

Present: Councillor Bob Bushell (*in the Chair*),
Councillor Debbie Armiger, Councillor Chris Burke,
Councillor Liz Bushell, Councillor Martin Christopher,
Councillor Annie Carrier, Councillor
Rebecca Longbottom, Councillor Bill Mara, Councillor
Callum Roper and Councillor Calum Watt

Apologies for Absence: Councillor Gary Hewson

17. Confirmation of Minutes - 7 August 2024

RESOLVED that the minutes of the meeting held on 7 August 2024 be confirmed and signed by the Chair as a true record.

18. 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.

19. Declarations of Interest

No declarations of interest were received.

20. Work to Trees

(Please note that a revised 'Works to Trees Schedule 5' in relation to Item No 4 'Work to Trees' was published separately from the main agenda for this meeting of Planning Committee to be held on Wednesday, 2nd October 2024 at 5.30 pm in Committee Rooms 1 and 2, City Hall, Beaumont Fee, Lincoln, LN1 1DD, which replaced the original version issued).

Tom Gissing, Arboricultural Officer:

- a. advised Planning Committee that the main purpose of his report provided 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
- 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 revised schedule published separately to the report be approved.

21. Application for Development:14 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 Use Class C4
- b. advised that planning permission was sought for change of use from Use Class C4 to a children's home (Use Class C2)
- c. highlighted that an application for the adjoining property (No.12) was recently granted planning permission for change of use to a children's home under application 2024/0250/FUL
- 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, therefore 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 Mark Hanheide, local resident, addressed Planning Committee in objection to the proposed planning application. He covered the following main points:

- He spoke in objection to the proposed development on behalf of the community of Queen's Crescent.
- The application threatened the very fabric of his community.
- The community had supported various changes to properties in the area, including HMO's, flexible uses and extensions in order to embrace a diverse community, however this recent rapid intensification was unsustainable.
- A month after C2 use was approved for number 12, we now faced another application next door. Both applications had been staggered to obscure their true impact and to mislead the community.
- It seemed that our broken care system was being exploited for financial gain.
- He referred to National Planning Policy Framework (NPPF) stating that developments needed to 'meet an identified local need' Why had the applicant not provided evidence why further density increase was required when there was already another C2 property less than 0.2 miles away?
- NPPF paragraph 135f stated that developments must create places that were safe, inclusive and accessible to promote health and well-being, a high standard of amenity and community cohesion. We were now seeing this cohesion eroded and well-being impacted.
- He referred to his long-term neighbour whose property sale, agreed subject to contract had fallen through solely due to C2 permission being granted to number 12, which affected her well-being and showed how these changes were affecting our community's character and composition.
- The applicants motives were clear. Their Statement of Purpose was copied from another care home and a history for neglecting property maintenance raised doubts as to their integrity (reference made to further supplementary material provided within tonight's Update Sheet).
- Had Planning Committee seen evidence that the applicant was registered with OFSTED as claimed?
- As stated within NPPF, the size, type and tenure of housing should be reflected in planning. Was this the case with the application property?
- The application represented a 100% increase in care business capacity on this small street, which doubled traffic and parking issues, particularly during the school run.
- The applicant's statement that parking was available on the driveway of 14 Queens Crescent raised access concerns for the residents of 14a and 14b, who currently accessed their homes through the property's grounds. The residents already used this claimed space for parking and would need to move to the street.
- The objections here were about maintaining a delicate balance in their neighbourhood, and ensuring developments served the need of the community and those they claimed to help, in line with NPPF standards.

- He urged that Planning Committee in consideration of new and previous evidence provided, resident's concerns and the long-term impact on the community rejected this application to protect the safety, character and cohesion of Queens Crescent.

Councillor Neil Murray addressed Planning Committee in relation to the proposed planning application in his capacity as Ward Advocate, covering the following main points:

- He spoke on behalf of local residents in the area of the application site.
- This was another application for the same C2 use as the property granted planning permission next door very recently.
- This was unacceptable.
- There was clearly a tactic to obtain planning permission for these type of uses in a quiet residential area.
- Residents disagreed with the claim that planning permission granted to No.12 Queens Crescent would not affect amenity, we now had before us a second C2 use application which doubled the change of use here.
- This application consisted of a private company wanting to make financial profit from vulnerable children.
- The view of existing residents was that two children's homes in their street was one too many.
- There would be harm to existing residential amenity.
- The officer's report referred to a maximum of four staff being on site at any one time, the minimum number of staff should also be mentioned. The care home should not be understaffed at any time, to avoid any private company making savings at the risk of the children's safety.
- The planning application should be refused on the grounds of protecting the amenity of existing residents.

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 thanked members of Planning Committee for allowing her the opportunity to speak.
- She was here to represent local residents and to formerly object to another care home in their street.
- The broader impact on the local community should be taken into consideration.
- There were already parking issues, an additional children's home would exacerbate this problem.
- There were potential safety hazards for children, families and pedestrians.
- The property once granted C2 use permission would not become a family home again. The loss of these types of homes should be preserved.
- This was not the correct place for a children's home.
- It was crucial for Planning Committee to consider the long-term impact of the proposed use on the local community, parking issues, loss of a family home and lack of open space available.
- There was a tactical reason why both planning applications for C2 use were not submitted at the same time.
- She requested that 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:

- This application was the second from the same company requesting permission for change of use from a HIMO to private children's home.
- Children's homes were a vital facility but not in small residential areas.
- This application had been submitted after the decision had been made granting planning permission for the first property next door.
- An interest in the adjacent property was not indicated at all in the first application. The applicant knew that a double application would be turned down due to accumulated noise, traffic and parking issues.
- She would deal with each issue in turn.
- Noise
- The company had been open about the difficulties of these children.
- Special needs children would be noisier in this type of 'property living' due to its cramped position and lack of outside space.
- Traffic
- There would be an increase in traffic in the area due to visits to the children's home by various professionals e.g. social workers, counsellors, psychologists, social services staff, and families visiting day and night.
- No wonder both applications hadn't been submitted together.
- Suitability of Site
- This was a small street. The proposals would change it permanently as a whole.
- Part of both premises would be in 'one use'.
- There were other properties available in the area, however these were larger and more expensive.
- The business would be run for profit rather than ultimate care.
- This was a new company without guarantee the utopian position would be as suggested.
- She urged that members of Planning Committee reject this planning application on the grounds of impact on the local community.
- There were other concerns relating to OFSTED registration.

Mr Mark Blagden, applicant, addressed Planning Committee in support of the proposed planning application. He covered the following main points:

- There was a difference with this property compared to the planning permission already granted next door in that it contained a rear yard with two existing independent car parking spaces in addition to resident's parking at the premises.
- The company may be new, however, it had 30 years' business experience in high quality care and competency.
- It had other properties in its ownership close by which offered increased open space.
- No objections to the proposals had been made by the Environmental Health Agency or Highways Authority in relation to cumulative impact.
- There was no credible evidence or sustainable grounds for refusal to be defended.
- A park and ride scheme would be available to staff free of charge.
- The two adjacent properties would be run independently. OFSTED would not allow them to be run jointly.
- The application for approval was pending with OFSTED.

- The operator was happy to work with local residents to talk through any concerns.
- He requested that planning permission be granted.

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:

- It was concerning that this second application had not been mentioned earlier.
- Residents had serious concerns of it affecting the delicate balance of their community.
- We must remind ourselves why the local community felt so strongly.
- Article 4 was brought into operation to address the cumulative effect on local communities and loss of family homes.
- The best children's homes were those with plenty of space to play. Even though the company had 2/3 additional properties we were not aware of which offered increased play areas, this was still not enough.
- All three Ward Councillors had raised issues with parking in the area, which officers did consider to be discernibly different from the current use.
- The application was valid but was in the wrong area.
- The staggered application raised concerns, at the risk of it being disingenuous.
- A potential reduction in traffic movements was mentioned, however, it was disputed how this conclusion was arrived at.

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

- The applicant had a desire to provide services to children and there was no reason to doubt that.
- Concerns regarding parking and open space should be dismissed. A Residents Parking Scheme was applied fairly across all the properties. There was a walkway very close by which gave access to open space.
- It was questionable whether the increase of three additional children at this property bringing to six in total together with the house next door, would have any great additional impact on the community.
- This application was different to the previous one in that it provided parking space and park and ride for staff members.
- If the two homes had come through as a single application it would not have alarmed the member concerned.
- There would not be a loss of two family homes as they would become the homes of the children, with the staff as their surrogate parents. Simply a different type of family home.
- The West End community was a fantastic environment in which to live, the children would benefit greatly from this.
- The property would be restricted to a maximum of three children and four members of staff living there.
- Any noise issues could be levelled at HIMO's potentially, the behaviour of occupants could not be predicted and there were avenues in place to deal with any issues in this regard.

- The premises still required its registration from OFSTED which was pending, a further check in place.
- There was safeguarding measures in place and six weekly visits from Social Services.
- It was questionable whether there was any additional cumulative impact compared to an HIMO.
- The property could not revert to a HIMO if planning permission was granted for C2 use unless a further planning application was submitted. It was more likely to return to a family home.
- There was no evidence of concerns regarding staff reductions. OFSTED would ensure adequate safeguarding measures were in place.
- The property was situated close by the Wong and West Common for open play opportunities/activity.
- This type of accommodation was needed in these supportive communities.

The following questions emerged:

- How did this planning application affect the cumulative impact on the community and the operation of the children's home?
- Could officers give clarification as to the type of access provided to 14a and 14b Queens Crescent and whether they were rented properties. This may make them difficult to re-let in the future. What would be the impact?
- If planning permission was granted, could a future application be submitted to combine both properties including No 12?
- How many people would be living at the property currently used as HIMO'S compared to the number of staff/children in the new venture?

The Planning Team Leader offered the following points of clarification:

- In terms of the staggered nature of the two similar planning applications submitted, we had to determine what was before us this evening. This was not a valid reason to refuse planning permission.
- Officers had looked at the potential cumulative impact of the two properties on the local community and individually. It was considered that the cumulative impact was not significantly different compared to the current occupation of the premises as a HIMO.
- In terms of the relationship between no 12 and 14 Queens Crescent, there was no indication of a physical connection apart from a park and ride scheme for the staff.
- The property was situated within a residents parking area with 2 passes 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 at the neighbouring property, it had the benefit of a driveway and parking area, and the applicant had shown that parking would be available for at least two cars.
- Whilst planning permission would not be required to combine the two properties if the owners so wished, there was still a condition for each property to be restricted to occupation by a maximum of three children.
- The Highways Authority had suggested that traffic would be reduced compared to that of its former use as a HIMO.
- The residents of 14a and 14b had been consulted regarding the impact from the proposed change of use. The properties were occupied as rented

accommodation, both had access through the garden of number 14 Queens Crescent.

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 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.