

APPLICATION NO	PA/2019/77
APPLICANT	Ms Zara Grey
DEVELOPMENT	Planning permission for change of use from C3 to C2
LOCATION	The Mount, B1208 from A18 to Brigg Road, Castlethorpe, Broughton, DN20 9LG
PARISH	Broughton
WARD	Broughton and Appleby
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs David Rose and Holly Mumby-Croft – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 11 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking, this means approving proposals that accord with the development plan without delay or where the development plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole or where specific policies in the framework indicate development should be restricted.

Paragraph 47 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the National Planning Policy Framework forms a material consideration.

Paragraph 80 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 91 states that planning decisions should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, create safe and accessible environments where crime and disorder do not undermine the quality of life or community cohesion, and safe and accessible developments.

Paragraph 92 states that planning decisions should plan positively for the provision of local services to enhance the sustainability of communities and residential environments and ensure that an integrated approach is taken when considering the location of community facilities and services.

Paragraph 124 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

North Lincolnshire Core Strategy:

- CS1 – Spatial Strategy for North Lincolnshire
- CS2 – Delivering More Sustainable Development
- CS3 – Development Limits
- CS5 – Delivering Quality Design in North Lincolnshire
- CS6 – Historic Environment
- CS22 – Community Facilities and Services

Housing and Employment Land Allocation DPD:

Inset Map for Brigg, Scawby and Castlethorpe

North Lincolnshire Local Plan:

- H16 – Nursing and Rest Homes
- HE5 – Development Affecting Listed Buildings
- LC14 – Area of Historic Landscape Interest
- T1 – Location of Development
- T2 – Access to Development
- DS1 – General Requirements
- DS3 – Designing Out Crime
- DS4 – Changes of Use in Residential Areas

CONSULTATIONS

Highways: As there is adequate parking provision retained on site, no comments or objections.

Ofsted: Outside of remit for comments.

Children & Young People: No comments received.

TOWN COUNCIL

No objections or comments.

PUBLICITY

Site and press notices have been posted. No comments have been received.

ASSESSMENT

The application site comprises a large red brick farmhouse dating from the early–mid 19th Century. It is a grade II listed building, which is currently used as a dwelling, and is set in extensive grounds. There are two converted barns on the site which have had various previous uses, including a tea room, and bed and breakfast accommodation. Planning permission is being sought to change the use of this dwelling into C2 use (residential care homes). The aim for the use is specifically for a residential children's home for a maximum of five children between the ages of 7 and 17, who have emotional behavioural difficulties. It should be noted that the C2 use being sought is not specific for age groups and covers residential care for children, adults and the elderly. The occupation demographic could change within this use class without the need for further permissions.

The main issues with regard to the determination of this application are: whether the principle of development of a children's home is acceptable within Castlethorpe with regard to sustainability; whether the proposal would be to the detriment of the predominantly residential character of the area; and whether the change of use to a children's home would result in harm upon the living conditions of neighbouring properties.

Principle and sustainability

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. The Interim Planning Policy for Residential Care Homes/Institutions forms local guidance for the assessment of proposals for residential care homes/institutions. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The application site is located outside the development limit for Castlethorpe shown in the HELA DPD and as such is within the open countryside. The application site is within flood zone 1 as identified by the North Lincolnshire Strategic Flood Risk Assessment and thus poses no concerns with regard to flood risk issues.

The North Lincolnshire Settlement survey ranks Castlethorpe 48th out of the 79 settlements scored within the survey. Whilst the site is located outside the development boundary, it is located relatively close to the market town of Brigg where there are a range of key services and facilities. There is a residential nursing home for elderly people located close to the site, which is also located outside of any development boundary.

The Interim Planning Policy for Residential Care Homes/Institutions criterion a) requires that conversions of residential properties to residential care homes/institutions or the erection of new ones will only be permitted provided that they are located in sustainable locations with good access to key facilities such as shops, schools, health, leisure and other community facilities. This criterion points towards policies CS1, CS2 and CS22 of the NLCS, and H16 and T1 of the NLLP. These policies together set out the spatial strategy for North Lincolnshire which steer development to the most sustainable locations and indeed H16 specifically indicates that residential care homes should be sited in the larger, more sustainable settlements, which Castlethorpe is not. However it should be noted that the existing dwelling could house a similar, or greater number of children as part of a family unit without the need for planning permission.

The Interim Planning Policy for Residential Care Homes/Institutions continues to discuss through other criteria to require: that satisfactory access, parking and servicing facilities are provided; that the development should be safe and accessible for all; that the development should not result in an adverse impact upon neighbouring residential properties through increased noise and disturbance or have an adverse effect upon the character of the area; and should not require substantial alteration or extension and be served by an appropriate level of amenity space. These matters form material considerations and are further required through other local planning policies within the NLCS and NLLP.

The site is located away from any other residential properties, save from the converted barns which are within the applicant's ownership. Whilst these dwellings are not proposed to be separated from the main building, it is not considered that the proposal would have any adverse impact on the amenity of these buildings if they were all occupied and owned independently. The existing access is considered to be adequate and there is sufficient parking and amenity space associated with each of the buildings. As the proposed use is not dissimilar to a single residential dwelling, it is not considered that there would be any significant changes in character, noise or disturbance to what would be expected from a large family dwelling. As such it is not considered that the proposed use would have any impact on the amenity of the area, on other residential properties or on the highway network.

The proposed shift pattern of staff would be 8am to 3pm, 3pm to 10pm and 10pm to 8am, with two members of staff and a manager on shift at any one time. Due to the location of the site and its previous commercial use, it is not considered that there will be any significant additional traffic generation which would have an adverse impact on the area.

The proposed change of use would not require any changes to the building, and the residential nature of the site would not change as part of this proposal. As such, it is not considered that there would be any adverse impact on this grade II listed building.

Notwithstanding the above, the local planning authority has recently considered a similar proposal in Low Burnham (PA/2017/1963), which was refused by the planning committee and subsequently allowed at appeal. Within their appeal decision, the Inspector found that the proposal would represent a sustainable use of the site. The Inspector acknowledged the fact that there were limited facilities and services within that particular village. However, given the scale of operation (similar to that proposed) and the 'fallback' use of the site as a dwelling, which could house a similar number of children, it was concluded that the proposal was a sustainable use of the site. This recent appeal proposal/decision is directly

comparable and relevant to the current planning application and is a material consideration that should be given weight in its determination.

Conclusion

For the reasons outlined above, and giving due regard to the recent appeal decision at Low Burnham, it is considered that the proposed development would constitute a sustainable form of development subject to a condition restricting the number of children resident at the site to five. Furthermore, the development would have no unacceptable impact with regard to the character of the area, residential amenity or highway safety.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2019/77/01.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

The use hereby permitted shall be limited to that of a residential care home whereby only five people in care are in residence at the facility at any one time and shall not be used for any other purposes within the C2 Use Class as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason

To define the terms of the permission, in the interests of sustainability and the character of the area, and to allow the local planning authority to assess future impacts of the development in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

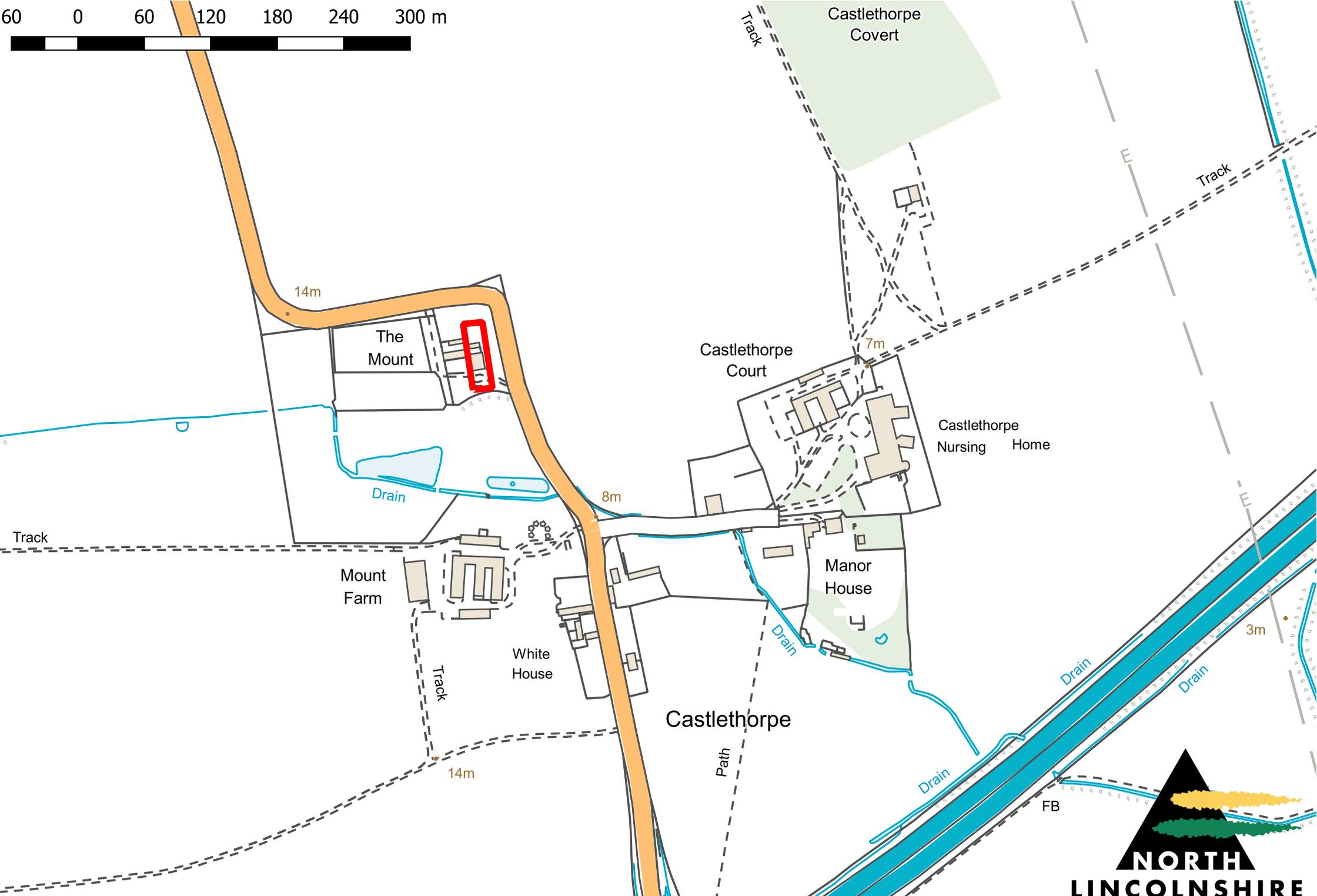
Upon permanent cessation of the use as a children's home, the property shall revert back to a residential dwelling (C3 Use Class) unless a separate planning permission is granted for a different use.

Reason

To allow the future use of the building as a dwelling without requiring further planning permission and to prevent a vacant use of a grade II listed building.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



PA/2019/77