

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.