

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.