

PLANNING COMMITTEE

Wednesday, 2 October 2024

5.30 pm

**Committee Rooms 1 and 2,
City Hall, Beaumont Fee,
Lincoln, LN1 1DD**

Membership:	Councillors Bob Bushell (Chair), Gary Hewson (Vice-Chair), Debbie Armiger, Chris Burke, Liz Bushell, Martin Christopher, Annie Currier, Rebecca Longbottom, Bill Mara, Callum Roper and Calum Watt
Substitute members:	Councillors James Brown, Neil Murray and Emily Wood
Officers attending:	Simon Cousins, Democratic Services, Kieron Manning, Louise Simpson and Dave Walker

The Planning Committee comprises democratically elected members who will be presented with a recommendation from the professional officers for each application on the agenda. After each application has been presented, those interested parties who have registered to speak will then be given 5 minutes to verbally present their views, and, following this, the committee will debate each proposal and make the decision, having considered all relevant information.

Clearly the process of making a decision will inevitably cause some people to feel aggrieved, but it is hoped that all interested parties will feel that their views have been considered as part of the process.

Please ensure that your mobile phones are switched off or set to silent throughout the meeting and please refrain from attempting to speak from the public gallery unless you have formally registered to speak on an application, in which case the Chair will call you to the table at the relevant time.

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 7 August 2024	5 - 12
2. Update Sheet	To Be Tabled
3. Declarations of Interest	

Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.

4. Work to Trees	13 - 18
5. Application for Development:14 Queens Crescent, Lincoln	19 - 38

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)

LIST OF BACKGROUND PAPERS FOR PLANNING, LISTED BUILDING, CONSERVATION AREA AND ADVERTISEMENT APPLICATIONS ON THE AGENDA OF THE PLANNING COMMITTEE

The Background Papers for the Planning, Listed Building, Conservation Area and Advertisement Applications are:

1. The Planning Application File. This is a file with the same reference number as that shown on the Agenda for the Application. Information from the planning application file is available online at <https://development.lincoln.gov.uk/online-applications/>

The application files contain the following documents:

- a. the application forms;
 - b. plans of the proposed development;
 - c. site plans;
 - d. certificate relating to ownership of the site;
 - e. consultation letters and replies to and from statutory consultees and bodies;
 - f. letters and documents from interested parties;
 - g. memoranda of consultation and replies to and from Departments of the Council.
2. Any previous Planning Applications referred to in the Reports on the Agenda for the particular application or in the Planning Application specified above.
 3. Central Lincolnshire Local Plan – Adopted April 2023
 4. National Planning Policy Framework - March 2012
 5. Applications which have Background Papers additional to those specified in 1 to 5 above set out in the following table. These documents may be inspected at the Planning Reception, City Hall, Beaumont Fee, Lincoln.

APPLICATIONS WITH ADDITIONAL BACKGROUND PAPERS (See 5 above.)

Application No.: Additional Background Papers

CRITERIA FOR PLANNING COMMITTEE SITE VISITS (AGREED BY DC COMMITTEE ON 21 JUNE 2006 AND APPROVED BY FULL COUNCIL ON 15 AUGUST 2006)

Criteria:

- Applications which raise issues which are likely to require detailed first hand knowledge of the site and its surroundings to enable a well-informed decision to be taken **and** the presentational material at Committee would not provide the necessary detail or level of information.
- Major proposals which are contrary to Local Plan policies and proposals but which have significant potential benefit such as job creation or retention, environmental enhancement, removal of non-confirming uses, etc.
- Proposals which could significantly affect the city centre or a neighbourhood by reason of economic or environmental impact.
- Proposals which would significantly affect the volume or characteristics of road traffic in the area of a site.
- Significant proposals outside the urban area.
- Proposals which relate to new or novel forms of development.
- Developments which have been undertaken and which, if refused permission, would normally require enforcement action to remedy the breach of planning control.
- Development which could create significant hazards or pollution.

So that the targets for determining planning applications are not adversely affected by the carrying out of site visits by the Committee, the request for a site visit needs to be made as early as possible and site visits should be restricted to those matters where it appears essential.

A proforma is available for all Members. This will need to be completed to request a site visit and will require details of the application reference and the reason for the request for the site visit. It is intended that Members would use the proforma well in advance of the consideration of a planning application at Committee. It should also be used to request further or additional information to be presented to Committee to assist in considering the application.

Present: Councillor Bob Bushell (*in the Chair*),
Councillor Gary Hewson, Councillor Chris Burke,
Councillor Liz Bushell, Councillor Martin Christopher,
Councillor Annie Currier, Councillor
Rebecca Longbottom, Councillor Bill Mara, Councillor
Callum Roper, Councillor Pat Vaughan and Councillor
Calum Watt

Apologies for Absence: Councillor Debbie Armiger

12. Confirmation of Minutes -10 July 2024

RESOLVED that the minutes of the meeting held on 10 July 2024 be confirmed and signed by the Chair as a true record.

13. Update Sheet

An update sheet was circulated to members of Planning Committee in relation to planning applications to be considered this evening, which included additional information for Members attention, received after the original agenda documents had been published.

RESOLVED that the update sheet be received by Planning Committee.

14. Declarations of Interest

No declarations of interest were received.

15. Works to Trees

Dave Walker, Arboricultural Officer:

- a) advised Planning Committee that the main purpose of his report was reasons for proposed works to trees predominantly in the City Council's ownership, although it may include other trees at times where special circumstances applied and officers were both able to do so and thought it was helpful
- b) sought consent to progress the works identified, as detailed at Appendix A of his report, with the exception of 'Item No 2- 56 St Faith's Street - housing property' which already had previous consent
- c) highlighted that the list did not represent all the work undertaken to Council trees, it represented all the instances where a tree was in City Council ownership and identified for removal, or where a tree enjoyed some element of protection under planning legislation, and thus formal consent was required
- d) explained that ward councillors had been notified of the proposed works.

RESOLVED that the tree works set out in the schedules appended to the report be approved.

16. Application for Development: 12 Queens Crescent, Lincoln

The Planning Team Leader:

- a. referred to the application premises, a two-storey semi-detached property located on Queen's Crescent, previously used as a house in multiple occupation having been granted a flexible C3/C4 use (2023/0382/C4)
- b. advised that planning permission was sought for change of use from C3/C4 to a children's home (C2)
- c. outlined the history to the application site as detailed within the officer's report
- d. provided details of the policies pertaining to the application, as follows:
 - Policy S1: The Spatial Strategy and Settlement Hierarchy
 - Policy S2: Growth Levels and Distribution
 - Policy S23: Meeting Accommodation Needs
 - Policy S53: Design and Amenity
 - National Planning Policy Framework
- e. provided details of the issues to be assessed in relation to the planning application, as follows:
 - Principle of Use
 - Impact on Residential Amenity
 - Highway Safety
- f. confirmed that the use of the property was required to be OFSTED registered and would offer accommodation for up to three children at any one time between the ages of 7 and 17
- g. outlined the responses made to the consultation exercise
- h. referred to the Update Sheet circulated at the meeting which contained further responses received after the agenda bundle had been despatched
- i. concluded that:
 - In planning terms, the proposal was for residential accommodation in a residential area, albeit for care purposes and as a business enterprise.
 - There were no planning policies which prevented such uses from being located within residential neighbourhoods, in fact policy resisted such uses in isolated locations.
 - In this case the number of children and the use could be controlled by conditions so it was considered appropriate and compatible with the residential area.
 - The use, when appropriately managed, should not result in undue harm to the amenities of neighbouring occupants.
 - The LCC has raised no objections in terms of parking or impact upon highway safety.

- Officers were therefore satisfied that the use would meet the requirements of CLLP Policies S2, S23 and S53 and the National Planning Policy Framework.

Dr Simon Smith addressed Planning Committee in objection to the proposed planning application. He covered the following main points:

- He spoke also on behalf of Mr Dixon-Smith who had intended to speak this evening, however, was unable to attend due to personal circumstances.
- Queens Crescent was a Victorian narrow terraced kerbed street with Residents Parking down one side.
- There was no room to turn a car around; reverse gear would be required.
- Each property was entitled to only two residents parking permits.
- The suggested timetable for the operation of the application site with support vehicles arriving at 7.30am, 8.00am and 8.30am, departing again at 9.00am would conflict with busy traffic during school times when there would be lots of pedestrian/vehicular movements.
- Children walked across the West Common and across the road to attend St Faiths and St Martins School at those times.
- There were highway safety concerns.
- There was unrestricted parking along the street during the evenings/ Sundays. There was no chance of obtaining a car parking space whilst the students were there.
- The intended use for the application site was different to that of a family house.
- There would be numerous comings and goings including visits from Social Services and taxis arriving to take the children to/from school.
- There would also be visits from placement support workers, psychologists, children's services, and home medical care provision.
- From his personal experience of these types of institutions, the thought of using this house as a children's home was horrifying; there would be provision of a single lounge, modest in size, and the children would spend the rest of the time in their bedrooms.
- There were plenty of larger houses to be used in the area.
- The applicant had purchased the property as a cheaper option for financial gain.
- It had no outside space.
- It sat next to a House in Multiple Occupation (HiMO) with 8 people residing there.
- There was a safeguarding issue here.

Councillor Emily Wood addressed Planning Committee in relation to the proposed planning application in her capacity as Ward Advocate, covering the following main points:

- She was present this evening to request that this planning application be refused.
- Local residents and all three Ward Councillors were in agreement.
- The properties on Queens Crescent were predominantly family homes in a quiet residential street.
- The proposed change to business use was not in character with the area.
- This was not the correct place for a children's home.
- There was a lack of outdoor space.
- The indoor space was also limited.

- Due to the suggested age of the children, anti-social behaviour was at risk of increase in the area.
- There would be additional pressure on residents, staff and the children at the home.
- The street was already overcrowded.
- There was a lack of car parking space.
- She requested planning permission be turned down.

Councillor Lucinda Preston addressed Planning Committee in relation to the proposed planning application in her capacity as Ward Advocate, covering the following main points:

- On behalf of the local community, she requested that planning permission be refused.
- The impact of the proposed development was not reflected in reality within the officer's report
- The impact on car parking/traffic must be considered which would be increased, together with noise pollution and risk to children's safety.
- The officer's report stated that there would be less vehicular movements compared to the existing use of the property, having a bus service network in the vicinity. However, we all knew that local bus services were infrequent.
- The care staff would be lower paid and prefer to park locally rather than using public transport.
- St Faiths and St Martins school taught children up to 11 years old.
- The children's home would care for vulnerable children from 11 to 17 years and would not attend the local school.
- School transport would be provided.
- There would be an Ofsted inspection every 12 months.
- There would be a multitude of visits by car from professionals including the medical profession.
- The application stated that the premises could be used for emergency accommodation which meant additional visits/vehicular traffic.
- She wanted to be clear she was in no way wanting to disparage these vulnerable children.
- The idea that each resident had their own vehicle with only two residents car parking permits for this home would create more traffic/highway issues.
- In relation to issues of noise, sensitive children with complex needs would be placed in a noisy atmosphere without any outside space

Mr James Stannard addressed Planning Committee as agent on behalf of the applicant in support of the proposed planning application. He covered the following main points:

- The application before members this evening requested full planning permission for a children's home with a maximum occupation of three children.
- The company that would be involved in operating the home had 30 years' business experience in high quality care.
- Ofsted regulations required that very high standards of care be met and the Government had a clear commitment to tackling these issues.
- This was a sustainable location close to local services.
- The proposed use was compliant with Policy S1, S23 and the National Planning Policy Framework.

- In terms of potential impact on amenity; the high safety measures at the premises would alleviate any potential crime/Anti-Social Behaviour;
- Vehicular movements would not be materially different than present.
- Public transport links would be used by staff and a staff car sharing scheme promoted.
- The Highway Authority had no objections re highway safety.
- In conclusion, he agreed the proposals were acceptable as recommended by officers.

Members discussed the content of the report in further detail.

Members thanked the public audience for their attendance/comments and engagement in the planning process.

The following concerns were raised in respect of the planning application:

- The proposed use involved a large number of public attendance. There was a lot to consider.
- There would be a large number of vehicular movements/agencies supporting these children.
- The spirit of Article 4 supported more family based accommodation to avoid changing the area of the West End.
- The premises would be better used as a family home.
- Vulnerable children would be living in a very small space which was concerning.
- If all three Ward Councillors were against the proposals they were the local experts.
- Potential Anti-Social Behaviour was a concern, however it was not a material issue.
- The amount of indoor and outdoor amenity space was a concern, however contradicting this was the need for family homes. There were many family homes in the city with a lack of outdoor space.

The following comments were received in support of the planning application:

- The care providers here had experience in managing similar services in the past.
- The change of use for the premises was acceptable.
- Due to plans for longer term business use by Social Services these type of properties would be of less need.
- If only two Resident's car parking passes were issued then only two cars were able to park, the same as for everyone else in the street.
- Ofsted had highly recommended the proposal, quoting it as amenable.
- Although there was a lack of green space at the property, straight across the passageway was Alderman's Walk with a massive Common, Whitton's Park and the Wong close by.
- In terms of internal space, many children spent a great deal of time in their bedrooms by their own choice.
- There was a lack of this type of facility locally.
- Provision of cycle storage facilities on the site would be welcomed.
- These children had some of the worst outcomes in terms of vulnerability; it was hoped the local community would rally round to support them.
- This was a lovely area for children to grow up.
- Potential noise pollution was not much higher than Yarborough Road area.

- Comments made in respect of sense of community were welcomed.
- There would be a restriction on car parking in an RPS area. This would be enforced to ensure compliance by everyone.
- Complex needs of the children did not imply them to be naughty children.
- The recommended condition restricting the use of the premises by no more than three children was really helpful.
- These types of children needed places of safety in residential units.
- Mental and physical health of the children was very important.
- The children would be supervised on local outings.
- The current C3 use for the premises gave limited control with residency by up to 6/7 occupants. C2 use would restrict the use of the premises to a children's home for up to three children.
- Ofsted would take the final decision as to whether the property became a children's home.

The following questions emerged:

- One objector stated that the local authority had not published the proposal to date which was a requirement under the Town and Country Planning Act 1990?
- If changes to the operation of the premises to C2 use (children's home) were implemented and the business model failed, would the matter be referred back to Planning Committee for further consideration? Could it revert back to C3/C4 use as a HiMO as well as a family home?
- Could clarification be given to the statement at page 18 of the officer's report that the premises could have become C3b use?
- Was there any provision for traffic modelling in the area?

The Planning Team Leader offered the following points of clarification:

- The Statement of Community Involvement set out the consultation process with neighbours. A site notice was not necessary in applications like this.
- If planning permission for C2 use was granted, further planning permission would be required for it to revert to C3 or C4 use. Article 4 was in place for the area, which restricted the number of HiMO's to no more than 10% in the locality. Currently there was a concentration of 22%, therefore, it was very unlikely permission for a further HiMO would be granted.
- Class C3 was described as a stand-alone dwelling for one household. Class C3b allowed an element of care to be provided. Children were not capable of forming a household, therefore the staff support element connected with the change of use for the property required planning permission.
- There was no traffic modelling in place from a vehicle movement prospective; two Residents Parking Permits would be allowed for the home.
- In terms of cycle storage, it was within the remit of members to impose a condition requiring such provision if they considered this reasonable.

It was moved, seconded and carried that cycle storage facilities be included as an additional condition subject to grant of planning permission.

RESOLVED that planning permission be granted subject to the following conditions:

Standard Conditions

01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings provided.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

03) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 3 children shall at any time occupy the property whilst it is in use as a C2 children's care home.

Reason: In order to protect amenity.

04) The premises shall be used for a children's home within Use class C2; only and for no other purpose (including any other use within Class C2 to the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any subsequent amendment or re-enactment thereof).

Reason: In order to protect amenity.

Additional Condition

Provision of cycle storage facilities on site.

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SUBJECT:	WORKS TO TREES
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	ASSISTANT DIRECTOR, COMMUNITIES AND STREET SCENE

1. Purpose of Report

- 1.1 To advise Members of the reasons for proposed works to trees. These will be predominantly trees in City Council ownership, which is the main purpose of the report, but it may include others at times where special circumstances apply, and officers are both able to do so and think it helpful.
- 1.2 It is important to note that the attached list does not represent all the work undertaken to trees in Lincoln, in Council ownership or otherwise. It does however cover all the instances where a tree is in City Council ownership and identified for removal, or where a tree enjoys some element of protection under planning legislation, and thus formal consent is required.

2. Background

- 2.1 In accordance with policy, Committee's views are sought in respect of proposed works to trees, see Appendix A.
- 2.2 The responsibility for the management of any given tree is determined by the ownership responsibilities of the land on which it stands. Trees within this schedule therefore predominately relate to trees on land owned by the City Council, with management responsibilities distributed according to the purpose of the land (e.g. 'Housing trees,' 'Park trees'). However, it may also include trees that stand on land for which the City Council has management responsibilities under a formal agreement but is not the owner (e.g. County Council highway trees).
- 2.3 All cases are brought to this committee only after careful consideration and assessment by the Council's Arboricultural staff (together with independent advice where considered appropriate).
- 2.4 Although the Council strives to replace any tree that has to be removed, in some instances it is not possible or desirable to replant a tree in either the exact location or of the same species. In these cases, a replacement of an appropriate species is scheduled to be planted in an alternative appropriate location. This is usually in the general locality where this is practical, but where this is not practical, an alternative location elsewhere in the city may be selected. Tree planting is normally scheduled for the winter months following the removal.

3. Consultation and Communication

- 3.1 All relevant ward councillors are notified of the proposed works for their respective wards prior to the submission of this report.
- 3.2 The relevant portfolio holders are advised in advance in all instances where, in the judgement of officers, the matters arising within the report are likely to be sensitive or contentious.

4. Strategic Priorities

4.1 Let's reduce all kinds of inequality

It is important to the Council that quality green spaces are accessible to all, and that everyone should enjoy the benefits that a greener environment brings.

4.2 Let's deliver quality housing

Housing is about more than providing a building. Houses represent 'home,' and this feeling is developed on a range of factors about the area of a house, including the environment in which it stands. Tree cover is a significant aspect of shaping how an area of housing feels, and thus the creation of homes.

4.3 Let's enhance our remarkable place

The Council acknowledges the importance of trees and tree planting to the environment. Replacement trees are routinely scheduled wherever a tree has to be removed, in-line with City Council policy. Lincoln's green spaces, including its tree cover, are an asset which has unquantifiable value; they are a key part of the City Council's strategic approach to improving the city for the benefit of all those who live, work or visit the city.

4.4 Let's address the challenge of climate change

The trees in Lincoln's parks and open spaces are often referred to as it's lungs. Care for the trees, and how the Council ensure a healthy quality tree cover, underpins and contributes to biodiversity improvements.

5. Organisational Impacts

5.1 Finance

The costs of any tree works arising from this report will be borne by the existing budgets. There are no other financial implications, capital or revenue, unless stated otherwise in the works schedule.

5.2 Legal Implications including Procurement Rules

As trees are assets in the public domain the Council has a legal duty to maintain them, in so far as is reasonably practicable, in a safe condition. This policy supports that requirement, and would add weight to any defence against claims related to injury or damages arising from allegations of negligence of the tree stock.

The Environment Act 21 required an amendment to section 96 of the Highways Act 1980. This placed a duty on a local highway authority to consult the public on the removal of any highway tree (subject to a number of exemption clauses). As the highway trees are all in the ownership of the County Council, this does not technically apply to City Council owned trees. However, the City Council, through this policy, commits to the same principles, and will always report the removal of any tree it owns to the Planning Committee. Where possible this will be in advance, for review, but may have to be retrospectively if circumstances dictate e.g. removal of a tree for health and safety reasons.

Exceptions to consulting via the Planning Report system will be applied as per the legislation and include:

- Trunk less than 8cm at 1.3m height.
- Planning permission has already been granted for its removal.

5.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

This report does not negatively impact equality, diversity or human rights.

5.4 Significant Community Impact &/or Environmental Impact

It is recognised that tree works, not least removals, can impact a community. This is especially true when a large tree of note has to be removed.

Through the processes associated with delivering this report ward councillors are notified in advance, and thereby have the opportunity to request briefings/details relating to any issues of concern.

Whilst officers will always try to flag up any potentially contentious issues in advance, and address them sensitively, this extra level of consultation permits opportunity for members to highlight any concerns, and for these to be considered according.

5.5 Corporate Health and Safety Implications

All works arising from this report are undertaken by the City Council's appointed grounds maintenance contractor. The appointment of contractors is an in-depth and considered process that will not permit the appointment of contractors who are not

considered safe and competent. The assessments remain ongoing throughout the period of their appointment.

All staff are suitably trained, qualified, and experienced.

6. Risk Implications

6.1 (i) Options Explored

For each tree listed, members may choose to agree, or refuse works. Where they refuse works, then this will have implications which must be understood, on a case by case basis. The preferred approach is agreement to the schedule proffered by arboricultural staff.

6.2 (ii) Key Risks Associated with the Preferred Approach

The work identified on the attached schedule represents the Arboricultural Officer's advice to the Council relevant to the specific situation identified. This is a balance of assessment pertaining to the health of the tree, its environment, and any legal or health and safety concerns. In all instances the protection of the public is taken as paramount. Deviation from the recommendations for any particular situation may carry ramifications. These can be outlined by the Arboricultural Officer pertinent to any specific case.

Where appropriate, the recommended actions within the schedule have been subject to a formal risk assessment. Failure to act on the recommendations of the Arboricultural Officer could leave the City Council open to allegations that it has not acted responsibly in the discharge of its responsibilities.

7. Recommendation

7.1 That the works set out in the attached schedules be approved.

Is this a key decision? Yes

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? One

List of Background Papers: None

Lead Officer: Dave Walker
Arboricultural Officer
Dave.walker@lincoln.gov.uk

**NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES
RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS.
SCHEDULE No 5 / SCHEDULE DATE: 02/10/2024**

<i>Item No</i>	<i>Status e.g. CAC</i>	<i>Specific Location</i>	<i>Tree Species and description/ reasons for work / Ward.</i>	<i>Recommendation</i>
1	N/A	8 Tower Drive – Housing property	<p><u>Abbey Ward</u> 1 x Lime <u>Retrospective notice of removal</u> This tree was in excess of 20 metres high and was standing as deadwood due to the presence of Charcoal fungus – This fungi can cause unpredictable brittle failure to the base of trees affected, the tree was therefore removed as a matter of priority.</p>	Replace with 1 x Lavallee hawthorn; to be planted in grassland on Roman Pavement, opposite house number 28.
2	CAC	Lincoln Arboretum	<p><u>Abbey Ward</u> 1 x Ash <u>Remove to ground</u> This tree is exhibiting creeping failure of the root plate which places the tree at a high risk of unpredictable collapse.</p>	<p>Approve works</p> <p>Replace with 1 x Cut-leaf beech; to be located in close proximity to the position of the removed tree.</p>
3	N/A	91 Woodfield Avenue – Housing property	<p><u>Birchwood Ward</u> 4 x Leyland cypress <u>Retrospective removal notice</u> The overgrown nature of the trees prevented them from being pruned back to form a viable hedge line.</p>	Replace trees with 2 x decorative Apple cultivars – to be located in grassland to the front of flat numbers 177 – 191; an additional 2 x English Oak, to be located in grassland between Cydonia Approach and Woodfield Avenue

Item No	Status e.g. CAC	Specific Location	Tree Species and description/ reasons for work / Ward.	Recommendation
5	N/A	Sudbrooke Drive Community Centre	<u>Minister Ward</u> 1 x Hornbeam <u>Remove to ground</u> This tree is heavily weighted towards the highway – an asymmetrical canopy having formed as the result of suppression – intervention pruning would lead to the creation of an unviable specimen.	Approve works. Replace with 1 x Hornbeam; to be located in grassland adjacent to the community centre.
6	N/A	7 Reynolds Drive – Housing property	<u>Moorland Ward</u> 1 x Holly <u>Retrospective removal notice</u> This tree was of poor form and prevented garden renovation from being undertaken – the tree also prevented the re-installation of the boundary fence line which was damaged as a result of the trees presence.	Replace with 1 x field maple; to be planted in a suitable location within grassland on Turner Avenue.
7	N/A	Hermit Street – Riverside	<u>Park Ward</u> 2 x Ash <u>Remove to ground</u> These are self-set trees which are growing between the fence line and concrete parapet edge of Sincil drain – removal is proposed to prevent future damage to the flood defence.	Approve works Replace with 2 x Spindle; to be planted within grassland adjacent to the removed specimens.

Application Number:	2024/0528/FUL
Site Address:	14 Queens Crescent, Lincoln
Target Date:	12th October 2024
Agent Name:	Mr James Stannard
Applicant Name:	Mr Mark Blagden
Proposal:	Change of use from House in Multiple Occupation (Use Class C4) to children's care home (Use Class C2).

Background - Site Location and Description

The property is a two-storey semi-detached property located on Queens Crescent.

The property has previously been used as a house in multiple occupation.

The application proposes a change of use from C4 to a children's home (C2).

An application for the adjoining property (No. 12) was recently granted planning permission for a change of use to a children's home under application 2024/0250/FUL.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 19 September 2024.

Policies Referred to

- Policy S1 The Spatial Strategy and Settlement Hierarchy Policy
- S2 Growth Levels and Distribution
- Policy S23 Meeting Accommodation Needs
- Policy S53 Design and Amenity
- National Planning Policy Framework

Issues

- Principle of Use
- Impact on Residential Amenity
- Highway Safety

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

Statutory Consultation Responses

Consultee	Comment
John Lincolnshire Police	Comments Received
Highways & Planning	Comments Received

Public Consultation Responses

Name	Address
Mr Mark Baddeley	8 Queens Crescent Lincoln Lincolnshire LN1 1LR
Mr Robin Lewis	22 York Avenue Lincoln Lincolnshire LN1 1LL
Ms Malgorzata Anna Ciolek Poniatowska	11 Queens Crescent Lincoln Lincolnshire LN1 1LR
Miss Charlotte Bell	21 Queens Crescent Lincoln Lincolnshire LN1 1LR
Dr Marc Hanheide	10 Queens Crescent Lincoln Lincolnshire LN1 1LR

Consideration

Principle of Use

The National Planning Policy Framework (NPPF) sets out three overarching objectives (social, economic, and environmental) to be pursued in mutually supportive ways. The overall planning balance must look across all three strands (paragraph 8), it states that development should be pursued in a positive way therefore at the heart of the framework is a presumption in favour of sustainable development.

Central Lincolnshire Local Plan (CLLP) Policy S2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing. CLLP Policy LP1 states that there should be a presumption in favour of sustainable development

and planning applications that accord with the policies in the local plan will be approved without delay. This presumption in favour of sustainable development reflects the key aim of the NPPF.

Specifically, Policy S23 advises that "residential care accommodation, which is designed to accommodate those who need some form of on-site assistance, should be located in a settlement in levels 1 to 4 of the Settlement Hierarchy". CLLP Policy S1 identifies that the Lincoln urban area, defined as the current built up area of Lincoln, which includes the City of Lincoln, is tier 1 in the settlement hierarchy.

The principle of the use within an established residential area, such as the application property, is therefore supported by Policy S23.

The applicant has provided a publication by OFSTED in 2022 detailing the lack of provision of suitable places to keep children in care close to home. Furthermore, the Government issued a statement on 23 May 2023, which was clear that the planning system should not be a barrier to providing homes for the most vulnerable children in society.

Impact on Residential Amenity

There have been 5 neighbour objections to the proposal. The representations are copied within the agenda in full although the main material issues raised are:

Increased vehicle movements and parking requirements, change of character to the area, increased noise and disruption, lack of outdoor space, cumulative impact given the previously approved neighbouring use, increased anti-social behaviour and loss of community balance. Some comments have raised the timing of the submission although this is not a material consideration.

The property would be laid out with 3 child bedrooms on the first floor with a staff office and staff bedrooms on the ground floor and within the roof space. There would be a communal kitchen and two living rooms on the ground floor and an outdoor area which would serve as parking. Some of the objections have raised concern with the lack of the outdoor space although given the boundary has not changed when operated as its previous C4 use, officers consider it would be unreasonable to resist the application on this point. Overall, the property offers a good level of amenity for future occupiers in accordance with S53 of the Local Plan.

The use will be required to be OFSTED registered and will offer accommodation for up to three children between age 7 and 17 at any one time. The staff will be on a rota with a maximum of 4 staff being on site at any one time. The statement submitted with the application details that an OFSTED visit would take place every 12 months and a visit from the Social Services Team every 6 weeks. The property adjoins No. 12 Queens Crescent, which has already been given planning permission to change to a children's home under use class C2. The application documents state that the uses would operate independently of each other. Whilst this may be the case, it is acknowledged that the two properties could be physically connected (i.e. with an internal connecting door) and this would not need planning permission, however planning conditions will seek to control the number of children at the property at one time and conditions already restrict the number of children at No. 12. Therefore, even if the two properties had some form of connection, this in itself would not increase the intensity of the use or materially impact on the operation.

The documents submitted with the application state that the use would be operated by Spring Care For You, which is a new company seeking to start providing social care for

children in Lincolnshire and surrounding regions. Some objections have raised concern with the company being new; asserting that they may be lacking appropriate experience to operate the facility. However, planning permission is given to the property and not an individual. The operator, whether that is Spring Care for You or another provider, would have to undergo other rigorous assessments outside of the planning process. The care home would need to be registered as a children's social care provider and as part of this registration they would be assessed on their capability to provide appropriate social care services.

It is a material consideration to assess the potential for noise and disturbance between the proposed C2 use and the existing C3/C4 use. However, the planning system does not judge the potential behaviour of individual occupants because of their age or background. Therefore, in planning terms this application is required to be considered in general terms and objections which focus on the specific problems that children might suffer from, and public fear about how this might affect how their behaviour and cause amenity/safety issues are not material planning considerations. Although planning policy states planning decisions should not undermine quality of life or community cohesion, the presumed behaviour of the occupants is not a material reason resist this application.

The proposal is for a maximum of 3 children and 4 care staff at any one time and a condition to restrict the number of children to 3 would control the scale of the care operation. The current C4 use has the potential for up to 6 unrelated individuals to reside at the property. It is considered that the level of activity associated with both a C4 use and the proposed C2 use would be comparable. If the C2 use at the neighbouring property is implemented there would be two C2 used adjoined to each other, however, the street would remain predominantly in C3/C4 uses. It is not considered that the introduction of another C2 use in this location, particularly given the acceptability of the use in the local plan, would materially alter the character of the area.

It has already been considered that the principle of the use is appropriate in this location. Any potential concerns associated with the day-to-day operation are a management/OFSTED issue and outside of the planning remit. However, it is noted, ultimately, if a statutory nuisance is demonstrated in the future, which has a harmful impact on residential amenity, there is other legislation, outside of planning legislation that can be used to deal with this matter such as the Environmental Protection Act 1990. In addition, if any crime or anti-social behaviour did arise from the property, it would be a matter for the police under a separate regime and for the operator's experienced team of care workers to resolve on a case-by-case basis. Lincolnshire Police has raised no objections to the development and the City Council's Pollution Control Officer, who would usually offer comments in relation to noise, has confirmed that he has no objections or observations to make regarding the application

Officers are therefore satisfied that the use should not result in adverse noise or result in undue harm to neighbour's amenity, in accordance with the requirements of CLLP Policy S53.

In order to control the use, the applicant has agreed to conditions to restrict the number of children to 3 at any one time and to restrict the use to a children's care home only and no other use within use class C2.

Highways

The premises is within a residents parking area where 2 spaces are allocated per property. In the event of the change of use being granted, the premises would still only be allocated

2 passes therefore the use wouldn't increase demand within the residents parking area. Unlike the previous application for the neighbouring property, the property has the benefit of a driveway and parking area, and the applicant has shown parking would be available for at least two cars. Whilst 14a and 14b Queens Crescent are accessed through the same driveway, the agent has stated the private driveway and area of hard standing is entirely within the control of the applicant and is not within the ownership or control of No. 14a or 14b.

Given that the amount of parking passes would not increase from the existing to the proposed use and given the off-street spaces available, the impact on parking would not be discernibly different to the current use. Double yellow lines are located outside the application site, therefore stopping in this location would be prohibited as with any property located within a parking restricted area. Such unauthorised parking would be a matter for the County Council's Parking Enforcement if it were to arise. The highway authority raises no objections to the proposal stating that it will likely generate a reduction in vehicle movements to that of its former use as a HMO. The proposal is located in a sustainable location where staff would be able to access the site via sustainable methods. Members of Planning Committee on the application for No. 12 Queens Crescent, included a condition to provide details of safe and secure cycle storage and the same condition is proposed on this application. The proposal is therefore acceptable in terms of highway safety and parking in accordance with paragraph 115 of the NPPF.

Other Issues

No external alterations are proposed and therefore it is not considered there would be an impact on the character and appearance of the conservation area.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

In planning terms, the proposal is for residential accommodation in a residential area, albeit for care purposes and as a business enterprise. There are no planning policies which prevent such uses from being located within residential neighbourhoods, in fact policy resists such uses in isolated locations. In this case the number of children and the use can be controlled by conditions so that it is considered appropriate and compatible with the residential area.

The use, when appropriately managed, should not result in undue harm to the amenities of neighbouring occupants. The LCC has raised no objections in terms of parking or impact upon highway safety. Officers are therefore satisfied that the use would meet the requirements of CLLP Policies S2, S23 and S53 and the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Standard Conditions

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within the approved plans.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

- 03) Prior to the implementation of the use, details of safe and secure cycle parking shall be submitted to and approved by the City Council. The approved details shall be provided on site prior to the completion of the development. The cycle parking shall be retained on site at all times.

Reason: In the interests of sustainable travel.

- 04) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking, or re-enacting that Order, no more than 3 children shall at any time occupy the property whilst it is in use as a C2 children's care home.

Reason: In order to protect amenity.

- 05) The premises shall be used for a children's home within Use class C2; only and for no other purpose (including any other use within Class C2 to the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any subsequent amendment or re-enactment thereof).

Reason: In order to protect amenity.

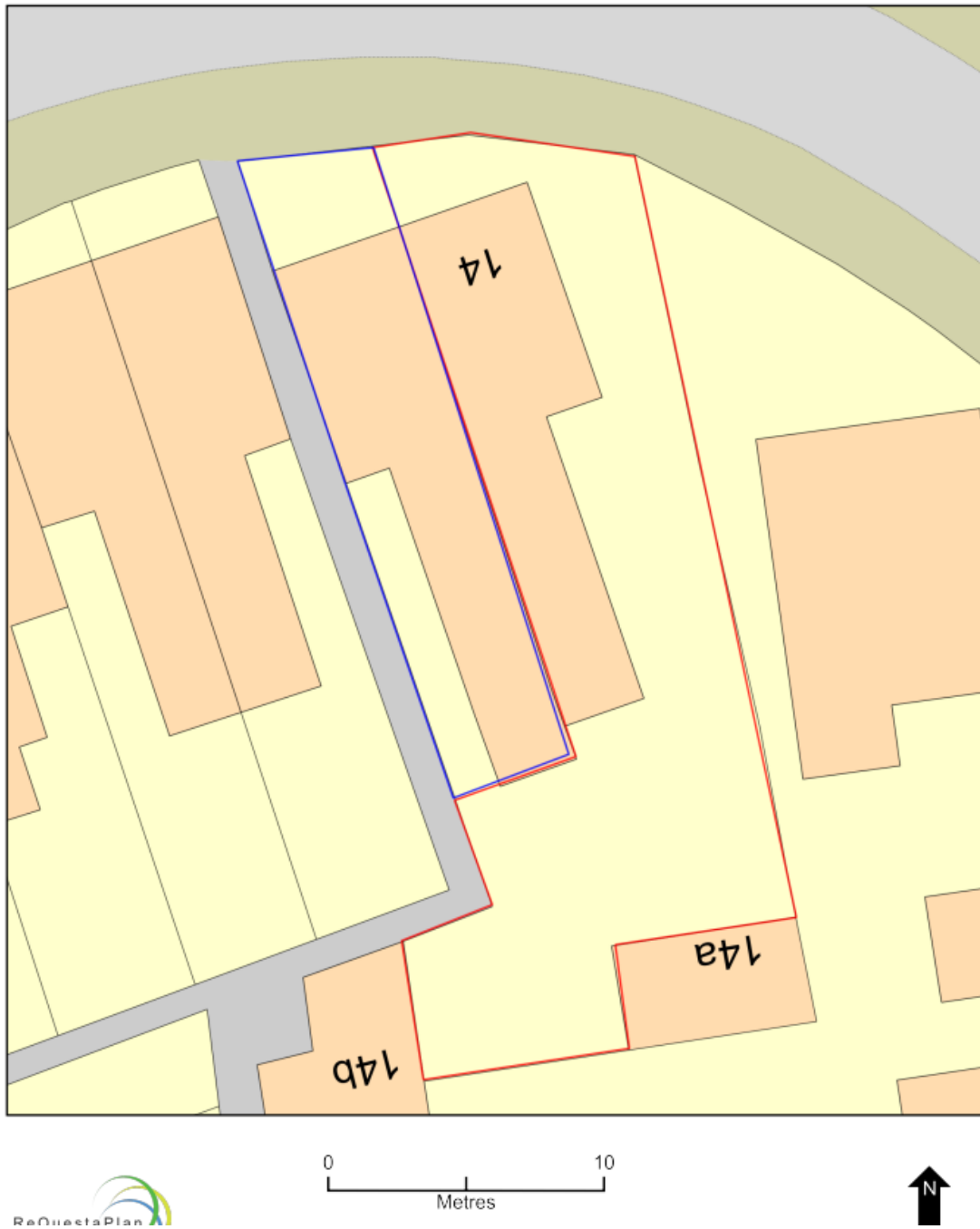
Block Plan - 12/14 Queens Crescent - Location Plan

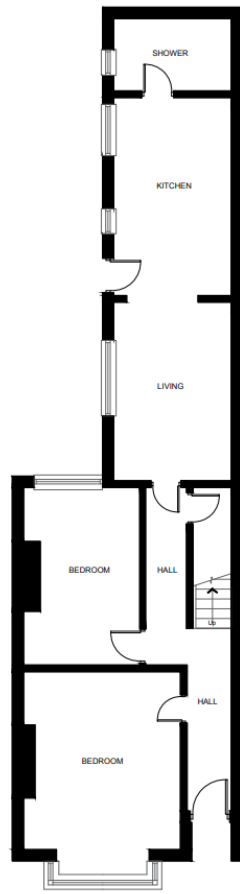


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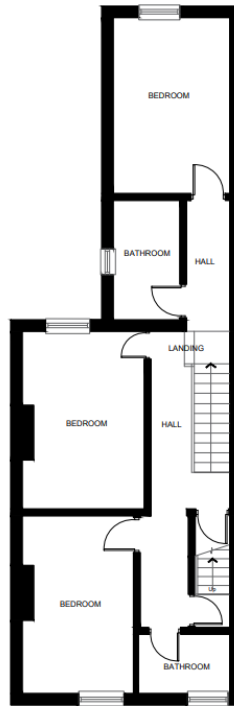


Block Plan - 12/14 Queens Crescent

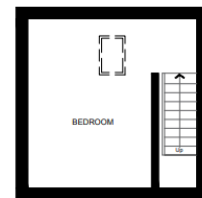




Ground Floor Plan
Scale 1:50

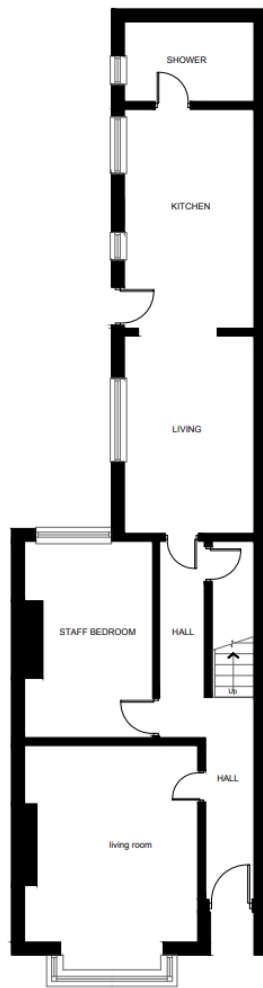


First Floor Plan
Scale 1:50

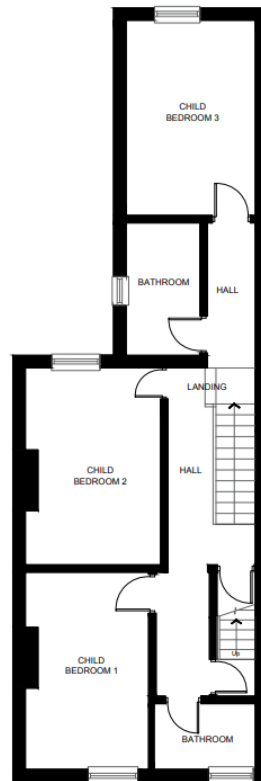


Second Floor Plan
Scale 1:50

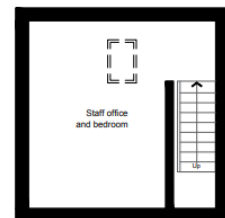
Existing plans



Ground Floor Plan
Scale 1:50



First Floor Plan
Scale 1:50



Second Floor Plan
Scale 1:50

As proposed

Block Plan - 12/14 Queens Crescent



Parking spaces





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22 York Avenue Lincoln Lincolnshire LN1 1LL (Objects)

Comment submitted date: Wed 11 Sep 2024

This application mirrors an identical one at the adjacent property which was recently passed by the Planning Committee despite many objections from residents and ward Councillors mainly on the basis of anticipated increases in traffic and parking in a very congested area. The current application will simply exacerbate those problems as it is certain to result in a further increase in that type of issue. I also have some serious concern that as there are currently a number of other properties on the market in the area if this application is approved there could be a follow up chain reaction of further similar applications with the West End becoming the "goto" area for children's care homes in the City.

And finally I would say that I do feel there is something a little underhand about this application which is from the same organisation that recently gained approval for the adjacent property. Work has been underway at no 14 for some considerable time now and it is clear that there was always an intention to try to get approval for the conversion of both properties. Why did this application not go to planning at the same time as the first one?

11 Queens Crescent Lincoln Lincolnshire LN1 1LR (Objects)

Comment submitted date: Wed 11 Sep 2024

I'm writing to object to the planning application to change 14 Queens Crescent from C4 (HMO) to C2 (residential institution). As a neighbour opposite, this situation has caused me significant mental stress, and I have serious concerns about the impact on our community. It's easy to make decisions without fully understanding the situation, but listening to residents should be a priority. The community feels unheard, and we're distraught. All the objections raised regarding 12 Queens Crescent still stand. Parking is a big issue. The applicant claims space for four cars, but that's already used by residents of 14a and 14b Queens Crescent. Repurposing it will only worsen parking problems on this overcrowded street. I also doubt the claims that 12 and 14 Queens Crescent will operate independently. The scaffolding shows these properties are connected, and residents will likely interact, increasing the risk of anti-social behavior and noise. The applicant has no proven ability to run this kind of facility. Their care company is brand new, and they can't even maintain the boundary walls and fences despite repeated requests. There's also no secure outdoor space for the vulnerable children they plan to care for. We're already seeing negative impacts - a property sale on the street fell through due to the C2 use at 12 Queens Crescent. The character of our

quiet street is at risk. I strongly urge you to reject this application. At the very least, please visit the site and see for yourselves. I'd be happy to join you.

8 Queens Crescent Lincoln Lincolnshire LN1 1LR (Objects)

Comment submitted date: Wed 11 Sep 2024

I object to the above planning application for the same reasons that 12 Queens Crescent was objected too.

I feel that number 14 will add even more potential for anti social behaviour and affect the selling of houses on that street. It is clearly not what local residents want as shown by the response to number 12.

My fear is that the local residents have resigned to their voice not being taken into account and believe that won't be able to change the outcome.

The local residents were very strongly against number 12 planning application and this didn't change anything.

It's a shame that the residents will have to deal with the potential issues, while those that grant such dwellings don't live on the same street. It is very easy to grant an application when it doesn't affect you even when the local neighbourhood strongly objected.

10 Queens Crescent Lincoln Lincolnshire LN1 1LR (Objects)

Comment submitted date: Wed 11 Sep 2024

Dear Planning Committee,

I am writing to formally object to the planning application for the change of use from C4 (HMO) to C2 (residential institution) at 14 Queens Crescent. After careful consideration of the Planning, Design and Assessment statement provided by the applicant, we as direct neighbours have significant concerns about this proposal.

Firstly, there appears to be a deliberate attempt by the applicants to mislead the planning committee. By staggering the applications for 12 and 14 Queens Crescent, the full impact of these developments on the community has been obscured. The fact that scaffolding has already been erected jointly on both properties indicates the interconnected nature of these projects, contrary to the applicant's claims of independent operation.

The assertion in paragraph 7.26 that the houses at 12 and 14 Queens Crescent would function independently lacks credibility. It is highly likely that residents will interact, and the commercial interests of the applicants will naturally lead to operational synergies. This represents a clear intensification of use, with evidence suggesting that larger groups of children with complex needs interacting can increase the risk of anti-social behaviour.

There are serious concerns regarding parking provisions. The space claimed by the applicant to accommodate four cars is currently utilised by residents of 14a and 14b Queens Crescent. If this space is to be repurposed as stated, it will create additional parking pressures on an already congested residential street. I urge the committee to review the planning approvals for 14a and 14b to ensure compatibility with the current application.

Furthermore, the property lacks a suitable, secure outdoor area necessary for the care of vulnerable young people. This raises questions about the overall suitability of the premises for the proposed use.

The applicants' track record as responsible property owners is questionable. As a direct neighbour, I have witnessed their failure to maintain boundary walls and fences despite repeated requests. The perimeter wall and fence are in a state of disrepair, despite repeated attempts to encourage the owners to take action. This does not instil confidence in their ability to manage a care facility responsibly.

While the applicants claim that experienced staff will mitigate risks of noise and anti-social behaviour, there is no tangible evidence to support this. The care company itself is newly established with no proven track record in providing childcare, particularly for those with complex needs. I strongly recommend that the committee consult with Ofsted to assess the suitability of the provision, including location, property, and staffing.

The impact on the neighbourhood is already evident. A property sale opposite the house in question has fallen through, with the prospective buyers citing the recent C2 use permission granted for 12 Queens Crescent as the reason. This demonstrates the significant effect these changes are having on the local community and property values.

Finally, the conversion of two out of 26 properties in this small residential street to C2 use constitutes a substantial change in the character of the neighbourhood. This level of change is inappropriate for a quiet residential area and risks fundamentally altering its nature.

In light of these concerns, I respectfully request that the planning committee reject this application. At the very least, I urge the committee to conduct a thorough site visit to independently assess the property's suitability before making a decision. I would welcome the opportunity to join members of the committee on site.

Thank you for your consideration of these important issues.

Yours faithfully,

Marc Hanheide

10 Queens Crescent

21 Queens Crescent Lincoln Lincolnshire LN1 1LR (Objects)

Comment submitted date: Wed 11 Sep 2024

Concerns with 2nd children's home on the street. Mistakes in proposal with schools. Safeguarding concerns with staffing /recruitment / experience of employers to deal with children of trauma - this is not clear.

Directorate of Communities & Environment
Simon Walters MBA, ACG, MCMI
City Hall, Beaumont Fee
Lincoln, LN1 1DF

2nd September 2024

Your Ref: 2024/0528/FUL

**Town and Country Planning Act 1990
Consultation on Planning Permission**

14 Queens Crescent, Lincoln, Lincolnshire, LN1 1LR Description of the proposed development: Change of use from House in Multiple Occupation (Use Class C4) to children's care home (Use Class C2).

Lincolnshire Police do not have any objections to this development.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. Please do not hesitate to contact me should you need further information or clarification.

Please refer to *Homes 2024* which can be located on www.securedbydesign.com Homes 2019.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.

Force Designing Out Crime Officer (DOCO)

Application number: 2024/0528/FUL

Application Type: Full

Location: 14 Queens Crescent, Lincoln, Lincolnshire, LN1 1LR

Highway and Lead Local Flood Authority Report

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

Recommendation: No Objections

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.

Comments:

The development proposals will likely generate a reduction in vehicle movements to that of its former use as a HMO. It is therefore not possible to raise an objection to the proposals based on traffic impact, in accordance with NPPF.

The site provides off site parking for the proposals and is located in a sustainable location where staff would be able to access the site via sustainable transport methods.

Officer's Name: Laura Rowett

Officer's Title: Senior Development Management Officer

Date: 6 September 2024