

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 07 September 2022

(Author: Sundas Shaban - Planning Officer)

Purpose: To consider Planning Application H12-0598-22

Application Number: H12-0598-22

Date Received: 15 June 2022

Application Type: FULL

Description: Change of use from residential to residential/child minding business

Location: 2 SCHOOL LANE LUTTON SPALDING

Applicant: Mr M Ludlam

Agent: Mr M Ludlam

Ward: Long Sutton

Ward Councillors: Cllr A C Tennant
Cllr J Tyrrell
Cllr D J Wilkinson

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H12-0598-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The proposal raises issues that warrant consideration by the Planning Committee.

2.0 PROPOSAL

2.1 The application seeks permission for part change of use of a residential dwelling to child minding to care for up to 16 no. children at any one time from 07:00 to 18:00 Monday to Friday. There would be 4 staff members at any one time, 3 of which would be family members residing at the application site and no.4 School Lane. The children would be aged between 3 months to 11 years.

2.2 The applicant currently runs a childminding business at no.4 School Lane which would cease if planning permission is granted for no.2 as they require more space to run the business.

3.0 SITE DESCRIPTION

3.1 The property is a 3 bed dwelling which is attached to the village hall located on School Lane in Lutton. The site is located within the Lutton settlement boundary. The dwelling is brick built with white window frames. The immediate area, other than the village hall is primarily residential comprising a mixture of single and two storey dwellings.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 2 Development Management
Policy 3 Design of New Development
Policy 30 Pollution
Policy 36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H12-0001-22 - Proposed conservatory to rear of dwelling - Approved

6.0 REPRESENTATIONS

6.1 Lincolnshire County Council Early Years and Childcare

Supports the application as Lincolnshire County Council has a duty to secure sufficient childcare places across the county to support parents who work and those that wish to embark on training. Our sufficiency assessment data shows the South Holland District has a shortage of childcare places across all early years age groups including the communities in and around Long Sutton and Holbeach.

6.2 Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

6.3 SHDC Environmental Protection

No noise complaints received with regards to the application site but we are investigating a complaint for no.4 School Lane which hasn't been concluded yet. As we are unable to predict the amount of noise that children using no.2 would generate it is suggested that should permission be granted it be a temporary permission to allow time to fully assess the impact.

6.4 The Rt. Hon. Sir John Hayes CBE MP

Objections as this is not the right location for a nursery. Concerns of impact on neighbouring amenity as well as noise disruption from 16 no. children and increased traffic movements.

6.5 Public

24 number of letters of support have been received (some of which are from the same property/person) siting the following:

- There is sufficient parking in the carpark
- The location of the property within the village is perfect
- There is a real need for this service in the village
- Great setting and will provide a better environment for the children
- This would be a good asset to the local area where more childcare is needed
- There is a short fall of childcare spaces especially for part time workers
- Having the extra space inside and out would support in the children's development

- The childminding business at no.4 School Lane has not resulted in noise disruption
- The change of use will benefit the local area substantially
- The presentation of the area around 2 School Lane has vastly improved
- This facility will allow people to work
- The site has previously been used as a school therefore the proposed use will result in less noise in comparison
- Moving the child minding from no 4 School Lane to no 2 School Lane would greatly improve the traffic situation on School Lane
- The current location of the childminding business at no.4 School Lane has not caused any issues therefore the new location will be the same

5 number of letters of objection have been received (some of which are from the same property/person) siting the following concerns:

- Noise disturbance and disruption from 16 no. children at the property
- The play equipment in the garden used by the children is within close proximity to the boundary
- The applicant has a camera at the property which results in loss of privacy
- Increase in noise from vehicles
- The change of use has already started as toys can be seen in the conservatory
- A condition should be attached to stop the applicant from erecting any Tarpaulin fencing to avoid de-value of neighbouring properties
- The car park should remain for the use of the Village hall only

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle of development

7.3 The site is located within the Lutton settlement boundary as set out in the South East Lincolnshire Local Plan (2019).

7.4 Lincolnshire County Council Early Years and Childcare supports the application as it would support Lincolnshire County Councils duty to secure sufficient childcare places across the county to support parents who work and those that wish to embark on training. The LCC sufficiency assessment data shows that South Holland District has a shortage of childcare places across all early years age groups including the communities in and around Long Sutton and Holbeach.

7.5 A large number of letters of support have been received from local residents who consider the proposal acceptable as there is a need for this service in the village and will benefit the local area by enabling parents to work.

7.6 Given the above the proposed part change of use of the property is considered acceptable in principle.

7.7 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are detailed below.

7.8 Layout, Design, Size and Scale

7.9 Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

- 7.10 The proposal does not involve any external changes to the property therefore the change of use would not change the overall appearance of the site.
- 7.11 A number of local residents have commented in support of the change of use as the site condition has improved in preparation of the new use. As such the proposed scheme is considered to improve the overall appearance of the otherwise unkempt site.
- 7.12 Residential amenity
- 7.13 Paragraph 130 of the National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.
- 7.14 A number of objections have been received from local residents and the MP siting concerns unacceptable impact on neighbouring amenity due to noise and disturbance from 16 no. children and additional vehicle movements. The concerns are noted and addressed below.
- 7.15 The Environmental Protection Officer has advised that no noise complaints have been received with regards to the application site but have advised that they are investigating a complaint for no.4 School Lane which hasn't been concluded yet. Given it is difficult to predict the amount of noise that the children using no.2 would generate it is suggested temporary permission is granted for the proposed use to allow time to fully assess the impact on neighbouring amenity. As such it is deemed appropriate to append a condition granting permission for one year only after which the proposal can be reviewed again and there would be more evidence to make a more permanent decision.
- 7.16 In addition, the adjoining neighbour has raised concerns with regards to close proximity of the play equipment in the garden and loss of privacy from the applicants camera. The concerns are noted, however, the play equipment could be used by the occupants of no.2 and would not require planning permission therefore this element could not reasonably be resisted. With regards to the camera this is not part of the planning proposals and this is a private civil matter and cannot therefore be considered as part of the planning application.
- 7.17 In light of the above, there are not considered to be any significant and/or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.
- 7.18 Highways and parking
- 7.19 One local resident raised concerns with regards to parking and suggested the car park should remain for the use of the Village Hall only. The concerns are noted, however, whilst part of the Village Hall car park is proposed to be used by no.2 School Lane to run the childminding business, realistically all the parking spaces would not be in continuous use throughout the day and would only be used for drop-off/pick-ups and potentially by the one non-family member of staff. As such the majority of the parking spaces would remain for the use of the Village Hall.
- 7.20 In addition, the Local Highway Authority has advised that this site would be an ideal use for a former school building and rather than increasing vehicular activity, it could in fact result in fewer trips and shorter journeys by fulfilling a local demand for residents of the village and those living close by. The use of the adjacent Village Hall car park would reduce the likelihood of those who do have to travel by car, parking injudiciously on neighbouring streets. The scale of the proposed development, limited by the size of the host dwelling, should serve to ensure that traffic movement is not excessive. Furthermore, arrivals and departures are less likely to be dictated by prescribed start and finish times than are so for primary and secondary schools.
- 7.21 As such the proposal is considered acceptable on parking and highways grounds, and thus in accordance with Policies 2, 36 and Appendix 6 in this regard.

7.22 Other matters

7.23 The following concerns were raised by local residents:

7.24 The change of use has already started as toys can be seen in the conservatory - there is no evidence that the change of use has already started as the toys could belong to occupants of no.2. In any case we are not able to take any enforcement action until this application has been determined.

7.25 A condition should be attached to stop the applicant from erecting any Tarpaulin fencing to avoid de-value of neighbouring properties - this is noted, however, unfortunately if the fence is erected under permitted development then it could not be controlled therefore the scheme could not reasonably be resisted on this basis.

7.26 Planning Balance

7.27 The site is considered suitable for the proposed use given it is adjacent to a Village Hall. The scheme would support Lincolnshire County Councils duty to secure sufficient childcare places across the county to support parents who work and those that wish to embark on training. Concerns have been raised by residents regarding impact on residential amenity, highway safety and parking, however in the absence of any objection to the application from Environmental Protection or the Highway Authority these are not considered to be sufficient basis to refuse the application on these grounds.

7.28 The planning balance is therefore considered to be in favour of the proposal.

7.29 Conclusion

7.30 The proposal is considered to be in accordance with Policies 2, 3, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan, as well as Section 12 of the National Planning Policy Framework (2021).

7.31 **Additional Considerations**

7.32 Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.33 Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to those conditions set out in Section 9.0 of the report.

9.0 CONDITIONS

1. The development hereby permitted shall be discontinued at or before 7 September 2023.

Reason: To enable the Local Planning Authority to review the impact of the development on the amenities of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan
First Floor Plan Layout
Ground Floor Plan Layout
Site Plan showing Parking
Supporting statement

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

3. The maximum number of children to be cared for at the property shall not exceed 16 at any one time.

Reason: To ensure that the Local Planning Authority retains control over the number of children at the site.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A Plan A

