

<b>Parish:</b>	<b>Walpole</b>	
<b>Proposal:</b>	<b>Retrospective application of change of use of a house of six residents (care included) (C3b) to a care home up to three children aged 8-18 (C2)</b>	
<b>Location:</b>	<b>10 Folgate Lane Walpole St Andrew Wisbech Norfolk PE14 7HY</b>	
<b>Applicant:</b>	<b>Gabriela James</b>	
<b>Case No:</b>	<b>25/01661/CU (Change of Use Application)</b>	
<b>Case Officer:</b>	<b>Helena Su</b>	<b>Date for Determination: 3 December 2025</b> <b>Extension of Time Expiry Date: 6 February 2026</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Blunt.

**Neighbourhood Plan:** Yes

### **Case Summary**

This application is a retrospective application for the change of use of a house of six residents (care included) (Use Class C3(b)) to a care home up to three children (Use Class C2) at No 10 Folgate Lane in Walpole St Andrew. No 10 is a three-bedroom bungalow.

The application site is approximately 0.08ha in size, located to the northwest side of Folgate Lane, which is located within the development boundary and Neighbourhood Plan area of Walpole St Peters, St Andrew and Marsh.

### **Key Issues**

Planning History

Principle of Development

Form and Character

Impact on Neighbour Amenity

Crime and Disorder

Highway Safety

Flood Risk

Any other matters requiring consideration prior to determination of the application

### **Recommendation:**

**APPROVE**

## THE APPLICATION

This application is a retrospective application for the change of use of a house of six residents (care included) (Use Class C3(b)) to a care home up to three children (Use Class C2) at No 10 Folgate Lane in Walpole St Andrew. No 10 is a three-bedroom bungalow.

Walpole St Andrew is classified as a Tier 4 (Key Rural Service Centre) settlement under policy LP1 of the Local Plan 2021-2040. The application site is approximately 0.08ha in size, located to the northwest side of Folgate Lane. The site is located within The Walpole's Neighbourhood Plan area.

In 2023, a Lawful Development Certificate was obtained under reference 23/01333/LDP, on this site which deemed it would be lawful for the dwellinghouse to be used for Use Class C3(b), with no more than six residents living together as one household in the same unit, with care being provided for residents.

Since the site registered with Ofsted on 2 July 2025, the site operated as a Use Class C2 - with staff taking shifts to care for up to three children age between 8 - 18 years of age. The house is staffed by up to three members of staff at any one time operating between two shifts: a daytime shift between 8am - 10pm of between one - three members of staff; a night cover shift between 9.45pm - 8.15am with one waking staff, supported by a sleep-in member of staff.

An identical application at No 8 Folgate Lane has also been submitted by the same Applicants under planning reference 25/01660/CU.

## APPLICANT/AGENT SUPPORTING CASE

This statement is provided to assist Members in understanding the nature of the use, its impacts, and the wider planning and equality context within which this application should be assessed.

The property operates as a children's home, providing a small, stable, residential environment for looked-after children. In planning terms, this use is residential in character and must be assessed on land-use impacts rather than perceptions of behaviour or the personal circumstances of the occupants.

We recognise that neighbours have expressed concerns regarding visibility, police attendance, and vehicle movements. We do not dismiss the fact that missing-from-care incidents and visible safeguarding responses can be unsettling. However, it is important to clarify that reporting a child missing is a statutory duty under the Children's Homes (England) Regulations 2015 and associated national guidance. Police involvement therefore reflects legal safeguarding compliance, not criminality. The overwhelming majority of police attendance associated with the property has been directly linked to missing-from-care reports, historic allegations where the child is the victim, welfare checks, or proactive safeguarding visits. No police attendance at the property has ever related to criminal activity arising from the operation of the home.

With regard to vehicle movements, we note that neighbours have monitored activity associated with the home. There have been no reports or evidence of unsafe driving. Staff and visitors are actively encouraged to use on-site driveways at all times. On the rare occasions where visitors have parked on the road, this has been addressed promptly when

brought to our attention. There are no parking restrictions on the road, and parking has not resulted in highway safety concerns.

We have recently transitioned to electric vehicles; during this short transition period there was some temporary buying and selling of vehicles, which may have resulted in higher-than-usual numbers of cars associated with the property. This was time-limited and is not reflective of the ongoing or typical use of the site.

Our approach to care is trauma-informed and safeguarding-led. Many children in care have experienced significant trauma, instability, and loss of trust in adults. Behaviours such as going missing are not acts of threat or antisocial intent but are recognised trauma responses. Our lawful and professional response is calm, non-threatening, and focused on safety. We do not restrain, or forcibly return children, nor do we "lock them in." Such actions would be unlawful and harmful. Instead, we prioritise trust, consistency, and protection, helping young people to rebuild safe relationships with adults over time.

We acknowledge that neighbours may occasionally see young people at moments of distress. These moments represent a very small proportion of their lives in the home. What is less visible is the progress being made. All four children currently living at the property are now attending school; only one arrived with a school place and regular attendance. Progress for traumatised children is not linear. They will make mistakes, and we support them to put things right through kindness, calm, and connection before correction.

In order to offer something tangible to the community as a resource we have commenced installing a secure, externally accessible defibrillator at the property, which will be registered for community use. This was carefully chosen as a practical and thoughtful way of supporting the immediate local community and offering a genuine, potentially life-saving resource close to home.

Members are also asked to consider the broader context. The area has limited local facilities and services, yet children with complex needs must still be provided with stable homes within communities. Recent appeal decisions, including the approval of Rowan House in Harpley, have recognised that children's homes should not be excluded from residential areas on the basis of perception, fear, or stigma, and that safeguarding matters are not planning considerations.

This is our young people's home. It is the place where they live, recover, and begin to thrive. There is no legal basis to determine who may or may not live on a street based on personal characteristics, and it would be fundamentally unfair to apply a different standard to looked-after children. Planning decisions must not result in indirect discrimination by treating vulnerable children as less entitled to a family-style home within a residential street.

We respectfully ask Members to assess this application on proper planning grounds alone, recognising both the residential nature of the use and the significant public benefit in providing safe, stable homes for children who need them.

## **PLANNING HISTORY**

24/01059/F: Application Permitted: 09/08/24 - Part single storey side extension

23/01333/LDP: Was\_Would be Lawful: 08/12/23 - APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED USE as a dwelling house by not more

than six residents living together as a single household (including a household where care is provided for residents)

23/00265/CU: Application Withdrawn: 04/07/23 - Change of use of bungalow from a dwelling (C3) to a children's home (C2) for up to two children

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT**

The Parish Council strongly oppose these two retrospective planning applications.

The Parish Council have noted several complaints from neighbouring properties, including retired and elderly residents, who have had to call out the police reporting anti-social behaviour and intent to cause criminal damage. These residents are in constant fear of this anti-social behaviour. Concerns also raised over the lack of care allowing excessive noise and such anti-social behaviour.

Traffic issues are also causing problems on the single land road with multiple vehicles parked on both premises, taxi's and minibuses present on a regular basis, and vehicles heard after 10pm at night.

The very obvious lack of any facilities has to be raised yet again.

### **Highways Authority: NO OBJECTION**

Having examined the submitted information, in terms of highway considerations for the adopted road network, the LHA have no objection to the principle of the application.

### **Internal Drainage Board: NO OBJECTIONS**

Consent not required under Byelaws 9, 10, and Section 23 of the Land Drainage Act 1991.

### **Environment Agency: NO OBJECTION**

The Environment Agency have reviewed the submitted Flood Risk Assessment with regard to tidal and designated main river flood risk sources and consider that the site is at low risk of flooding from these sources. As such, the EA have no objection to the proposed development on flood risk grounds.

### **Environmental Health & Housing - Environmental Quality: NO OBJECTION**

The application is retrospective for a change of use from residential care to care home for up to 3 children.

The applicant has provided a planning statement providing information on the proposed changes.

We have reviewed our files and the site is first seen developed in historical maps dated 1945-1970. The surrounding landscape is largely residential and agricultural.

No significant potential sources of contamination are identified in our records, or in the information provided by the applicant.

We have no objection regarding contaminated land.

## **Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION**

CSNN team have no objections to either application and do not wish to recommend any conditions.

**Emergency Planning Officer:** Because of its location in an area at risk of flooding, would suggest that those running the site, if they have not already:

- Should sign up to the Environment Agency flood warning system (0345 988 1188 or [www.gov.uk/flood](http://www.gov.uk/flood))
- A flood evacuation plan should be prepared (more details at [www.gov.uk/flood](http://www.gov.uk/flood) ):
  - o This will include actions to take on receipt of the different warning levels.
  - o Evacuation procedures eg isolating services and taking valuables etc
  - o Evacuation routes

## **REPRESENTATIONS**

**TWENTY-FIVE** comments of **OBJECTION** and **SEVEN** comments in **SUPPORT**. A number of the objection comments were made by the same parties.

Summarised **OBJECTION** comments:

- Noise pollution
- Number of traffic movements - noise exacerbated by gravel parking area. Average traffic movements of a 'normal house' with two parents would average 2 movements per day according to NTS Accredited National Statistics 2022.
- Inadequate parking on site for the amount of carers, visitors, and other vehicles attending the site.
- Turning and manoeuvring of the vehicles off the site at all times in the day, causing disturbance
- Noise and disturbance from the outdoor play area
- Concern with more residents and staff to be moved to site
- Police presence has risen, averaging 1 visit per day.
- The homes have turned a rural village into an inner city sink estate.
- Lack of careers to action or discipline the residents
- Residents using the amenities in the rear garden are causing noise and disturbance outside of normal/school hours
- The residents of Folgate Lane should also be able to live in safe, stable and caring communities.
- The Borough Council have previously recommended refusal on 3rd July 2023 because of the location, lack of amenities and facilities.
- Questions why the development cannot be moved to another location which is in the ownership of the Applicants.
- Rights of the residents should be at the forefront of the decision making.
- The young people housed there need far more support and control than the well-meaning carers are able to give them.
- Limited bus services.
- Nothing to occupy the residents time and improve their behaviour.
- Impact on residential amenity of existing elderly residents with residents with behavioural issues.
- Overdevelopment and inappropriate location as the proposal is a departure from existing residential character in the neighbourhood.
- Question related to the supports comments made by parties outside of the Norfolk and should be given no weight.

Summarised **SUPPORTING** comments:

- The home will provide much-needed support for vulnerable young people who require a safe, stable, and nurturing environment. High-quality residential care settings like this one play an important role in our community, ensuring children who cannot live with their families receive the care, guidance, and stability they deserve.
- Comments about the Applicant's character

## **KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040**

**LP01** - Spatial Strategy and Settlement Hierarchy Policy (Strategic Policy)

**LP06** - Climate Change (Strategic Policy)

**LP14** - Parking Provision in New Development

**LP18** - Design & Sustainable Development (Strategic Policy)

**LP21** - Environment, Design and Amenity (Strategic Policy)

**LP29** - Housing for the elderly & Specialist Care (Strategic Policy)

## **NEIGHBOURHOOD PLAN POLICIES**

Policy 3 – Design

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Planning History
- Principle of Development
- Form and Character
- Impact on Neighbour Amenity
- Crime and Disorder
- Highway Safety
- Flood Risk
- Any other matters requiring consideration prior to determination of the application

### **Planning History:**

On the 5th June and 3rd July 2023, planning reference 23/00265/CU was presented to Planning Committee where it was discussed that due to the lack of facilities for children in

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the village, the Committee were resolved to refuse the application. However, the application was withdrawn by the Planning Agent before the decision was issued. Therefore, whilst a committee resolution was given, no final decision was made.

Following this, a Lawful Development Certificate (LDC) (planning reference 23/01333/LDP) was submitted to the Local Planning Authority to confirm whether the occupation of up to six residents with a live-in carer on site would be lawful. Based on the information provided with the LDC, the Council determined that the proposed use as a dwellinghouse, for no more than six residents living together as a single household, including care being provided for residents, would be lawful as under Use Class C3(b) use and would not require planning permission.

The submission of this current application is as a result of an Enforcement investigation (reference 25/00125/UNAUTU) where a change of use from Use Class C3(b) to C2 was identified.

### **Principle of Development:**

In considering applications of this nature, paragraph 63 of the NPPF is supportive of diverse housing needs for different groups in the community, this includes looked after children.

Furthermore, a Ministerial Statement made on 23 May 2023 states that "The planning system should not be a barrier to providing homes for the most vulnerable children in society...These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love." This stance is unchanged when considering applications of this nature.

The Applicants have stated in the Planning Statement that there is currently a shortage of placements for children in care in Norfolk. In Norfolk, a charity for Children in Care and Young Care Leavers, Become, found that in 2022-2023, 40 per cent of children in care were placed over 20 miles from home, which is higher than the national average. The Applicants reported that in 2023/2024, Norfolk had an estimate of 1150 children in care, with an estimated 168 in residential placements and 184 placed out-of-county. Based on the latest data from the Department of Education via the Explore Education Statistics (2024/2025), Norfolk has an estimate of 1,200 children in care.

Policy LP29 (Housing for the Elderly and Specialised Care) of the Local Plan 2021-2040 supports specialised housing for those who need support including care for young people where it is located within the Spatial Strategy and Settlement Hierarchy (LP01) and i. close to town or village shops, public transport, community facilities and medical services; and ii. these are easily reached by those without access to a car, as appropriate to the needs and level of mobility of potential residents.

The application site is located within the joint development boundary of Walpole St Peter, St Andrew, and Marsh, which is a Tier 4 (Key Rural Service Centre) settlement within the Settlement Hierarchy of LP01 of the Local Plan 2021-2040.

Walpole St Andrew contains local community services such as a church, village hall and primary school at various distances from the site and within the development boundary. Whilst these services may not be served by a footpath the entire length of the trip, due to the nature of the proposal, the residents would rely on carers to drive or walk with them to these services. The residents would also benefit from the transport connectivity for travelling to and

from the site and accessing other facilities more commonly found in larger settlements, such as secondary schools, medical and retail services.

Furthermore, the closest bus stop is located approximately 200m (as the crow flies) to the east of the site on the junction between Walnut Road and West Drove North. This bus stop provides daily services to King's Lynn and other neighbouring villages (at 7am, 9am and 12pm to King's Lynn and 2pm and 5pm from King's Lynn on weekdays and less frequently during Saturdays). Whilst the public transport provision in Walpole St Andrew may be infrequent, the needs and mobility of future residents may require transportation by car with their carers', and the site can conveniently access other local roads and the A17 to the north and A47 to the south.

Lastly, whilst there may be fewer opportunities to access community led activities and social groups in a rural location compared with an urban location, this does not exclude children with additional care needs living in villages such as Walpole St Andrew.

A recent appeal decision for a similar scheme at Harpley was allowed by the Planning Inspectorate under appeal reference APP/V2635/W/25/3371127 / planning reference 25/00611/CU. This appeal decision has been attached as an appendix to this report. The planning application was refused by Planning Committee on 30 June 2025 as the Committee considered that the site was in an inappropriate location due to the lack of community facilities and public transport in the village which would not outweigh the benefits of the scheme. The Inspector acknowledged that Harpley was a rural village with limited services and public transport, but this did not preclude children with additional care needs to live in this village. The site would operate similar to that of the existing residential dwellinghouse and remain integrated with the surrounding development.

Whilst each application is determined on a case-by-case basis, significant weight has been given to the appeal decision due to the similarities the applications share.

Considering all the aforementioned factors, the proposed residential care home in the joint development boundary of Walpole St Peter, St Andrew, and Marsh, would comply with policies LP01 and LP29 of the Local Plan 2021-2040 and provisions of the NPPF and is acceptable in principle.

#### **Form and Character:**

Policies LP18 and LP21 of the Local Plan 2021-2040 seeks to ensure that all development in the borough is of a high-quality design and conserves and enhances the amenity of the wider environment. This is reiterated in paragraph 135 of the NPPF which states that planning decisions should ensure development will function well and add to the overall quality of the area for its lifetime, are visually attractive, sympathetic to local character and history, maintain a strong sense of place, optimise the potential of the site, and create safe, inclusive and accessible places.

The application site comprises a detached three-bedroom bungalow, which has been recently extended, with a modest triangular rear garden area. Before the submission of the planning application the site had been renovated. The dwellinghouse has been extended to the side under planning reference 24/01059/F. In the rear garden, an outbuilding had been erected. The outbuilding complies with the requirements set out under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order (GDPO) 2015 (as amended).

To the front of the house is an area of gravel for up to five parking spaces, mostly screened from view along Folgate Lane by a linear hedgerow and small ornamental tree planting. No alterations to the external appearance of the dwellinghouse, or the site, is proposed as part of this application.

Concerns have been expressed that the demographics of Folgate Lane are predominantly elderly, retired people who enjoy the quiet rural location; the children's home urbanises the character of the area by the number of cars parked in and around the site; and that the development as a business use in a residential location which alters the character of the lane.

While the current demographic of the lane is noted, there are no restrictions preventing a change in the age profile of residents, and the nature or age of an occupier is not a material planning consideration unless controlled by condition.

With regard to vehicle numbers, neighbours have reported that the number of cars associated with the site exceeds the five spaces shown on the submitted plans. During the Officer's site visits, between five and six vehicles were observed within the site, with no vehicles parked on Folgate Lane itself. It is not clear how neighbours have recorded vehicle numbers or whether all vehicles observed at various times relate directly to the application site. The Applicant has demonstrated that the site can accommodate five off-street parking spaces, and this was evident on inspection.

Although the use involves staff attending the property to provide one-to-one care, the scale of activity associated with three young residents and up to three carers working on a shift basis is considered to remain comparable to a residential use. The level of comings and goings would not be out of keeping with what could reasonably occur at a dwelling of this size.

The rural location of the site does not preclude the proposed use, and the development is not considered to result in harm to the form, character or appearance of Folgate Lane.

Regarding form and character, the proposal would have a neutral impact on the street scene and would accord with LP18 and LP21 of the Local Plan 2021-2040, the NPPF, and policy 3 (Design) of the Neighbourhood Plan.

### **Impact on Neighbour Amenity:**

Paragraph 135 of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Policy LP21 of the Local Plan 2021-2040 seeks to protect neighbour amenity by assessing proposals against a number of factors including: overlooking, overbearing, overshadowing; noise; odour; air quality; light pollution, for example. Development that has a significant impact on the amenity of others will be refused.

The site has one immediate neighbour, No 9 Folgate Lane, which is a detached bungalow, currently rented out by the organisation which runs the children's homes. Given the nature of the proposed development, which is for a change of use only, there would be no overshadowing, overlooking and overbearing impacts.

A number of neighbour objections have been received relating to noise and disturbance, particularly from vehicle movements and the use of the outdoor area.

The Applicant's Planning Statement explains that the home would typically operate with up to three members of staff on site at any one time, with visitors attending by prior appointment. At this level of activity, the number of vehicle trips generated is not considered to differ significantly from that associated with a single dwelling of comparable size. While short periods of increased activity may occur during staff changeovers, the site provides sufficient space for parking and manoeuvring, reducing the likelihood of disturbance to neighbouring properties.

The submitted Noise Management Plan confirms that outdoor play and activities would be encouraged only during appropriate hours, forming part of the residents' routine and structure. Any noise arising from the use of the garden for play or recreation would be consistent with what could reasonably be expected from a dwellinghouse in a residential area.

The Community Safety and Neighbourhood Nuisance (CSNN) team has raised no objection to the proposal and has not recommended any conditions. CSNN also confirmed that a single noise complaint had previously been made in relation to No. 10 Folgate Lane; however, this was closed on 16 December 2025 with no further action taken. The noise was assessed as domestic in nature and did not constitute a statutory nuisance under the Environmental Protection Act.

Regarding impact on neighbour amenity, the scheme is considered to comply with LP21 of the Local Plan 2021-2040.

#### **Crime and Disorder:**

Crime and security as a planning matter increased in profile after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

Paragraph 96(b) and 135(f) states that planning decisions should aim to achieve healthy, inclusive and safe places which promote the health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Objectors have reported on an increase presence of police along Folgate Lane following the introduction of these children's homes.

The Applicant has explained in their supporting statement that police presence relates to their statutory duties under the Children's Homes (England) Regulations 2015, rather than crime and disorder from the residents. The Applicant has shared that the majority of incidents where police attendance related to the property is as a result of missing-from-care reports, historic allegations where the child is the victim, welfare checks, or proactive safeguarding visits. Police involvement therefore reflects the legal safeguarding compliance, not criminality of the residents.

Within the Planning Statement, the Applicants have also provided the Location Risk Assessment (LRA) and Impact Risk Assessment (IRA), which is required to be submitted and agreed by OFTSED, who are the governing body. The LRA evaluates risks in the surrounding area, such as crime, environmental features, transport, and community relations. The IRA considers whether a new child is a safe match for the home, including potential effects on other children, the staff team, and the wider community. These are living

documents which are reviewed on a regular basis and carried out prior to the admission of a new resident to the units.

Regarding crime and disorder, whilst police presence has increased along Folgate Lane, this is not as a result of criminality and disorder, but the statutory safeguarding duties of the organisation. The proposal would therefore comply with LP21 of the Local Plan 2021-2040 and the provisions in the NPPF for safe and inclusive communities.

### **Highway Safety and Parking Provision:**

The Parish Council and neighbours have made comments related to the parking and turning area on the site, off-site parking, and impact of traffic on Folgate Lane.

The parking area to the front of the dwellinghouse is approximately 354 square meters, measuring approximately 15m deep and 24.3m wide. The Applicant has demonstrated that up to 5 vehicles could fit on site. For a three-bedroom dwelling, three parking spaces are required as per policies LP14 and LP21 of the Local Plan 2021-2040 and Norfolk's Parking Standard. The Local Highway Authority has raised no objection to the principle of development.

The Applicant has provided an example of a rota for the proposed development which shows three members of staff on the site, with two members of staff staying overnight most nights. The Applicant has confirmed that staff would arrive in the morning, stay overnight, and leave the following morning - just like a typical household.

Neighbours have reported on the level of parking exceeding the stated amount on occasion, at times reaching 19 total cars - it is unclear whether this is for one site only. The main parking requirements would be primarily for staff and whilst visitors might visit occasionally by a pre-arranged visit to ensure management of the parking provision on site. Shifts are staggered to ensure there is not an excessive build-up of vehicles on site.

Furthermore, whilst the neighbours have quoted that the trips taken associated with this development significantly exceeds the average number of trips, it is unclear how this has been calculated. The Local Highway Officer has verbally confirmed that according to the National TRICS data base, a household averages 6 trips per day - not 2 trips per day as stated by third parties. The C2 use would be akin to a residential use and whilst traffic movements may exceed the expectation of surrounding neighbours, is not considered a significant increase.

Concerns have been raised that the intensification of the site would put pressures on the local road network. Again, considering the potential maximum number of cars visiting the site, impacts would be similar to those expected if the building was occupied as a three-bedroom residential dwelling. Maintenance of the road would be the responsibility of the Local Highway Authority and is not a material consideration within the scope of this application.

In regard to highway safety, the proposal would comply with LP06, LP13, LP14 and LP21 of the Local Plan 2021-2040.

### **Flood Risk:**

The site is located within a Flood Zone 3 and within a Tidal Hazard Mapping area, identified as impacted by climate change with regard to surface water and Tidal 0.1% and 0.5%AEP. Along the west boundary is a Board maintained drain.

Notwithstanding that a flood risk assessment has been submitted it is material that the flood risk vulnerability of the proposal is no different than its current vulnerability classification as a dwelling (both are classed as 'More vulnerable').

Consequently, there is no change in the vulnerability classification as a result of the change of use. An informative relating to the EA flood warning direct service and the preparation of a Flood Evacuation Plan will be placed on the decision notice as it is in an area affected by flooding. The Environment Agency have no objection to the application following the submission of a flood risk assessment.

An IDB maintained drain runs along the west boundary of the application site. The IDB have no objections to the proposal but highlighted that consent may be required if works were to take place. This has been passed to the Applicant for their further consideration.

Surface water drainage and foul drainage is as existing and is not amended by this change of use application.

In regard to drainage, the proposal would comply with LP06, LP18 and LP25 of the Local Plan 2021-2040.

**Other matters requiring consideration prior to the determination of this application:**

*Climate Change:*

LP06 of the Local Plan 2021-2040 requires all development to recognise and contribute to the importance of future proofing against the challenges of climate change to support the transition towards meeting the Government target of becoming a net zero economy by 2050. The application seeks to utilise an existing dwelling whilst not introducing significant additional traffic movements beyond that expected of a normal household. Additionally, the Applicant has shared that their staff have recently purchased and will be using electric vehicles which would generate less carbon emission.

*Public Sector Equality Duty (PSED):*

In making this decision the Authority must have regard to the public sector equality duty (PSED) under Section 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 is an important and relevant consideration in the decision making process; however, it does not require the Council to achieve any particular outcome. Instead, it must be weighed alongside all other material planning considerations.

In this case, the relevant protected characteristic is age. The proposal would provide accommodation and support for young people aged 8-18, and the development is considered to have a positive equality impact for this group by meeting their assessed needs in an appropriate setting.

Concerns have been raised by some elderly neighbours who believe that the proposal may adversely affect them due to their age. These concerns have been carefully considered. However, the evidence does not indicate that the development would result in a disproportionate or detrimental impact on older residents as a group. Any general amenity issues raised have been assessed separately within the planning balance and are not considered to amount to an adverse equality impact under the PSED.

#### **Specific comments and issues:**

Comments in objection can be categorised into five key matters: noise and disturbance; traffic, parking and accessibility; safety, behaviour and impact on the community; suitability of the location; and decision making. These matters have been covered in the planning balance, discussed above.

Other comments in objection were related to the effectiveness of staff in deescalating situations with residents at times. This is an operational matter which is not a material consideration and outside the scope of the planning application. Furthermore, the character and background of the Applicant/Planning Agent is also immaterial to the planning application.

No objections were raised by Council's Environmental Quality and the Emergency Planning Officer.

## **CONCLUSION**

The application seeks to change the use of a residential dwelling (Use Class C3) to a residential care home for up to three children aged 8 - 18 (Use Class C2). The application site is an existing three-bedroom dwelling in Walpole St Andrews, a Key Rural Service Centre, where the sustainability of the site is considered acceptable being within the development boundary of Walpole St Andrews.

Although concerns were raised by third parties and the Parish Council, regarding form and character, impact on neighbour impact (noise and disturbance, and crime/disorder), and highways safety, it is considered that the proposed scale of operations of the proposed use would be similar to the residential use of a dwelling of this size and would not have any unacceptably detrimental impacts on neighbours or the locality as a whole.

No objections were raised by Local Highway Authority, Internal Drainage Board, Environment Agency, Environment Quality, Community Safety and Neighbourhood Nuisance Team, and the Emergency Planning Officer.

On the basis of the above, the scheme is considered acceptable and in accordance with LP01, LP06, LP14, LP18, LP21, and LP29 of the Local Plan 2021-2040, and the NPPF. It is

therefore recommended that Members approved this application, subject to the imposition of conditions.

**RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 **Condition:** The development hereby permitted shall be carried out in accordance with:  
Dwg no. 25/1041/PL-1. Location Plan.  
Dwg no. 25/1041/PL-4. Existing Parking Arrangement Plan.
- 1 **Reason:** For the avoidance of doubt and in the interests of proper planning.
- 2 **Condition:** The premises shall be used solely as a residential care home within Use Class C2 for the accommodation and care of no more than three children aged between 8 and 18 years, and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any statutory re-enactment thereof).
- 2 **Reason:** To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF and policy LP01, LP21 and LP29 of the Local Plan 2021-2040.
- 3 **Condition:** Within three months of the date of this decision, a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage .The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.25 metres above the level of the adjacent highway carriageway.
- 3 **Reason:** In the interests of highway safety in accordance with the principles of the NPPF and policy LP21 of the Local Plan 2021-2040.