

Application Number:	2024/0250/FUL
Site Address:	12 Queens Crescent, Lincoln
Target Date:	9th August 2024
Agent Name:	Mr James Stannard
Applicant Name:	Mr Mark Blagden
Proposal:	Change of use from flexible dwelling (C3) and HMO (C4) use to children's care home (C2) (Revised site boundary)

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 and has been granted a flexible C3/C4 use (2023/0382/C4).

The application proposes a change of use from C3/C4 to a children's home (C2).

Site History

Reference:	Description	Status	Decision Date:
2023/0382/C4	Application for change of use from existing HMO Class C4 to a flexible change of use to alternate between dwellinghouse (C3) and HMO (C4) for a period of ten years without the need to apply for planning permission.	Granted Conditionally	24th July 2023

Case Officer Site Visit

Undertaken on 24th July 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
West End Residents Association	Comments Received
Highways & Planning	No Objections
John: Lincolnshire Police	No Objections

Public Consultation Responses

Name	Address
Mr Richard Coxon	38 Richmond Road Lincoln Lincolnshire LN1 1LQ
Miss Charlotte Bell	21 Queens Crescent Lincoln Lincolnshire LN1 1LR
Miss Jessica Williams	10 May Crescent Lincoln Lincolnshire LN1 1LP
Mr James Roughton	6 Queens Crescent Lincoln Lincolnshire LN1 1LR
Mr Andrew Hodgson	21 Queens Crescent Lincoln Lincolnshire LN1 1LR
Dr Marc Hanheide	10 Queens Crescent Lincoln Lincolnshire LN1 1LR
Mr Martin Robinson	10 May Crescent Lincoln Lincolnshire LN1 1LP
Ms Michele Parrington	4 Queens Crescent Lincoln Lincolnshire LN1 1LR
Miss Sarah Jenkins	15 Queens Crescent Lincoln Lincolnshire LN1 1LR
Mrs Simone Baddeley	8 Queens Crescent Lincoln Lincolnshire LN1 1LR

Ms Gonia Poniatowska	11 Queens Crescent Lincoln Lincolnshire LN1 1LR
Dr Simon Smith	7 Queens Crescent Lincoln Lincolnshire LN1 1LR
Dr Julian Bartrup	19 Queens Crescent Lincoln Lincolnshire LN1 1LR
Ms Hazel Larkham-Jones	1 Queens crescent Lincoln LN1 1LR
Lloyd Jones MRTPI	LRJ Planning, Pen-y-Rhiw Redbrook Road Newport NP20 5AB
Mr Robin Lewis	22 York Avenue Lincoln Lincolnshire LN1 1LL

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.

Lincolnshire County Council, Children's Services were consulted on the proposal although made no official comments as they did not want to favour a particular private provider over another. They did, however, informally confirm to the planning officer that they use private providers to house looked after children, although the type of care home needed would depend on the child's needs at any given time. They also confirmed that there is a shortfall of provision in the market and a national shortage of offers available for looked after children. The applicant has also 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 a number of objections to the proposal; these include the neighbouring property to the west and other properties beyond as well as properties on the opposite side of Queens Crescent. The adjoining neighbouring property No. 14 Queens Crescent operates as an HMO; no objections have been received from this property.

The representations are within the agenda in full although the main issues raised are:

Increased vehicle movements and parking requirements, lack of indoor and outdoor space, unsuitable business within a residential area, increased noise and disruption, concern regarding the possible change to another use class within C2, increased crime and anti-social behaviour and loss of community balance.

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. There would be a communal kitchen and living room on the ground floor and an outdoor rear yard. Some of the objections have raised concern with the small size of the outdoor space although given the boundary has not changed when operated as its previous C3/C4 use, I 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 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 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 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 previous C4 use had the potential for up to 6 unrelated individuals to reside at the property or as a C3 use have a family which could include 3 (or more) children. It is also worth noting that C3b, within use class C3, includes up to 6 occupants living together as a single household receiving care. This would have a similar level of comings and goings from care staff to that of the proposed C2 use and would not have needed planning permission. Having regard to the above, it is not considered that the potential noise and disturbance of a C2 use, at the scale proposed would be substantially different to that of the authorised use.

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 passes 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.

The Planning Statement submitted with the application discusses encouraging carpooling amongst staff and the applicant also states they envisage staff will take advantage of nearby public car parks. In any case, given that the amount of parking passes would not increase from the existing to the proposed use, the impact on parking would not change. Concern has been raised regarding drop offs at the property although given that there are double

yellow lines outside the application site, 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 in terms of highway safety or parking in accordance with paragraph 115 of the NPPF.

Other Issues

No external alterations which require planning permission 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 Table A below.
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.