



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

8 May 2025



S25/0203

Proposal:	Change of use from Use Class C3 Residential Dwelling House to Use Class C2 Children's Care Home
Location:	9A School Lane, Colsterworth, Lincolnshire NG33 5NW
Applicant:	Esland North Limited
Agent:	Mr Nathan Turner, Gillings Planning Limited
Application Type:	Full Planning Permission
Reason for Referral to Committee:	Called by Councillor Bellamy citing concerns relating to: <ul style="list-style-type: none">• Residential amenity• Road safety and parking
Key Issues:	<ul style="list-style-type: none">• Residential Amenity• Highways and Transport
Technical Documents:	Transport Note Parking Plan Swept Path Analysis Flood Risk Assessment Note

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Isaac Newton

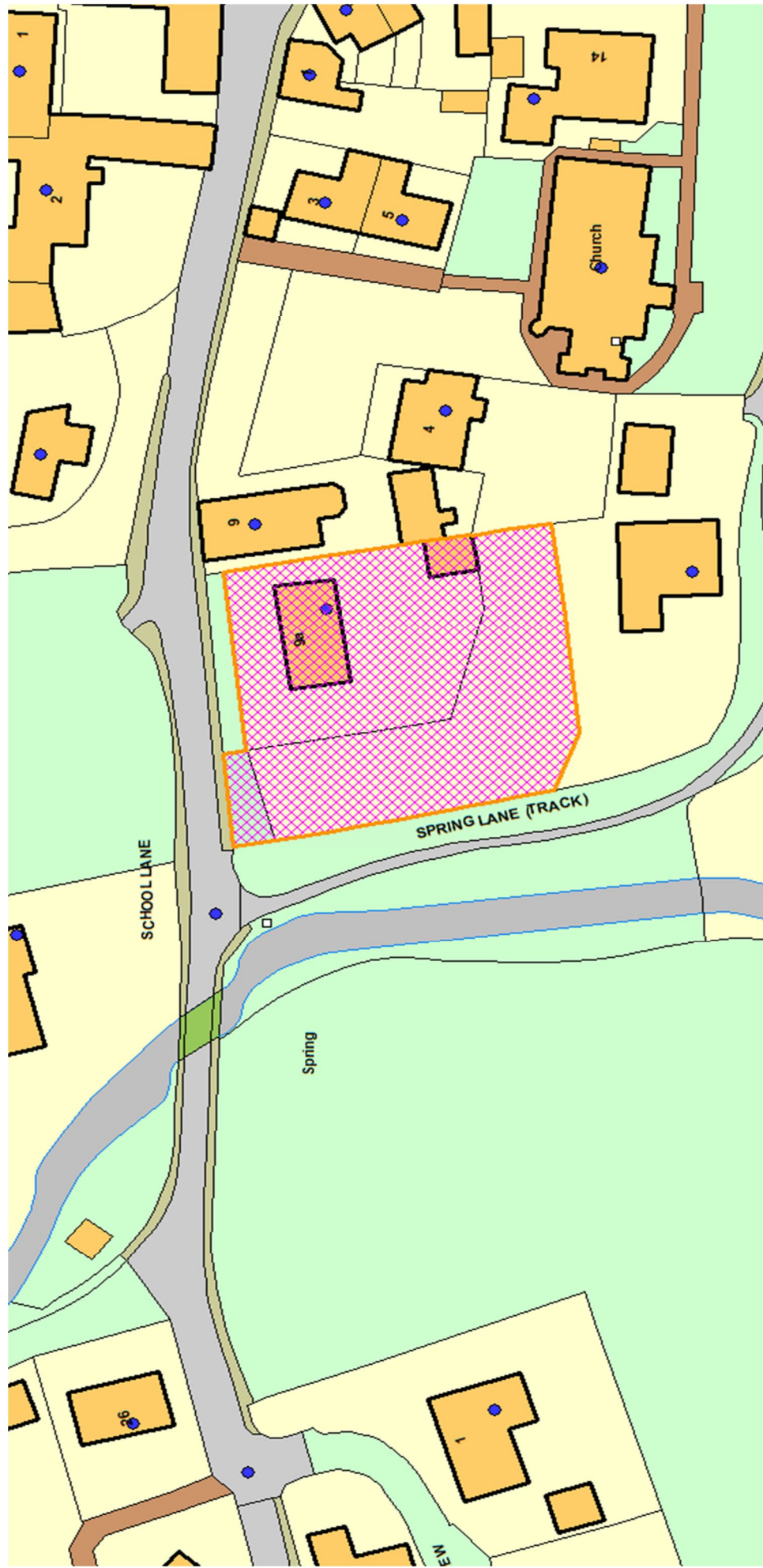
Reviewed by:

Adam Murray – Principal Development Management Planner

29 April 2025

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions.



Key



Application
Boundary



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1 Description of Site

- 1.1 The application site, no.9A School Lane, is a detached dwellinghouse situated on School Lane, in the village of Colsterworth. The dwelling is central to School Lane, and consists of a 4-bedroom house with a double garage and off-road parking, adjacent to the River Witham. The dwelling has garden amenity space to the front, side and rear.
- 1.2 The surrounding area consists of residential use, with a mainly detached and semi-detached houses or bungalows. The Church cemetery is situated opposite to the application site, with an access off School Lane.

2 Description of the Proposal

- 2.1 The planning application seeks a proposed change of use from a Residential Dwellinghouse (Use Class C3) to a small Children's Home (Use Class C2) for 2 children.
- 2.2 Class V of the General Permitted Development Order is a mechanism to create a dual-use planning permission, and in effect planning permission is sought for the change of use to two separate planning uses that can be used interchangeable over a 10-year period. After this time period, the authorised use will be the last use on the relevant date.

3 Policy Considerations

3.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)

Policy SD1 – The Principles of Sustainable Development
Policy SP1 – Spatial Strategy
Policy SP2 – Settlement Hierarchy
Policy SP3 – Infill Development
Policy H4 – Meeting All Housing Needs
Policy EN5 – Water Environment and Flood Risk Management
Policy DE1 – Promoting Good Quality Design
Policy SB1 – Sustainable Building
Policy ID2 – Transport and Strategic Transport Infrastructure

3.2 Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)

3.3 National Planning Policy Framework (NPPF) (Updated December 2024)

Section 2 – Achieving sustainable development
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 16 – Conserving and enhancing the historic environment

3.4 Colsterworth and District Neighbourhood Plan 2016-2026

Policy 1 – Residential Development

Policy 7 – Heritage Assets

4 Representations Received

4.1 Historic England

Do not wish to comment.

4.2 SKDC Environmental Protection

No comments to make.

4.3 Lincolnshire County Council Highways

No objections.

Comments

'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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

The proposal is for the change of use from a residential dwelling to a children's care home for two children. It is proposed to utilise the existing access which meets the guidelines as set out in Manual for Streets and adequate provision for car parking is proposed within the limits of the site. Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. This proposal has 5 spaces, which is considered to be an appropriate level of parking. Therefore, it is considered that these proposals would not result in an unacceptable impact on highway safety.

The proposals are served by School Lane which has existing problems with regards to the condition of the road. The traffic impact of the development is estimated at 14 vehicles per day, this level of traffic does not require improvements to the highway which meet the CIL tests of being necessary, fair and reasonable and directly related.

There is no precise definition of "severe" with regards to NPPF Paragraph 116, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- *The highway network is over-capacity, usually for period extending beyond the peak hours*

- *The level of provision of alternative transport modes*
- *Whether the level of queuing on the network causes safety issues.*

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF'.

4.4 **Environment Agency**

No objections.

'Whilst the red line boundary includes areas within Flood Zone 2 of our Flood Map for Planning, the proposed change of use is located within Flood Zone 1.

Furthermore, as the proposal is a change of use from a 'more vulnerable' use (dwellinghouse) to a 'more vulnerable use' (children's care home), and therefore does not propose an increase in risk to people, we do not wish to object to the application'.

Provided Informative comments regarding signing up for flood warnings, and information on the Environment Agency website.

4.5 **Colsterworth Parish Council**

Objections.

Comments:

'1. We would like to thank SKDC as the Planning Authority for extending the deadline for our comments to 22 April 2025 to take account of the strength of opposition to this proposal and late notification for consultation.

2. At our meeting on 01 April 2025, the Parish Council resolved to object to this application following a number of residents raising concerns directly with Councillors at the Public Session. This is also evidenced by the significant, considered and detailed number of responses already registered on the Planning Authority's Planning Portal which we would urge the Planning Authority to give due consideration.

3. We have received representations regarding a number of omissions and inconsistencies in the application with inaccurate/missing information relating to this specific proposed site, therefore, the Parish Council supports this application being considered at full Planning Committee and not delegated to Officers. This will afford the Planning Committee to have a site visit to properly assess the lack of suitability for the change in use from residential to commercial children's home and the impact on the neighbouring residents and wider community. We would expect this to consider:-

- *Disruption from increased traffic both in volume and time of day (e.g., school runs, staff movements - in the morning and late at night)*
- *Unrealistic estimates of traffic volume.*
- *Unrealistic/unsafe parking plan on the property.*
- *Narrowness of School Lane as well as issues with the junction at the top with a very busy High Street*
- *The increase in traffic and road safety and suitability of the Lane (particularly when icy or flooded.*
- *The parking arrangements at the property and safe entry/egress*
- *Access for utility and emergency services*
- *The physical alterations in adapting the home to provide certain levels of care and safety for the most vulnerable of residents (e.g., additional lighting, CCTV, fire points)*

- Noise and disturbance (from traffic and light pollution)
- Loss of wildlife in the area (there are bats and owls present)
- Overall effects on the area - this includes the character, availability of infrastructure, position, design and external appearance of buildings and landscaping
- Precedents set by other Local Planning committees; the applicant has recently had very similar applications rejected by Melton Borough Council and Huntingdon district councils.

4. Having considered the Amended Application Form, we would specifically question with the Planning Authority the following statements in the application:-

- Recruitment for the home manager has already been undertaken for the change of use to a children's home but the application states no work has already commenced?
- The property has been empty since October 2024 but the application states it is not vacant?
- Vehicle Parking: States existing spaces = 5; this does not seem adequate at staff shift change times and something that conditions will not mitigate?
- Access: There are two entries into the site. One is the long curved vehicle access and the other a flight of steep steps. The nature of these steps might be acceptable to a potential home owner but are they safe for a commercial property and regular use by the residents and staff? The steps seem unsuitable for disabled access. We would ask whether this would impact on the vehicle parking spaces and traffic movements to ensure suitable and safe access?
- Trees and hedges: Has a full tree survey been received or be required bearing in mind that it has been reported that trees and hedges have already been removed? This is important for the local landscape character.
- Biodiversity: Please justify the reason why biodiversity net gain does not apply: the application includes a change of use only for a building and its curtilage, but it still exceeds 25 sq m; the site exceeds 1600sq m? 227 sq m has been stated on the application form as change of use with two additional rooms?
- Waste Storage and collection. As this is a commercial enterprise waste storage and collection should not fall to SKDC therefore, are existing arrangements no longer valid?
- Proposed employees - no estimate given to base the traffic management plan?
- Risk of flood waters: The property is closer to the water course than stated and poses a risk to residents and children.

5. The Parish Council understands that careful consideration is needed when identifying a suitable location for such a facility and the Parish Council would not object/comment on facilities such as this in principle due to the complex and challenging needs of the residents. However, we believe that this is a perceptible change of use and is therefore a material consideration.

6. We would make the following specific representations:-

6.1 Highways Safety and Traffic Levels

The proposed location is on an historical lane in the rural village of Colsterworth off the High Street. The Lane narrows considerably at the point of the property the subject of this application. It has been acknowledged by LCC Highways as having existing problems with the condition of the road which is only partially adopted. We can also confirm that the gradient of the road is hazardous in icy conditions and the Lane is subject to flooding.

The access/egress to/from School Lane at the junction with the High Street has been well documented as a road safety concern for all road users including pedestrians (especially with wheelchairs and pushchairs) and known to LCC Highways as a hazard. This is further exacerbated when there are closures on the A1 and traffic routes itself via the High Street.

The total nature of our Villages also means that these lanes and footpaths are predominantly used as pedestrian access to local amenities, other estates and Villages and this will increase the risks for pedestrians, particularly children and cyclists.

We note the response from Lincolnshire County Council Highways regarding the NPPF paragraph 116 which we believe relates to housing development and main highways however we would suggest that LCC also consider NPPF paragraph 117, particularly in relation to pedestrians using the county lanes and footpaths in the village.

6.2 Effects on the area – this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping.

- Unsuitability of a village such as Colsterworth for the children, due to lack of activities and amenities*
- Limited public service support including GP, emergency services, Schools and Police*
- Change of use from family home, when housing is already in short supply (as demonstrated by the allocations required in SKDC Local Plan now being reviewed)'*

4.6 Lincolnshire Police Crime Prevention Design Adviser

No objections.

4.7 Conservation Officer

No objections.

'9A School Lane is situated in the village of Colsterworth to the west of High Street. The application site is bordered by 4 Spring Lane, a Grade II listed building (NHLE 1147318) and is situated within 1500 metres of Easton Park a Grade II Registered Park & Garden (NHLE 1000976). No. 9A is a non-designated heritage asset as part of the Former School (MLI 126720). Previously this building was joined with No. 9 in an L-plan form. A section was demolished to create two detached houses. The Old School Masters House is located to the rear of the buildings.

It is proposed to change the use of the existing dwelling from Use Class C3 (Dwellinghouse) to Use Class C2 (flexible under Part 3 Class V of GPDO) as a childrens care home.

The proposal does not change the footprint of the plot and therefore will have no impact on the non-designated heritage asset, 4 Spring Lane or the setting of Easton Park.

Overall, I have no concerns with the proposal on heritage grounds'.

4.8 Lincolnshire County Council Senior Commissioning Officer

No comments received.

5 Representations as a Result of Publicity

5.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and 32 letters of representation (as of 22/04/25) have been received, raising objection to the development. The letters of representation have raised the following material planning considerations:

- Concerns expressed about possibility of future expansion of the care home to house more children
- No barriers are proposed to the site and concern that children could leave the site
- Loss of family home to commercial property
- School Lane is a steep narrow lane, with partial pavement. Icy conditions make it impassible
- Children pass the site to school and this would increase traffic to the site
- The access driveway is steep and limited visibility – may lead to vehicles reversing off the driveway
- Parking is limited onsite and could not accommodate 5 vehicles
- Site is next to a watercourse
- Children will have complex needs, and a village is not a suitable location
- Vehicle traffic to/from the site will increase as a result of the development and be more than a normal family house
- Concern about increase in disturbance to neighbouring properties from car engines, headlights, car doors, and voices.
- There are no village amenities for children. The village only has two small food shops and a public house.
- Concerns about additional demands on local service providers.
- Loss of privacy from overlooking of adjacent properties
- Concerns about shift changeover; congestion and noise. Shift changeover may impact children walking along School Lane
- There will be visits by health care professionals, Ofsted, tutoring, laundry, cleaning and family, and there is insufficient parking on-site
- Junction onto High Street has poor visibility
- When the A1 is blocked vehicles divert through Colsterworth causing problems for staff.
- School Lane is not gritted in the winter months, and can flood and becomes impassible
- Vehicles have already increased on School Lane due to deliveries and tourism
- Care homes may have more call outs for emergency services
- The church graveyard access is opposite the site, and people park on School Lane
- No security or soundproofing proposed
- Introduces commercial business on a road that is residential
- There is a public footpath at the bottom of the lane to the village hall/social club and this will be impacted by the increase in traffic
- Should be cited in a town where they have facilities available to help and support
- Colsterworth doesn't have a recreational centre, or secondary school for older children

- Will increase vehicle movements early morning and late evening hours
- Vehicle movements per day appear to be underestimated
- Impact on the surrounding wildlife from increase in vehicle movements
- The site is a distance from emergency services for when they are required
- Parking Plan only shows 3 usable spaces. The other two spaces would require excessive movements to access. This would be dangerous to children
- Parking for only staff, the manager and occasional visitor is unrealistic
- Parking on School Lane causes issues for refuse and deliveries as the vehicles cannot pass
- School Lane is an emergency access for the Brunel Avenue estate
- The Church doesn't have parking off-street so visitors use School Lane
- The Church and graveyard are located close to the site and may prove unsuitable attraction to the children. Opportunity for theft and vandalism.
- Flood Map for Planning shows the site is within flood zone 3
- The properties on School Lane are visited by bats, foxes, squirrels, owls, swallows, deer and hedgehogs. These will be impacted by light and noise pollution.
- The change of use will change the appearance of the house, and it is in an area of listed and significantly important buildings for the village.
- The church bells chime every hour, twenty-four hours a day.
- A further care home is not needed in the village as Colsterworth already has a care home facility for adults with special needs
- Congestion on School Lane
- Noise pollution from the children e.g. shouting and swearing, and increased vehicles
- The property will need security lights and this will disturb residents
- Pedestrian access to the property is up a set of steep steps, and could be problematic if there are mobility issues
- There is little difference on the floorplans, and there doesn't appear to be an office. The upper floor has insufficient toilets and bathrooms so they will need to be shared.
- Children should be homed near to family and friends, in familiar locations
- Street lighting and the condition of pavement is poor
- Children could be attracted to the flood waters during a flood event
- The property is of local and historic interest
- Children could be attracted to the A1 which is dangerous
- Risk to neighbours from children's undesirable visitors
- The plan does not show a safe outside activity area
- Vehicles will not be able to arrive and leave in a forward gear as the driveway turning circle is too small.
- Measurements of the parking are not provided.
- Site borders a Grade 2 listed building
- Risk of crime and disorder
- Lack of detail contained in the application form about intended changes e.g. widening the driveway, fencing, security lighting, removal of trees and shrubs, commercial refuse, CCTV, fire safety.
- No ecology survey has been provided
- The application does not comply with the legal publicity requirements
- Application inaccuracies.

6 Evaluation

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the adopted Development Plan consists of the following documents:

- South Kesteven Local Plan 2011-2036 (Adopted 30 January 2020)
- Colsterworth and District Neighbourhood Plan (Made September 2017)

6.2 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021) and this document is a material consideration in the determination of planning applications.

6.3 In addition, the policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Updated December 2024) are also a relevant material consideration in the determination of planning applications.

6.4 Principle of Development

6.5 The proposal relates to a proposed change of use from a residential dwelling house to a small residential children's home for two children.

6.6 Policy SP2 (Settlement Hierarchy) identifies Colsterworth as one of the Larger Villages where 'development proposals which promote the role and function of the Larger Villages, and will not compromise the settlement's nature and character, will be supported'.

6.7 The principle of development for the residential use in this location is established with the current dwelling house, and considered under Policy SP3 for Infill development, however this will be a change of use within residential use classes. It is considered that the proposed use of the dwelling for a small residential children's home, providing accommodation for two children, would be of a limited scale and appearance to the existing use. The application site has sufficient amenity space for off-street parking of 5 vehicles and garden space for the children residing in the house. It is likely to have no greater level of impact than the existing residential use of the site in sustainability and amenity terms. The location of the site is considered appropriate as it is situated in an existing residential area, with access to local services and amenities, and this use would be similar in character to the surrounding use.

6.8 Furthermore, Policy H4 (Meeting all Housing Needs) states that new housing proposals shall (a) enable older people and the most vulnerable to promote, secure and sustain their independence in a home appropriate to their circumstances, including through the provision of specialist housing across all tenures in sustainable locations. New housing proposals shall take account of the desirability of providing retirement accommodation, extra care and residential care housing and other forms of supported housing.

6.9 Colsterworth and District Neighbourhood Plan Policy 1 (Residential Development) states that residential development will be supported providing that:

- a) 'It is acceptable infill of up to 10 dwellings that are located within the existing confines of the built-up area;

- b) It is appropriate to its surroundings;
- c) It is in keeping with the Review of the Built Environment of Colsterworth and Woolsthorpe with regards to scale, layout and materials to retain local distinctiveness and create a sense of place;
- d) There is no adverse impact to the Woolsthorpe Conservation Area and the setting of Woolsthorpe Manor;
- e) It encourages the use of existing network of public footpaths to enable access to services and facilities'

The proposed development would be appropriate infill residential development within the village confines, and is a suitable change of use within a residential area. The application site is outside of the Conservation Area and would be an appropriate scale for the location. The site is well connected to the village services with pedestrian footways, and a public footpath in proximity.

Lincolnshire County Council has produced a Children in Care Sufficiency Strategy 2023-2027 which details Lincolnshire's position in terms of children in care. The population of children in care has increased by 10.5% since 2018, and the council is keen to secure high quality placements. The county council is increasing its number of in-house residential children's homes but there is still the requirement for placements in independent children's homes. The county council aims to place children and young people close to home but in 2023 53% of independent residential care placements were not in Lincolnshire or adjacent counties, therefore there is a strong local need for children's care homes within the county.

- 6.10 The Parish Council has raised concerns about whether Colsterworth is suitable for children due to the lack of activities and amenities, and limited public service support. The concerns have been considered however Colsterworth is a Larger Village in the Local Plan, and considered an appropriate location for the provision of a care home. The village has several amenities including a church, public house, primary school, medical practice, and two convenience stores. The village is located in proximity to the market towns of Grantham and Stamford for wider service provision. There are two children's play areas within walking distance of the site. The first is situated off Old Post Lane, adjacent to the Sports Club, and has play equipment, and the second is off Colster Way with play equipment and a football area as well as informal open space.
- 6.11 The Parish Council also raised concerns about the loss of a family home. The proposal is for a change of use within Class C. This use class includes hotels, residential institutions, dwelling houses and small shared houses (HMO), and are acknowledged to be residential use classes. The application includes reference to flexible use under Class V, therefore the use could be returned to a residential dwelling house during the 10 year period. The concerns have been considered and the planning officer believes that the proposal would meet housing needs for small children's care homes and this would outweigh the loss of the family home, by providing another necessary housing type in a Larger Village.
- 6.12 The proposal would provide an element of specialist housing to benefit the most vulnerable people living in the district. The house is in a sustainable location, and would require little alteration to accommodate the change of use. The proposal is considered to be acceptable in principle and in accordance with Policy SD1 (The Principles of Sustainable Development in South Kesteven) and H4 (Meeting all Housing Needs) of the adopted Local Plan, and Neighbourhood Plan Policy 1, subject to assessment against site specific criteria.

6.13 **Impact on the character and appearance of the area**

6.14 The site is located in proximity to several listed buildings, with no.4 Spring Lane a Grade 2 listed building adjacent to the site. The site is also situated within 1500 metres of Easton Park and Grade 2 registered park and garden. No.9A is a non-designated heritage asset as it was previously part of no.9, a former school.

6.15 Neighbourhood Plan Policy 7 (Heritage Assets) states that development will be supported providing that:

- a) It preserves or enhances designated heritage assets and their settings including listed buildings and Historic Parkland, the Woolsthorpe Conservation Area, scheduled monuments and other designated and non-designated heritage assets above and below ground;
- b) its impact and contribution to local distinctiveness, character and sense of place is acceptable;
- c) it has regard to the Colsterworth and District Landscape Character Assessment and the Review of the Built Environment of Colsterworth and Woolsthorpe; and
- d) it does not harm the setting of Woolsthorpe Manor or any significant views to or from the property.

6.16 The application relates to a non-designated heritage asset in proximity to several listed buildings, and an existing residential dwelling house in a residential area of Colsterworth. The numbers of people living in the house would be not materially different from a family with children. The house is four bedrooms with shared space on the ground floor in the form a living room, kitchen, dining room, utility room and downstairs toilet. This would be unaltered by the change of use. The first floor currently has four bedrooms, dressing room / study, a bathroom and ensuite. This would be unaltered, however the children would each have a bedroom, and the staff would use the remaining two bedrooms for overnight. Therefore, the house would require little alteration to accommodate the change of use which is mainly internal, and it is not proposed to extend the dwelling into outside amenity space, and the use would have no adverse impact on the character of the area.

6.17 There have been representations from members of the public concerned with potential alterations to the exterior of the house e.g. CCTV, and to the site e.g. removal of trees, fencing, alterations to the driveway. The representations have been considered however the applicant has not provided details of any proposed alterations to the house or site which are necessary to facilitate the development proposal, and the described alterations are such that would not require permission as no.9A is not a listed building or located within the Conservation Area.

6.18 There have also been representations from members of the public regarding the potential impact on the neighbouring listed buildings and character of the area. The SKDC Conservation Officer was consulted and had no objections to the proposal. The officer commented that 'The proposal does not change the footprint of the plot and therefore will have no impact on the non-designated heritage asset, 4 Spring Lane or the setting of Easton Park'. The Conservation Officer concluded that there were 'no concerns with the proposal on heritage grounds'.

6.19 By virtue of the scale and minimal alterations required, the proposal would be in keeping with the streetscene and surrounding context in accordance with Policy DE1 and EN6 of the Local Plan, Neighbourhood Plan Policy 7, and Section 12 and 16 of the NPPF.

6.20 **Impact on the neighbours' residential amenities**

6.21 The application site is a 2-storey detached dwelling with amenity space to the front, side and rear. There are neighbouring residential properties to the northwest, east, and south.

6.22 The application includes a Covering Letter, and this details that the site would be used as a care home providing care, education and therapeutic support to young people from diverse backgrounds who have encountered a range of adverse experiences. The home would be for two children aged between 6 and 17 years old. The numbers of staff would be determined by the children's needs, there would be 2-3 members of staff on duty at all times working on a rota basis of 2 days on and 4 days off. A manager would be onsite Mondays to Fridays between 9am and 5.30pm. During the week the children would be at local schools during the day. There would be 3-4 vehicles parked onsite, and staff changeover would take place every 48 hours.

6.23 There have been representations from members of the public regarding the potential impact on residential amenity. It is considered that will the use of the house would be similar to a 4-bedroom family house, which could accommodate 5-6 people including children. A family would have a similar pattern of arrivals and departures on a typical day with parents commuting to/from work/leisure/retail, children being taken to/from education settings, and have a similar number of vehicles parked onsite, dependent on the age of those inhabiting the dwelling house. It is considered that a residential dwelling house would receive visitors and deliveries, and there would not be a significant change in the character of the activities from the use as a family home that would result in an impact on the use of the land and buildings.

6.24 In a recent Appeal Decision ref. **APP/E2530/X/24/3354568** at Main Street, Hougham, the Planning Inspector came to the conclusion that a proposed change of use of a private dwelling Use Class C3 to a children's care home Use Class C2 for 2 children, would not as a matter of fact and degree be a material change of use. The Inspector noted that in this case the children's home would be managed *'as if it were a family home in all respects apart from the presence of staff carers'* and the appellants maintained that *'the use would not be materially different to the use of this house by a typical family household'*. The Inspector agreed that the use of the house as a large family home *'would create a variety of traffic movements and a substantial demand for parking facilities'* but did not

'envisage that the use as a children's home would make a significant difference to the effect that a typical family household's use had on the level of activity, trip generation and overall comings and goings. The role of the carers would not be significantly different to that of parents looking after children in a family home and taking them to school or on trips out'.

The Inspector considered that *'A typical family household here could have several car drivers and separate travel patterns associated with each individual's education, work and leisure'*.

6.25 The proposal does not involve the enlargement of the existing building, and will require little alteration other than internal, so the levels of overlooking and privacy will remain as existing, and there will be no encroachment in terms of loss of light. There were concerns raised

regarding noise, however, it is not considered that the proposed use would differ materially from the existing use as a residential dwelling house with children inhabiting the house.

6.26 In terms of the future resident's amenity, the amenity space to the dwelling will remain the same as existing, and provide sufficient private amenity space for the care home use and two children.

6.27 Similar to other recently permitted children's care homes, it is considered that it is reasonable and necessary to restrict the use as a children's home and for two children to define the permission and allow any future assessment of alternative uses that would otherwise be permitted within the C2 use class.

6.28 Taking into account the nature of the proposal and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

6.29 **Ecology and Trees**

6.30 The site currently comprises of an existing dwelling house and its garden e.g. trees, grass, shrubs. The proposed use of the site as a small children's care home would have the existing arrangement of private amenity space and the driveway with onsite parking.

6.31 The application is for a change of use from residential dwelling house to children's care home and does not involve the enlargement of the existing building. In reference to the Biodiversity Net Gain requirements, the development does not impact a priority habitat and impacts less than 25 sqm of non-priority onsite habitat, and is therefore exempt from BNG.

6.32 There have been numerous representations from members of the public regarding the potential impact on ecology and trees. The application has not been accompanied by ecology or tree information, and there are a number of trees on the site, but there are no tree preservation orders in place. The proposal would require little alteration to the site, and it is not proposed to extend the dwelling into outside amenity space.

6.33 To summarise, the proposal would be in accordance with Policy EN2 and EN3 of the Local Plan, and section 15 of the NPPF.

6.34 **Flood Risk**

6.35 Policy SD1 sets out the criteria for new development to ensure it is sustainable. Local Plan Policy EN5 (Water Environment and Flood Risk Management) together with Section 14 of the NPPF seeks to direct development to areas with the least probability of flooding, together with implementation of SUDs drainage where possible, in order to minimise surface water runoff.

6.36 Section 14, para 159 of the NPPF states that inappropriate development in areas of flooding should be avoided by directing development away from areas of highest risk.

6.37 The boundary of the site includes areas within Flood Zone 1 and Flood Zone 2, according to the Environment Agency maps with a low and medium probability of flooding from rivers and the sea. The dwelling house is located within Flood Zone 1 with a low probability of flooding from rivers and the sea.

6.38 The application was accompanied by a Flood Risk Assessment Note which confirms the location of the existing dwelling house in Flood Zone 1 and an area of the site partially within

Flood Zone 2. This is the northwestern corner of the site and driveway access. There are no proposed changes to the layout of the driveway or access.

- 6.39 Should a flood event occur the existing building is raised higher than School Lane, and the pedestrian access located to the northeast of the site would provide an evacuation route.
- 6.40 The Environment Agency was consulted on the development and the response was that the EA did not wish to make any comments on the application as the proposed change of use is located in Flood Zone 1. The EA commented that *'Furthermore, as the proposal is a change of use from a more vulnerable use (dwellinghouse) to a more vulnerable use (children's home) and therefore does not propose an increase in risk to people, we do not wish to object to the application'*.
- 6.41 The Parish Council has commented on the application regarding the proximity of the site to a watercourse and flood risk. The EA and Flood Risk Assessment Note has confirmed that the site is predominantly in Flood Zone 1 and proposed mitigation for evacuation from the pedestrian access.
- 6.42 The case officer notes the concerns raised by neighbours in response to consultation regarding the presence of a watercourse adjacent to the site and recent flood events, however, the Environment Agency has no objection to the proposed development. The case officer considers that a condition to require the mitigation for flood events is reasonable and necessary and have therefore recommended the attachment of such a condition, and would suitably address flood risk on the application site.
- 6.43 With the above condition in place the proposal is in accordance with Local Plan Policy EN5, and Section 14 of the NPPF.
- 6.44 **Highway issues**
- 6.45 The site is located in the village of Colsterworth. Colsterworth is a larger village, and has several amenities including a church, public house, primary school, medical practice, and two convenience stores. There are local bus services providing access to Grantham and Stamford.
- 6.46 The site is located in proximity to public right of way, located on the western boundary of the site adjacent to the River Witham. The site is currently partially screened by boundary trees and hedge on this boundary.
- 6.47 The planning submission includes a Transport Note, Parking Plan and Swept Path analysis. The Transport Note confirms the development location and proposal, and that no works are proposed to the building, site or access as part of the proposal. The staffing proposed would be 2 care staff with potential for a third, and a home manager. The site would be staffed on a two day on, four day off shift pattern. The two staff would arrive at 8am and the two previous staff would depart at 8.30am. The manager would arrive at 9am and depart at 5pm. Visitors would visit during the day and not at shift changeover. The worst case at shift changeover there would be 5 members of staff parked onsite in the 5 parking spaces. The Parking Plan confirms the proposed parking layout onsite and the Swept Path analysis confirms that the spaces can be utilised and vehicles can turn onsite to arrive and depart in a forward gear.
- 6.48 Lincolnshire County Council have commented on the application as highway and lead local flood authority and have raised no objection to the proposal. They have confirmed that the development proposes to utilise the existing access and includes off-street parking for 5

vehicles. The access meets the guidance as set out in Manual for Streets, and the highways officer considers the 5 parking spaces is an appropriate level of parking. The local highway authority notes that there are existing problems on School Lane but that the proposed trip demand of 14 vehicles per day would not require highway improvements. Furthermore, the highways officer does not consider that the development would result in a severe impact on the local highway network.

- 6.49 The Parish Council has raised concerns about the historical nature of the lane, including its narrow width, as well as the impact of adverse weather conditions. They have raised concerns regarding the junction of School Lane and the High Street. The Parish Council has also noted Paragraph 117 of the NPPF, particularly pedestrian and cycle access. Paragraph 117 of the NPPF states that

'application for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use...'

- 6.50 There have been representations from members of the public regarding the potential impact on transport and highway issues including concerns about the proposed trip generations being low, insufficient parking onsite, waste collection/deliveries, children walking to school, and existing issues on School Lane and the junction with the High Street.
- 6.51 The case officer notes the concerns raised by the Parish Council and neighbours in response to consultation however, the local highways authority has no objection to the development proposal. The local highways authority was invited to provide further comments following the Parish Council representation and the highways officer responded that *'Our comments remain unchanged and nothing further to add'*.
- 6.52 The case officer considers that a condition to require improvements to pedestrian and cycle movements in reference to the Parish Council's representation and Paragraph 117 of the NPPF, would not be reasonable and necessary. There is existing pedestrian footway provision on School Lane, and School Lane is utilised by pedestrians and cyclists currently providing connections to the village services, and this has not been highlighted by the local highway authority for improvements.
- 6.53 The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Policy ID2 of the Local Plan and the NPPF Section 9.
- 6.54 **Other Matters**
- 6.55 Application Form – The application form contained inaccuracies (proximity to a watercourse, flood risk, foul sewage disposal) which were highlighted to the Applicants Agent, and the application form was amended to correct the inaccuracies. There were no inaccuracies related to the BNG section of the planning application, and this has been addressed above.
- 6.56 Publicity requirements - The application has been fully advertised in accordance with the Statement of Community Involvement including statutory consultee consultation, press notice, neighbour letters, and display of a site notice.

- 6.57 Recruitment – There is no restriction on recruitment taking place in advance of a planning decision as recruitment is outside of the definition of ‘work’ prior to commencement. The care home would not be able to operate without planning permission being granted.
- 6.58 Waste Collection – Waste would be collected by a commercial waste operator, should planning permission be granted.

7 Crime and Disorder

- 7.1 It is considered that the proposal would not result in any significant crime and disorder implications.

8 Human Rights Implications

- 8.1 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.
- 8.2 It is considered that no relevant Article of that act will be breached.

9 Conclusion

- 9.1 Taking the above into account, it is considered that the proposed use will have no detrimental impact on the dwelling house, or the character of the area as the dwelling will retain a residential appearance, and would not have a detrimental impact on the surrounding highway network as the care home will continue to operate in a similar manner in terms of vehicle trip generation to a residential dwelling house. The proposed development is therefore in accordance with Local Plan Policies SP1, SP2, SP3, H4, DE1 and ID2, Colsterworth and District Neighbourhood Plan Policy 1 and Policy 7, and Sections 9 and 12 of the NPPF.

10 Recommendation

To authorise the Assistant Director of Planning & Growth to GRANT planning permission, subject to the following conditions.

Planning 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, drawing ref. ESLA1057-DMW-SLP-001 A (received 04/02/25)
- ii. Proposed Block Plan, drawing ref. ESLA1057-DMW-PBP-001 A (received 27/02/25)
- iii. Parking Plan, drawing ref. ITB200804-GA-001 A (received 04/02/25)
- iv. Proposed Elevations, drawing ref. 106778 (received 27/02/25)
- v. Proposed Floor Plans: Ground, drawing ref. 106778 (received 27/02/25)
- vi. Proposed Floor Plans: First, drawing ref. 106778 (received 27/02/25)

Unless otherwise required by another condition of this permission.

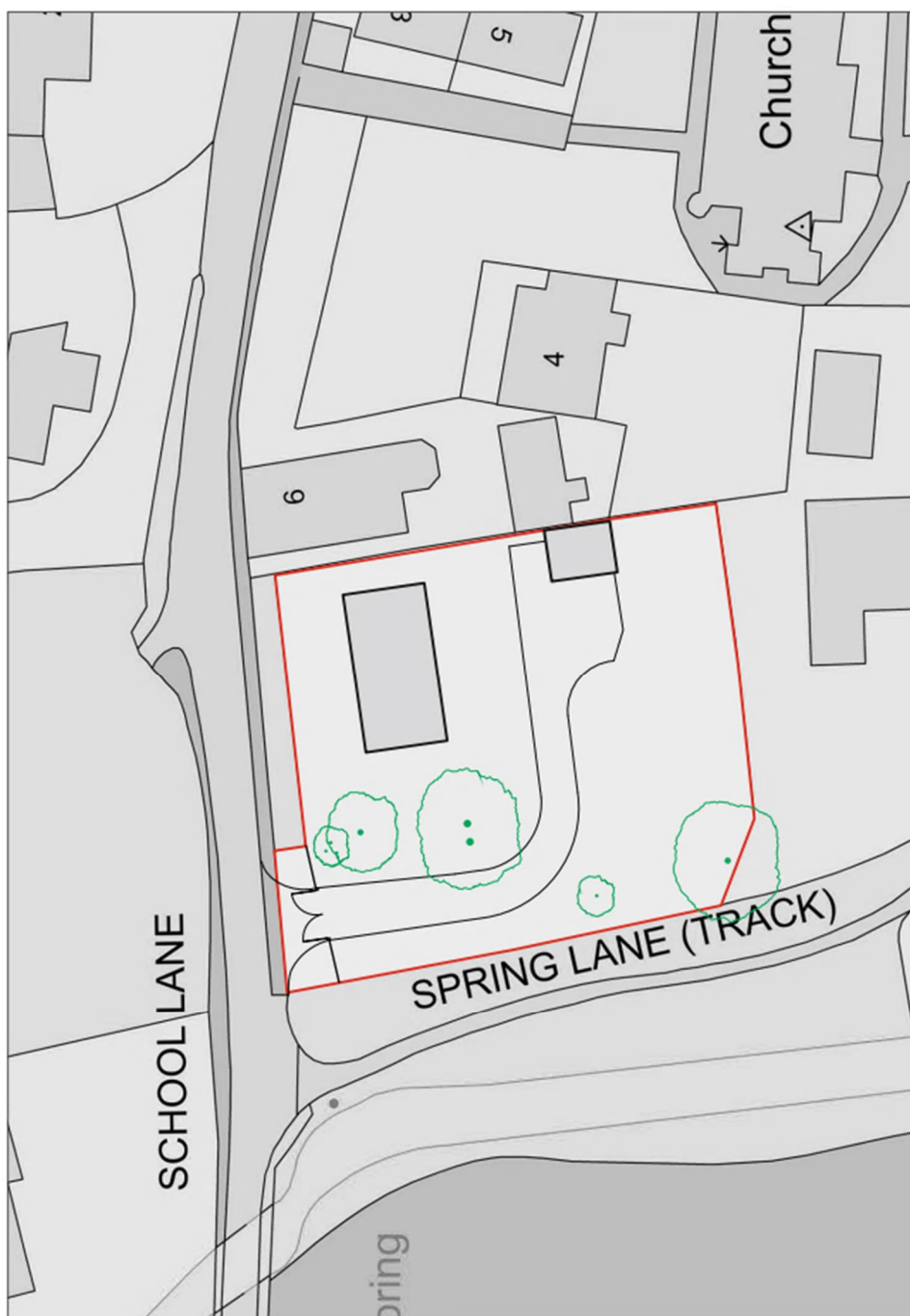
Reason: To define the permission and for the avoidance of doubt.

No other use within Use Class C2

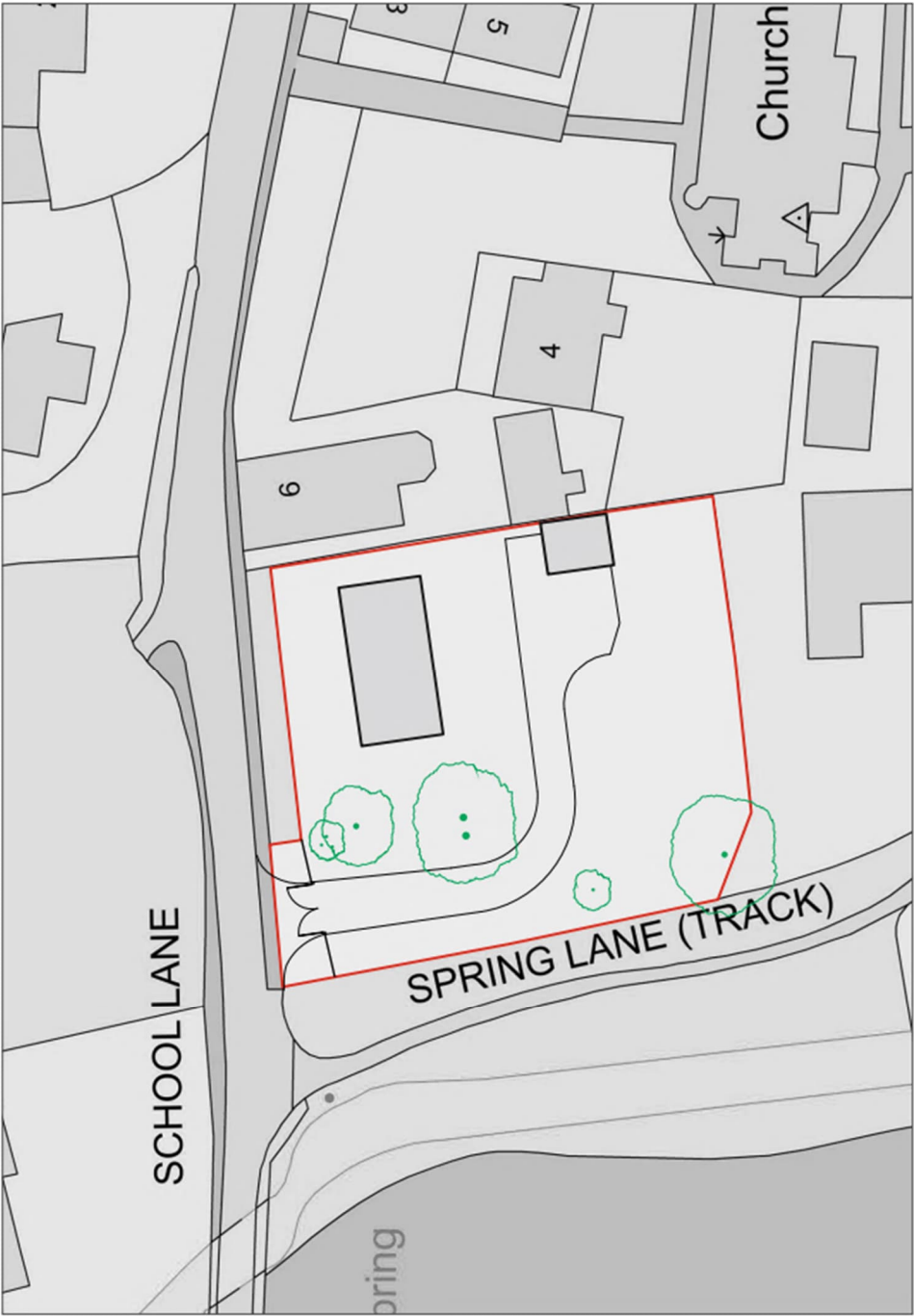
- 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's care home for up to two children and for no other purpose (including any other use falling within Class C2 of the Order).

Reason: To ensure that the development operates as assessed.

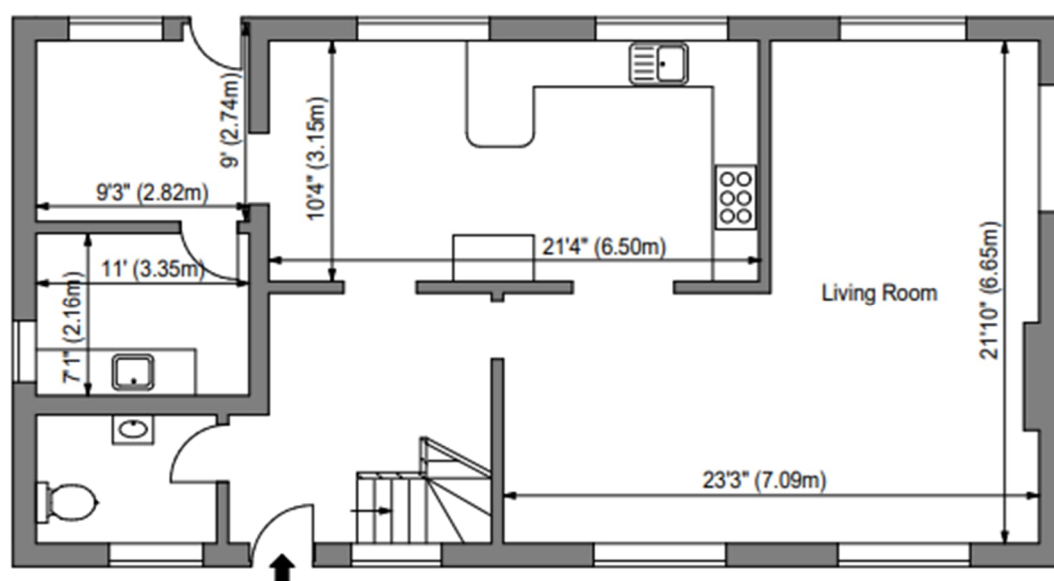
BLOCK PLAN EXISTING



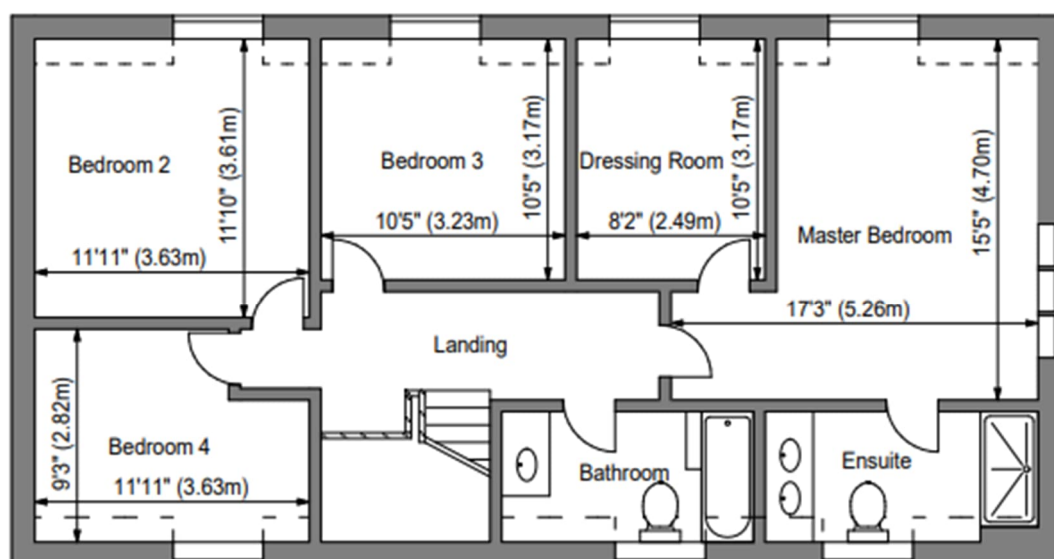
BLOCK PLAN PROPOSED



FLOOR PLANS EXISTING

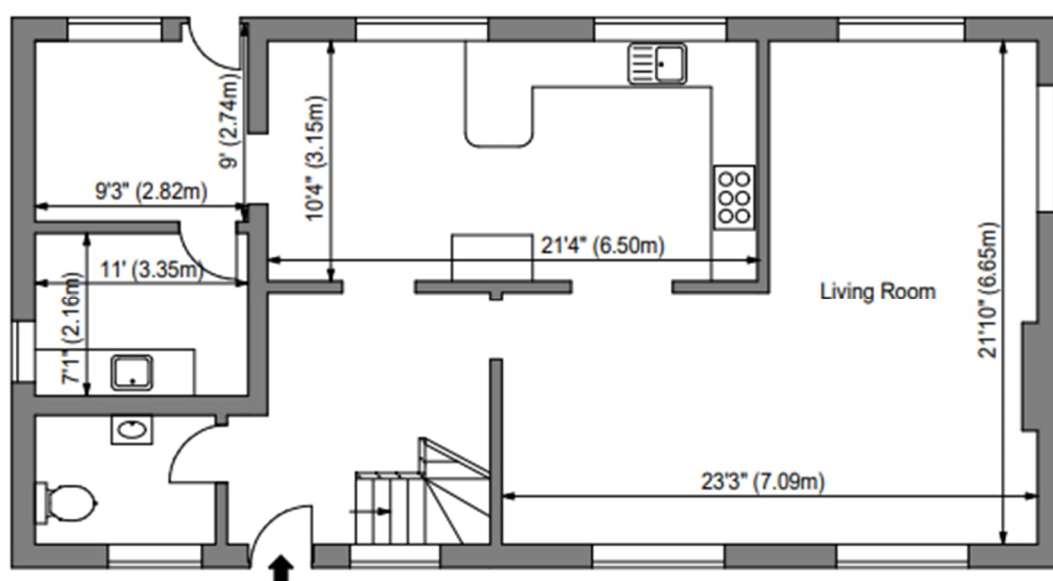


Ground Floor

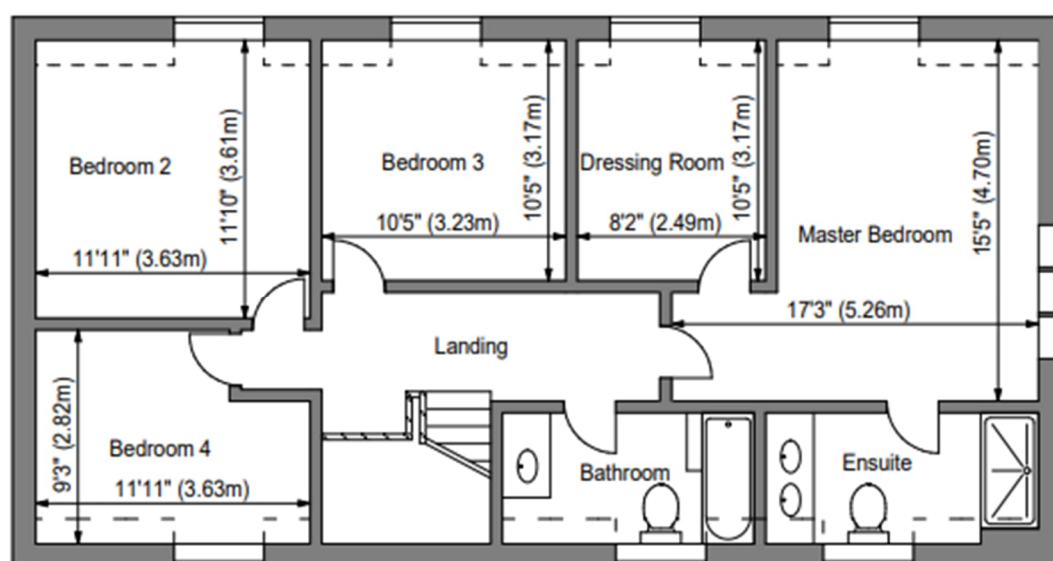


First Floor

FLOOR PLANS PROPOSED



Ground Floor



First Floor