised within the representations, including those sent to the Local MP, can be summarised as follows:

1. The applicant's have not consulted with local residents in advance of submitting the application.
2. The application contains inaccurate information relating to the site layout, including available parking provision; the number of proposed residents; the existing use of the property and whether there will be any commercial activities.
3. The application will have an unacceptable impact on highways safety due to insufficient parking on site to support the proposed development contrary to Policy ID2 of the Local Plan.
4. The site is not in a sustainable location to allow services to be accessed via public transport.
5. The proposed development would have an unacceptable impact on neighbouring amenity due to noise, light and air pollution as well as impacting on privacy and safety of residents.
6. The proposed development would alter the character and appearance of the village due to the parking requirements to serve the development.
7. The Lawful Development Certificate was refused, and this scheme is the same as the previous application.
8. Concerns about the Applicant's suitability as an operator.
9. The proposed development would not provide any local public benefits because it is not required to meet local needs.
10. SKDC have not taken into account the concerns raised by local residents or Parish Councils.
11. The proposed development would be contrary to Article 8 (Right to Private Family Life and Home) of the Human Rights Act

Officer Evaluation

1. The Applicant's have not consulted with local residents
 - 1.1. This matter has been addressed at Paragraph 7.10.3 of the main report. Whilst the National Planning Policy Framework encourages applicants to engage directly with the local community, it would be unreasonable for the Local Planning Authority to refuse an application due to the absence of any consultation. The LPA would need to demonstrate that there are unacceptable impacts of the development which could be reasonably addressed had there been appropriate pre-application engagement.
2. Accuracy of the submission
 - 2.1. This matter has been addressed at Paragraph 7.10.5 of the main report. Officers are satisfied that there is sufficient information on which to make an informed decision about the proposed development. It should be clarified that decisions made on planning applications are not wholly based on the technical information submitted by the Applicant, but also take into account matters of professional assessment made by the Case Officer together with the advice of the consultees.

- 2.2. The concerns relating to the potential increase in occupants from 2 young persons to 4 young persons are addressed through the imposition of planning conditions. The current lawful use of the property is as a private dwellinghouse (Use Class C2) and any works to the interior of that dwelling are not defined as development and therefore are not subject to planning control.
- 2.3. The concerns raised about the suitability of parking provision to serve the development are discussed below.
3. The application will have an unacceptable impact on highways safety due to insufficient parking on site to support the proposed development contrary to Policy ID2 of the Local Plan.
 - 3.1. The impact of the proposed development on highways capacity and safety are set out at Paragraph 7.9 of the main report.
 - 3.2. To summarise, Lincolnshire County Council (as Local Highways Authority) have been consulted on the application and has confirmed that they have no objections. As part of the initial comments, they confirmed that there was sufficient parking space to support the development and that they had no concerns in relation to highways safety.
 - 3.3. A subsequent consultation response from LCC Highways included a request for a parking plan.
 - 3.4. It is the Case Officer's assessment that there has been no material change in circumstances, or the details of the development proposal, to justify any revision to the initial assessment made by LCC as the Local Highways Authority.
 - 3.5. Notwithstanding this, a Car Parking Appraisal has been submitted by the Applicant and has been subject to further consultation with Lincolnshire County Council, who have not provided any comments.
 - 3.6. It is appreciated that public representations have raised concerns about the accuracy of the submitted Appraisal, and whether the site could accommodate 5 vehicles in the manner proposed.
 - 3.7. As set out within the main report, it is the Case Officer's assessment that the site is sufficiently large to accommodate the necessary parking areas that would be required to accommodate 5 vehicles on site.
 - 3.8. Nonetheless, the National Planning Policy Framework is clear that development should only be refused on highways grounds where there is an unacceptable impact on highway safety or where the residual cumulative impact on the highway network would be severe, taking into account all reasonable future scenarios.
 - 3.9. Whilst it is possible that there may be some circumstances where vehicles may be required to park on-street during staff changeover periods or during visits from additional staff members, it is the Case Officer's assessment that this would amount to a modest level of on-road parking from time to time and therefore, it would not be materially different from the potential for short-term on-street parking that could arise from the occupation of the property as a private family dwelling.
 - 3.10. Therefore, it is the Case Officer's assessment that the proposed development would not result in any unacceptable impacts on highways safety or a severe impact on the highway network.
4. The site is in an unsustainable location
 - 4.1. Hougham is identified as a "Smaller Village" in Policy SP2 of the adopted Local Plan, where development will be supported in accordance with Policy SP3, SP4 and all other relevant policies, where the development will not compromise the village's nature and character.

- 4.2. The current lawful use of the site is as a private dwellinghouse (Class C2). Whilst the proposed development would result in a change of use, it would remain within the residential use class. It is Officer's assessment that whilst there is a material change in the nature of occupancy of the property; the overall quantum of occupancy would not be materially greater than that possible as a private family home. As such, it is Officer's assessment that the proposed use would not be less sustainable than the current lawful use.
5. The proposed development would have an unacceptable impact on neighbouring amenity.
 - 5.1. This matter is discussed at Paragraph 7.7 of the main report, and the representations do not raise any new matters to justify reaching an alternative conclusion.
6. The proposed development would alter the character of the village due to potential frontage parking or on-street parking.
 - 6.1. This matter is discussed at Paragraph 7.6 of the main report, and the representations do not raise any new matters to justify reaching an alternative conclusion.
7. The previous Lawful Development Certificate for the same development was refused
 - 7.1. As identified within the main report, an application for a Lawful Development Certificate for the proposed use of the dwelling as a children's care home (Ref: S24/1185) was refused by the Local Planning Authority in September 2024 and is currently subject to a planning appeal.
 - 7.2. It is important to note that the application for a lawful development certificate for the proposed use of the dwelling as a children's care home sought to establish whether the proposals would result in a material change of use of the property, such that planning permission is required. In this case, it was the LPA's assessment that there would be a material difference in the nature of occupation compared to a private dwellinghouse, such that a material change of use would occur. As such, the lawful development certificate was refused and deemed to be unlawful, and planning permission is required.
 - 7.3. The assessment of the application by the Local Planning Authority is a matter of fact and degree and does not consider the planning merits of the proposed development; these matters are subject to consideration as part of the current application.
 - 7.4. Thus, whilst the proposed development is the same as the previous application, the matter of consideration for the Local Planning Authority is fundamentally different, such that the refusal of the lawful development certificate carries very limited weight in the determination of the application for planning permission.
8. Concerns about the Applicant's suitability as an operator
 - 8.1. This matter has been discussed at Paragraph 7.10.7 of the main report.
 - 8.2. As detailed within that paragraph, the suitability of the operator of the site is subject to control through separate regulatory regimes and is not a matter for consideration as part of the determination of the planning application.
9. The proposed development would not provide any local public benefits because it is not required to meet local needs.
 - 9.1. The revised National Planning Policy Framework requires Local Planning Authorities to assess the need for looked after children using the evidence provided by the local authority's Children's Social Care Sufficiency Strategy. A copy of this report is included at Appendix A of the main report.

- 9.2. This report identifies that 53% of independent residential care placements (private care homes) were not within Lincolnshire or adjacent counties. Therefore, increasing capacity within Lincolnshire is an area of focus for market development.
- 9.3. In view of the above, it is the Case Officer's assessment that there is a growing demand for accommodation to support children in care within Lincolnshire, and the proposed development would provide 1 property which can support up to 2 young people, which would assist in meeting this need. In this light, it is Officer's assessment that this is a significant public benefit which should be attributed significant weight in the planning balance.
10. The Officer Report does not take into account the concerns raised by local residents or Parish Councils
- 10.1. The concerns raised by local residents and the Parish Council are clearly documents at Section 6 and Paragraph 5.1 of the main report, respectively. The concerns raised are summarised and discussed within the evaluation sections of the report.
- 10.2. The Officer Report has had clear regard for the material planning considerations raised, albeit it reaches a different planning judgement to the concerns raised by local residents and the Parish Council.
11. The proposed development would be contrary to Article 8 (Right to Private Family Life and Home) of the Human Rights Act
- 11.1. This has been assessed at Section 9 of the main report, and it is the Case Officer's assessment that this article of the Human Rights Act will not be breached.

Conclusion

Taking all of the above into account, Officers remain of the view that the proposal would be in compliance with the adopted Development Plan, when taken as a whole, and there are no material considerations to indicate that planning permission should be withheld.

Therefore, the recommendation remains as set out within the main Committee Report.