

Blackpool Council

29 January 2021

To: Councillors Baker, D Coleman, Farrell, Hugo, Jackson, O'Hara, Owen, Robertson BEM and Stansfield

The above members are requested to attend the:

PLANNING COMMITTEE

Tuesday, 9 February 2021 at 6.00 pm
via Zoom meeting

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 20 JANUARY 2021 (Pages 1 - 4)

To agree the minutes of the last meeting held on 20 January 2021 as a true and correct record.

3 PUBLICATION AND USE OF RESIDENTIAL CARE AND SEMI-INDEPENDENT SUPPORTED-LIVING ACCOMMODATION FOR CHILDREN AND YOUNG PEOPLE ADVICE NOTE (Pages 5 - 20)

To consider a Residential Care and Semi-Independent Supported Living Accommodation for Children and Young People Advice Note for publication on the Council's website and use as a material consideration in the determination of planning applications.

4 PLANNING APPLICATION 20/0219 - 124 NORBRECK ROAD (Pages 21 - 40)

To consider planning application 20/0219 for use of bungalow as a residential care home for up to 2 persons aged 8-17 years old at 124 Norbreck Road.

5 PLANNING APPLICATION 20/0267 - 77 LANCASTER ROAD (Pages 41 - 56)

To consider planning application 20/0267 for use of premises as a residential care home for up to two young persons aged 11 - 17 with non resident carers (use class c2) at 77 Lancaster Road.

6 PLANNING APPLICATION 20/0407 - 7 HOLMFIELD ROAD (Pages 57 - 70)

To consider planning application 20/0407 for use of premises as a semi-independent supported living accommodation facility for four young persons aged 16- 17 with non resident carers (retrospective application) at 7 Holmfield Road.

7 DATE OF NEXT MEETING

To note the date of the next meeting as the 16 March 2021

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, [Tel: 01253 477157](tel:01253477157), e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Owen (in the Chair)

Councillors

Baker
D Coleman

Farrell
Hugo

Jackson
O'Hara

Robertson BEM
Stansfield

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager

Clare Lord, Legal Officer

Susan Parker, Head of Development Management

Latif Patel, Network Planning and Projects Manager

Councillor Rick Scott, Ward Councillor for Greenlands Ward

1 DECLARATIONS OF INTEREST

Councillor Owen declared a personal interest in Item 6, planning application 19/0241 Former Bispham High School site, the nature of the interest being that he was a member of the Ramblers Association, a consultee on the application.

2 MINUTES OF THE MEETING HELD ON 15 DECEMBER 2020

The Committee considered the minutes of the last meeting held on 15 December 2020.

Resolved:

That the minutes of the meeting of the Planning Committee be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Planning Committee received an update on planning and enforcement appeals lodged and determined since its last meeting.

The report included the details of three planning appeals lodged: two appeals lodged in respect of the refusal of retrospective planning approval for installation of an automated telling machine and signage at 150 Lytham Road and one in respect of the extension of a property at 51 Shaftesbury Avenue.

The Committee received details of the appeal allowed in respect of the refusal of planning permission in respect of 40 Abingdon Street. While accepting the decision of the Planning Inspectorate, the Committee noted that the Planning Inspector had agreed that the Committee had acted reasonably and refused the applicant's costs request.

The Committee received details of the appeal upheld in respect of 100 Bond Street. It noted that the Council's decision had been upheld and that the Council's broad aim of protecting locally listed buildings supported.

Resolved:

To note the report.

4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered the summary of planning enforcement activity within Blackpool, between 1 December 2020 and 31 December 2020.

The report stated that 26 new cases had been registered for investigation with 518 complaints outstanding. A total of seven cases had been resolved by negotiation without recourse to formal action and 17 cases had been closed as there had been either no breach of planning control found, no action was appropriate or it had not been considered expedient to take action.

The report also stated that no enforcement notices and no Section 215 notices had been authorised in December 2020. For comparison, in the same period in 2019 the report noted that one enforcement notice, no Section 215 notice and no Community Protection Notices had been issued.

Resolved:

To note the outcome of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department.

5 PLANNING APPLICATION PERFORMANCE

The Committee considered the Planning Application and Appeals Performance Report that provided an update on the Council's performance in relation to Government targets.

The report outlined the performance for the quarter period from October 2020 to December 2020 as 100% for major development decisions determined within 13 weeks or an agreed extension of time against a target of 60% and 96% for non-major development decisions determined within eight weeks or an agreed extension of time against a target of 70%. It was noted that this exceeded the statutory targets for the period.

Resolved:

To note the report.

6 PLANNING APPLICATION 19/0241 FORMER BISPHAM HIGH SCHOOL SITE

The Planning Committee considered planning application 19/0421 a hybrid application that comprised of a full application for the erection of a cadet hut (relocation of existing building) and an outline planning application for the erection of up to 176 dwellings with

MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY, 20 JANUARY 2021

associated open space and infrastructure (all matters reserved for subsequent approval).

Miss Susan Parker, Head of Development Management, introduced the item. She highlighted that the application had previously been considered by the Planning Committee in October 2019 where the application had been deferred to enable issues raised by Sport England to be addressed and to enable further investigation of the different options for highway access. The application had been amended so that the majority of housing (120 dwellings) would be accessed from Bispham Road with a smaller number (56 dwellings) from Regency Gardens. This amended layout had been considered acceptable in highways terms. There remained the issue identified in the objection by Sport England as to the loss of the playing field. However, the recent publication of a revised Playing Pitch Strategy and provision of a financial contribution towards the creation of a replacement 3g pitch at Stanley Park was expected to enable Sport England to withdraw their objection. Miss Parker concluded by reminding members that the proposed development would protect the existing public open space and provide additional public open space for the development.

Councillor Rick Scott, Ward Councillor for Greenlands ward spoke in objection to the application. He highlighted local residents' concerns about highways and access issues.

Mr Alexis de Pol, the Applicant's agent, had registered to speak but declined and was available for questions.

Mr Latif Patel, Highways Officer, responded to the concerns raised. He emphasised his opinion that the proposed development would be suitable in highways terms. The access via Regency Gardens had always been intended to serve a larger development and so was suitable for access. In terms of Bispham Road, there would be space to address access issues via means of the construction of a mini-roundabout.

Members considered the issues and decided that on balance, issues relating to highways could be addressed by the imposition of suitable conditions. The Committee further noted the retention of the existing public open space and the creation of new on-site public open space to serve the new development. While noting that the objection remained from Sports England, the Committee had been reassured that issues would be addressed by the publication of the revised Playing Pitch Strategy and the creation of a replacement facility.

7 DATE OF NEXT MEETING

Chairman

(The meeting ended at 6.40 pm)

MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY, 20 JANUARY 2021

Any queries regarding these minutes, please contact:
Lennox Beattie Executive and Regulatory Manager
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Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	9 February 2021

PUBLICATION AND USE OF RESIDENTIAL CARE AND SEMI-INDEPENDENT SUPPORTED-LIVING ACCOMMODATION FOR CHILDREN AND YOUNG PEOPLE ADVICE NOTE

1.0 Purpose of the report:

1.1 The Committee is requested to approve the attached Advice Note for publication on the Council's website and use as a material consideration in the determination of planning applications.

2.0 Recommendation(s):

2.1 To approve the Advice Note for publication and use.

3.0 Reasons for recommendation(s):

3.1 To ensure that the relevant information is in the public domain to guide future applicants. This should give developers a greater degree of certainty and result in the submission of planning applications that accord with the Council's adopted approach and can be supported.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 The Advice Note is not published and used. This option is not recommended as, without clarification of the Council's approach, officers may find it more challenging to successfully defend appeals against refusal and the Council could be criticised for not making its expectations publicly available.

5.0 Council Priority:

5.1 The most relevant Council priority is 'Communities: creating stronger communities and increasing resilience'.

6.0 Further information

6.1 Members will recall that earlier iterations of this Advice Note were presented in August and October 2020. The first version related solely to children's residential care homes. The second introduced semi-independent supported-living facilities for young people aged 16-18 years, but identified such uses as *sui generis* and advised that the '400m rule' could be applied to each kind of use separately.

In response to objections to this approach, legal advice has been sought. This advice recommends that semi-independent supported-living accommodation is most appropriately classified as a C2 use in planning terms. Whilst it is acknowledged that there are differences in the care/support provided between this kind of use and a children's residential care home, which are material in relation to the Care Act, the planning system is a separate and distinct regulatory system and these differences are not deemed to be material in relation to the Planning Use Classes Order.

As such, the '400m rule' applies equally to each type of use. This means that a children's residential care home will not be supported within 400m of a semi-independent supported-living facility and vice versa.

As stated on previous agendas, it is considered that conversions from single-family dwellings to both children's care homes and semi-independent supported-living facilities for young people can generally be judged to represent a material change of use for the following reasons;

- Change in the character of the use based on day-to-day activity, operations and physical layout;
- Impact of the proposal on wider strategies, service delivery and the Council's ability to meet local needs.

As a result, such changes of use are generally now considered to require planning permission. Pressure for the development of such uses is likely to continue for some time.

In order to guide applicants, the attached Advice Note has been prepared to set out the Council's expectations and to explain how applications will be considered. The Advice Note also stipulates the information that must be submitted with an application. The purpose is to provide clarity and guidance to enable the submission of better quality applications that the Council can support.

If Members approve the Advice Note, it will be published on the Council's website and used as a material consideration in the assessment and determination of planning applications.

6.2 Does the information submitted include any exempt information? No

7.0 List of Appendices:

Appendix 3a:

Residential care and semi-independent supported-living accommodation for children and young people - Advice Note - January 2021

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None

12.0 Sustainability, Climate Change and Environmental considerations:

10.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

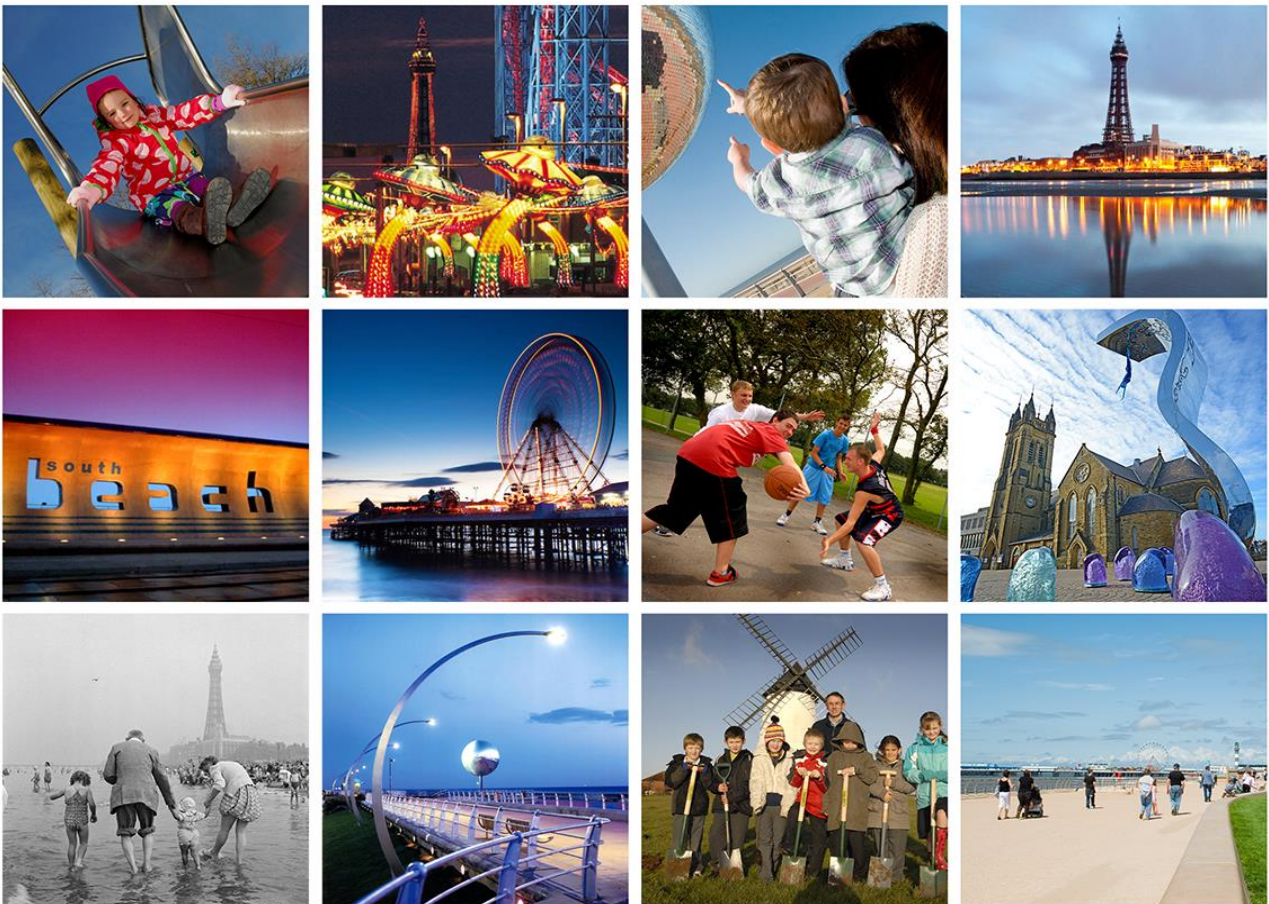
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Appendix 3A

Residential care and semi-independent supported-living accommodation for children and young people

Advice Note

Blackpool Council



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Purpose of the advice note

This advice note is intended to inform and assist applicants seeking planning permission for the development of, or the change of use of an existing building to, a children's residential care home or a semi-independent supported-living facility for young people aged 16-18yrs.

The advice note is intended to offer clarification and information and so will not be taken through a formal consultation process. Nevertheless, it will be a material consideration in the assessment of planning applications.

Definition of the uses

This advice note addresses two types of use:

- Residential care homes for children and young people aged up to 18yrs of age
- Semi-independent supported-living facilities for young people aged 16-18yrs of age

A children's residential care home falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Such uses are intended for the provision of care and are therefore governed by the provisions of the Children's Homes (England) Regulations 2015. As such, they must be registered with OFSTED which is the regulatory body for children's care. OFSTED requires an operator to demonstrate that planning permission is either granted or not required before it will register a property. A child may live in a residential care home up to the age of 18 if their particular needs are judged to require the provision of care as defined by the Regulations.

A semi-independent supported-living facility for young people does not provide care as defined by the Care Act Regulations. Instead, and as the name suggests, such facilities provide support and are intended to prepare a young person for fully independent adult living. Supported-living facilities do not have to register with a regulatory body. Nevertheless, as young people under the age of 18yrs cannot lawfully form their own household without the support of an adult over the age of 18yrs, the Council considers such uses to fall within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). This type of accommodation is only appropriate for older teenagers over the age of 16 who do not require the level of care provided in a regulated children's residential care home.

Aims and Objectives

The Council's **aim** is to ensure that good quality accommodation is available in appropriate premises and locations within the borough to meet the care needs of looked-after children, and the support needs of semi-independent young people for whom Blackpool Council is responsible, without causing undue harm to the character and amenities of local neighbourhoods.

In light of the specific issues in Blackpool as set out below, the Council has identified the following principal **objectives**:

- Ensure that new children's residential care homes and semi-independent supported-living facilities for young people are established in appropriate premises and in suitable locations;

- Establish a priority for local children and young people to ensure that the Council can meet the needs of the existing community within the local area;
- Prevent an undue concentration of specialist uses in any particular area of the borough in order to safeguard local character and amenity;
- Safeguard the children and young people housed and the interests of local communities by requiring premises to be operated in accordance with robust Management Plans.

Children’s residential care and semi-independent supported-living for young people in Blackpool – a planning perspective

Children’s residential care homes

Since 2010, Blackpool Council has issued a number of Certificate of Lawfulness for the Proposed Use of dwelling-houses as residential care homes for children and young people. In recent years, the pressure for this type of use has increased significantly. The availability of relatively large properties at reasonably low prices is understood to be a key driver behind this trend.

As uses established through a Certificate of Lawfulness are not subject to Council control in terms of occupancy, many of the care homes that have opened have elected to accommodate children and young people placed by remote authorities. This has two key implications:

- Vulnerable children with complex needs are brought into the borough placing additional strain on already pressurised local public services: and
- Blackpool Council struggles to accommodate local children in need of care within the borough.

A Certificate of Lawfulness for a Proposed Use is granted when the Council judges that the use proposed is not materially different in planning terms from the existing lawful use of a building. Many factors must be taken into account when considering materiality.

Officers from the Council’s planning department have worked closely with colleagues in public protection, public health and children’s services to better understand the nature of children’s care homes and the issues that exist within the sector.

As a result, and whilst every application must be determined on its own merits, the Council is now of the opinion that a change of use from a dwelling-house to a children’s care home will generally be material for the following reasons:

- Change in the character of the use as a result of increased day-to-day activity;
- Change in the character of the use as a result of the necessary form of operation of the premises;
- Change in the character of the use as a result of typical physical alterations to the property;
- Impact of the proposal in terms of the loss of family dwellings;
- Impact of the proposal in terms of the impact on Blackpool’s regeneration strategy (for proposals within the defined Inner Area);
- Impact of the proposal on local public service delivery;

- Impact of the proposal on the Council's ability to meet its own housing needs for looked-after children.

By requiring operators to apply for planning permission for the creation of children's care homes, the Council is able to ensure that such provision is established in appropriate properties in suitable locations. It also gives the Council the ability to ensure that children's home provision in the Blackpool area gives priority to local children, enabling us to meet our own needs in our own borough.

Semi-independent supported-living facilities for young people

As this type of provision does not require registration with a regulatory body, the Council's planning department has not been approached with applications for planning permission or Certificates of Lawfulness for this kind of use until very recently.

Generally speaking, semi-independent supported-living accommodation is very similar in format to a house of multiple occupancy (HMO). However, as the occupants are aged under 18yrs and are placed in the facility for a particular purpose, receive a particular type of support, and are only occupant for a limited period, the Council considers this type of use to be class C2. Whilst every application must be determined on its own merits, the Council is of the opinion that a change of use from a dwelling-house to a semi-independent supported-living facility will generally be material for the following reasons:

- Change in the character of the use as a result of increased day-to-day activity;
- Change in the character of the use as a result of the necessary form of operation of the premises;
- Change in the character of the use as a result of typical physical alterations to the property;
- Impact of the proposal in terms of the loss of family dwellings;
- Impact of the proposal in terms of the impact on Blackpool's regeneration strategy (for proposals within the defined Inner Area);
- Impact of the proposal on local public service delivery;
- Impact of the proposal on the Council's ability to meet its own housing needs for young people requiring supported accommodation.

As such, planning permission is required for the development of, or change of use to, such uses. As with children's residential care homes, by requiring operators to obtain planning permission for supported-housing facilities for semi-independent young people, the Council can ensure that priority is given to young people from the Blackpool area to enable us to meet our own local needs.

By ensuring that local provision is focused on meeting local needs, the Council can also help tackle a wider social care issue. Since 2015, the Department for Education has noted a marked increase in unregulated accommodation for young people nationwide. There is concern that these placements are being used to house vulnerable young people who may not be ready to transition to independent adult living. This is particularly worrying given that some 45% of placements are made outside the boundary of the young person's home local authority. Young people placed remotely in accommodation without appropriate safeguards who are not ready for semi-independent living are extremely vulnerable to exploitation. By controlling occupancy through a planning permission, the Council can ensure that young people receive the level of support or care that they need.

Relevant planning policy, guidance and information

National Planning Policy Framework (NPPF) (published February 2019)

Paragraphs 59, 60 and 61 relate to the delivery of a sufficient supply of homes.

Paragraph 59 makes it clear that in order to support the Government's objective of significantly boosting the supply of homes... the needs of groups with specific housing requirements are addressed.

Paragraph 60 explains how housing need in an area should be assessed and understood, and paragraph 61 advocates planning policies that reflect the needs of particular groups in the community.

Blackpool Local Plan Part 1: Core Strategy 2012-2027 (adopted January 2016)

The Blackpool Core Strategy sets out a spatial portrait of Blackpool along with a vision and objectives to identify how we want Blackpool to be at the end of the plan period. The plan also sets out a number of planning policies to ensure that the right development happens in the right places to meet Blackpool's needs.

Although there are no specific policies relating to children's residential care home or semi-independent supported-living accommodation provision in the Core Strategy, the vision for Blackpool includes the need to meet community needs by providing quality homes in attractive neighbourhoods. To achieve this vision, the Core Strategy sets out a number of objectives, including the need to develop sustainable and safer neighbourhoods that are socially cohesive. In addition, Policy CS12 is relevant in general terms.

The focus of Policy CS12: Sustainable Neighbourhoods is to ensure future development and investment contributes to delivering sustainable communities, whilst focusing regeneration and improvement in a number of identified priority neighbourhoods. The improvement of these neighbourhoods is fundamental to creating more sustainable communities.

Sustainable communities contribute to a better quality of life for existing and future residents through the promotion of social cohesion and inclusion, the strengthening of economic prosperity and enhancement of the natural and built environment. Sustainable communities should comprise a mix of age groups, incomes and lifestyles within a safe, healthy and clean environment, with access to a full range of services and community facilities.

Blackpool Local Plan 2001-2016 (adopted 2006 with policies saved by direction in 2009 and 2016)

Policy BH24 relates to Residential Institutions and Community Care Residential Uses and sets out the Council's expectations with regard to new development proposals.

BH24: Residential Institutions and Community Care Residential Uses

The development of old people's homes/residential institutions (Class C2 uses), community care residential developments and other similar uses will be permitted in appropriate premises and locations subject to:

- (a) The type of use applied for**
- (b) A demonstration of local need**
- (c) The intensity of use and its effect on adjacent properties**
- (d) The suitability of the premises and the location**
- (e) A management plan for the operation of the premises.**

Such uses will not be permitted in those parts of the resort neighbourhoods where the majority of the premises are in holiday accommodation use and where changes to residential use will not be permitted in accordance with the Plan.

Old people's homes and nursing homes will be permitted in appropriate former holiday premises in those parts of the resort neighbourhoods where there is a mix of uses and residential use otherwise accords with the Plan.

Elsewhere, in order to protect the character and amenities of residential areas and avoid any undue concentration of C2 or other community residential uses:

- i. No more than about 10% of properties in any one block will be permitted in such use
- ii. No community residential uses meeting specialist needs will be permitted within 400 metres of existing properties meeting similar needs.

It should be noted that both children's residential care homes and semi-independent supported-living facilities are considered to meet specialist needs and that criteria (ii) therefore applies to their location. The two uses are considered to be similar in terms of the needs met and this means that new children's residential care homes or semi-independent supported-living facilities for young people cannot be located within 400m of existing such uses.

Specific Advice

Where can I locate a new children's residential care home or semi-independent supported-living facility?

It is important that our most vulnerable children and young people are looked-after in stable and secure neighbourhood environments. As such, the Council considers the defined Inner Area of Blackpool to be unsuitable for the creation of accommodation for looked-after or semi-independent children and young people due to the existing high levels of deprivation prevalent in this area.

What kind of property should I look for?

With regard to children's residential care homes, this will very much depend upon the type of provision proposed. In general, where the accommodation would be aimed at children suffering from some degree of educational, behavioural or social difficulties (EBSD) the following types of property are considered to be appropriate:

- Terraced properties - are generally only suitable for accommodating one child
- Semi-detached properties – are typically only suitable for accommodating up to two children
- Detached properties – can be used to accommodate one or two children but become necessary for proposals seeking to accommodate three children or more.

Where more intense care models are proposed, such as a two-to-one care model, operators should consider larger properties wherever practicable.

Where less intense care models are proposed because the accommodation is aimed at children who

require less specialist care, some degree of flexibility may be appropriate.

For semi-independent supported-living uses, whilst detached properties are preferable, the use of terraced and semi-detached properties are acceptable. However, no more than six young people may be accommodated in one property and the premises should be large enough to afford good-sized bedrooms of at least 11.5sqm in area along with adequate staff, kitchen and bathroom facilities to meet the needs of occupants.

What about car parking?

We recognise that children's residential care homes require more car parking than dwelling-houses of a comparable size. This is because of the number of staff members who are likely to be working at the property at any one time but also because of the potential for visits from other professional support workers. Semi-independent supported-living facilities are less likely to generate significant parking demand.

On this basis, proposals for children's care homes will only be supported where adequate car parking provision is available to meet the needs of the use. On-street parking provision will be taken into consideration where it is available and not subject to excessive pressure.

When considering parking availability, due regard will be given to the care ratio; the needs of the children accommodated; the operational model of the home; the nature of the surrounding area; and the presence of any parking restrictions on-street.

How do I demonstrate a local need?

The Council's Children's Services team is consulted on all planning applications for children's care homes and semi-independent supported living facilities for young people. This team monitors demand and provision on a regular basis and so is able to advise on levels of local need. Before applying for planning permission for a children's residential care home or semi-independent supported living facility for young people, applicants are strongly advised to contact the Council's children's services team on 01253 477793 for further information with regard to need.

How can I find out if a property I am interested in is within a 400m radius of a similar use?

Each month OFSTED provides the Council with a list of registered children's residential care homes within the Blackpool borough. The Council maintains a map showing the locations of all children's care homes and this is updated monthly. In order to safeguard the children in care, it would be inappropriate for the Council to make this map available for public view.

The Council also maintains a map showing the locations of semi-independent supported-living facilities within the borough. Although young people in this kind of accommodation are being prepared for independent adult life, the Council again does not consider it appropriate to publish the locations of existing premises.

However, if an operator has a particular property in mind, they can contact the Development Management duty line on 01253 476193 to find out if it falls within a 400m radius of another use of either type.

What do I need to include in my Management Plan?

A management plan must be submitted with all applications for planning permission for a children's residential care home use or a semi-independent supported-living facility.

The following questions can be used as a guide to help prepare your management plan:

- How many children/young people would be accommodated?
- What is the ratio of staff to children that is required, i.e. delivery model?
- What is the likely level of need of the children accommodated, i.e. is there a focus on complex needs?
- What is the likely shift pattern of staff, i.e. how many staff (management and care staff) would likely be at the premises at any one time and when would shift changes occur?
- What support officers would be likely to visit the property?
- How would visits be scheduled and would staff/support-worker meetings take place at the property?
- If residents are unable to participate in full-time, mainstream education, what educational support would be offered on-site?
- Would therapeutic care be offered on site?
- Would case reviews take place on or off site?
- Are friends and relatives of residents able to visit at any time?
- Will the property be OFSTED registered?
- Are children/young people ever left alone at the property?
- Under what circumstances are children/young people allowed to leave the property?
- Would staff members be informed/aware if a child/young person left the property?
- Is there a curfew?
- What would happen in the event of a breach of curfew?
- What security provisions are proposed, e.g. security and access controls on doors?
- Would CCTV be installed?
- How would local residents know how to raise a concern in the event of an issue?

What other changes might I be expected to make to a property?

It is recognised that many children who require accommodation in a children's residential care home may have suffered trauma or neglect of some kind. This can result in behavioural problems. Whilst such children undoubtedly deserve to live in a pleasant, caring and supportive residential environment, it is also important that the amenities of neighbours are appropriately protected. As such, the following measures may be required:

- Installation of sound-proofing to protect party walls
- Prevent children from having access to balconies and any flat-roof areas
- Provision of appropriate boundary treatments to garden areas
- Installation of CCTV

How will Blackpool Council ensure that new children's residential care home or young person's semi-independent supported-living accommodation provision will meet local need?

A crucial aspect of the Council's strategy is the need to ensure that local children and young people can be accommodated in the local area. This is important to enable them to maintain links with family and friends, retain medical and other support services referrals as necessary, and to continue attending school, education or training wherever possible.

In order to ensure that new provision is available to meet the needs of local children and young people, the Council will expect all applicants to enter into a S106 legal agreement before planning permission is granted.

This legal agreement would be between the applicant and the Council but it would relate to the property in question (in the same way that a planning permission relates to land or property rather than a person). This means that any successors in title would be equally bound by the requirements of the agreement. The Council has a template legal agreement in place and so there would be no requirement for applicant's to arrange their own legal drafting.

The S106 legal agreement would specify that the property in question can only be occupied on a residential basis by children or young people either placed by Blackpool Council or with the written agreement of Blackpool Council Children's Services Department.

The intention behind this is to ensure that sufficient provision exists locally to meet our needs, but also to provide enough flexibility for applicants to operate on a viable basis.

For example, if a place became available in a children's residential care home or semi-independent supported-living facility that was not required by Blackpool Council to accommodate a local child or young person, that place could be offered to a child or young person under the care of Lancashire County Council as part of the reciprocal duty to cooperate between the two Authorities. This arrangement would provide flexibility for the operator and would also enable the neighbouring Authority to meet its care obligation in a location where the child or young person could reasonably maintain any existing local connections.

In considering placements from outside of the Blackpool borough, the Council's Children's Services team will be mindful of the particular needs of the child or young person and the nature of the service offered at the property in question. At all times the Council's decision making will be driven by the best interests of the child or young person.

The Council would be unlikely to support the placement of a child or young person from a remote authority unless exceptional circumstances can be demonstrated. For example, a placement may be accepted where the child or young person needs to be removed from their local area for their own safeguarding and they have relatives in Blackpool.

What will happen when the local need is met?

Naturally the local need for children's residential care home and semi-independent supported-living accommodation is dynamic and will change over time. However, the planning department will be guided by colleagues in Children's Services who will monitor the level of provision locally against the level of need that is emerging. If the Council reaches a point where no new provision is considered necessary, applications for planning permission are likely to be refused. As such, applicants are strongly recommended to contact the Council for advice prior to submitting a planning application.

Further information

Pre-application advice

The Council offers a pre-application advice service. Applicant's wishing to open a new children's residential care home or semi-independent supported-living facility may wish to take advantage of this service to establish the likelihood of obtaining planning permission for their proposal and to understand any specific requirements that may be necessary.

Details of this service can be found on the [Council's planning pages](#).

Public consultation

As this document is intended as an advice note to provide clarification and information on the Council's approach to dealing with applications for children's residential care homes and semi-independent supported-living facilities, no public consultation has been undertaken on its content.

Sustainability appraisal

The Blackpool Local Plan 2001-2016, including Policy BH24, has been subject to a sustainability appraisal. Equally, the emerging Blackpool Local Plan Part 2: Site Allocations and Development Management Policies, including draft Policy DM3, will be subject to a sustainability appraisal prior to adoption. As such, no separate sustainability appraisal has been carried out for this advice note.

Habitats Regulations Assessment

Given the purpose, content and scope of this advice note, it is not considered to trigger a requirement for a Habitats Regulations Assessment (HRA).

Useful numbers

Development Management (planning) – 01253 476193

Children's Services (need and operation) – 01253 477793

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**Blackpool Council
Development Management**

Officer Report to Committee

Application ref: 20/0219
Ward: NORBRECK
Application type: FULL
Location: 124 NORBRECK ROAD
Proposal: USE OF BUNGALOW AS A RESIDENTIAL CARE HOME FOR UP TO 2 PERSONS AGED 8-17 YEARS OLD
Recommendation: REFUSE
Case officer: MS. P. GREENWAY
Case officer contact: 01253 476222

1.0 BACKGROUND

- 1.1 This application was first brought before Members at the Planning Committee meeting on 4 August 2020.
- 1.2 The Advice Note for consideration on this agenda and the accompanying officer report for it identifies two types of care provision for young people. The first type is a children's residential care home (CRCH) which can be used to accommodate and care for children and young people up to the age of 18 years. The second type is a semi-independent supported-living (SISL) facility for young people aged 16-18 years who are considered ready to move on from full care and start preparations for independent adult life.
- 1.3 As stated in the officer report for that item, the Advice Note was first presented to Members at the Committee meeting on 4 August 2020. When that first iteration of the Advice Note was drafted, and when the proposal listed above were being prepared for Members' consideration at the August 2020 meeting, your planning officers were largely unaware of this second type of provision. As such, that first iteration of the Advice Note only related to the provision of children's residential care homes (CRCH).
- 1.4 Members may recall that this proposal at 124 Norbreck Road was subject to significant local objection when it first came before Members on 4 August 2020. This was partly due to the existence of a SISL facility nearby. Planning officers were unaware of this facility until its existence was highlighted by nearby residents. Due to the nature of the objections against the proposal, this application was deferred for consideration at a later meeting to allow the nearby use to be investigated.

- 1.5 The SISL use on Norbreck Road was duly visited by planning officers. The operator explained how the premises operated and the matter was discussed at length with colleagues in the Council's Children's Services team. It was explained that the support provided in SISL does not classify as care under the definitions of the Care Act. On balance your officers felt that the two uses were materially different and that, as such, the approval of a CRCH within 400m of the site would accord with Policy BH24 of the Blackpool Local Plan 2001-2016.
- 1.6 As a result of this further investigation, the application was brought back before Members at the Committee meeting on 1 September 2020. Members subsequently resolved to support the proposal at 124 Norbreck Road and delegate the Head of Development Management to grant planning permission subject to the signing of a S106 legal agreement that would give priority to local children. This resolution followed the officer recommendation of approval which was based on the understanding at that time that the two types of care use for young people could be considered to be materially different.
- 1.7 In light of the above, the Advice Note was amended to include reference to semi-independent supported-living (SISL) facilities and to confirm officer understanding at that time that such uses were materially different to children's residential care homes (CRCH). This amended Advice Note was presented to the Committee for consideration at its meeting on 20 October 2020 when it was approved for use.
- 1.8 Following the resolutions of Committee, further objections were received from local residents in relation to the proposal at 124 Norbreck Road. As a result, officers sought specialist legal advice on the matter. It was advised that the planning system is an independent legal entity and that any distinctions in types of care identified under the Care Act should not be taken to indicate a material difference in use when considering the Town and Country Planning (Use Classes) Order. The advice concluded that both children's residential care homes (CRCH) and semi-independent supported-living (SISL) facilities would classify as Class C2 uses meeting similar specialist needs. As such, no material difference exists between them and the '400m rule' should apply to all such uses.
- 1.9 Although the Committee has already considered this application and reached a resolution, no planning permission has been granted to date due to the requirement for a S106 legal agreement to be completed. The Courts have confirmed that, where there is a material change in circumstances following a Committee resolution but before a permission is granted, it is appropriate to refer the matter back before Committee for reconsideration.
- 1.10 In this case, the legal advice to officers is considered to represent a material change in circumstances. As above, this application is for use as a children's residential care home (CRCH), but it is within 400m of an operational semi-independent supported-living (SISL) facility. As such, it is contrary to Policy BH24 of the Blackpool Local Plan 2001-2016.

1.11 Policy BH24 expects all proposals for care facilities to demonstrate a local need in order to be considered acceptable. It then goes on to specify locational criteria, including the '400m rule' discussed above. As such, whilst a need for CRCH is identified in Blackpool, this does not outweigh the conflict with the '400m rule'. It is not considered that the loss of potential capacity that these proposals would provide would unduly compromise the Council being able to fulfil its child-care responsibilities. On this basis, this proposal is back before Members with a revised recommendation for refusal.

2.0 RECOMMENDATION

2.1 Refuse planning application ref. 20/0219 at 124 Norbreck Road for the following reason:

The property is within 400 metres of an existing specialist care facility falling within Use Class C2 and meeting similar needs. The proposed use would therefore result in an over-concentration of such specialist uses in the immediate vicinity which would be detrimental to the character of the area and contrary to the provisions of Policy BH24 of the Blackpool Local Plan 2001-2016.

3.0 APPENDICES

3.1 Appendix 4A:

Report to Committee in respect of application ref. 20/0219 at 124 Norbreck Road presented to the meeting on 1 September 2020.

Appendix 4B:

124 Norbreck Road plans

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Blackpool Council Development Management

Officer Report to Committee

Application ref:	20/0219
Ward:	NORBRECK
Application type:	FULL
Location:	124 NORBRECK ROAD
Proposal:	USE OF BUNGALOW AS A RESIDENTIAL CARE HOME FOR UP TO 2 PERSONS AGED 8-17 YEARS OLD
Recommendation:	APPROVE
Case officer:	MR. M. SHAW
Case officer contact:	01253 476345

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is 'The economy: maximising growth and opportunity across Blackpool', and the second is 'Communities: creating stronger communities and increasing resilience'.
- 1.2 This application accords with the second priority, increasing resilience with respect to protecting and improving the lives of vulnerable children in Blackpool.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application relates to a semi-detached property of a size considered suitable for a two child placement. It is outside the defined Inner Area and not within 400 metres of any similar specialist use. The recommendation is that the decision on the application is deferred to the Head of Development Management to grant planning permission on receipt of a S106 legal agreement signed by the applicant. The legal agreement would provide that the property is only occupied by a maximum of two children who must be placed either by Blackpool Council; or placed by another Authority with the prior written agreement of Blackpool Council.

3.0 INTRODUCTION

- 3.1 This application is before Members because there have been a significant number of representations made against the application and the proposal is one of a number of current applications involving the establishment of a children's home and is therefore of wider public interest.
- 3.2 Members will be aware that the application was deferred from the 4 August meeting due to the use of 66 Norbreck Road being raised as a 'children's facility' within 400 metres of the application site after the publication of that agenda. Prior to that, planning officers had been unaware of the use. A site visit/meeting took place on 11 August between officers and Northern Community Pathways (NCP) who occupy 66 Norbreck Road, with ground floor

offices and residential accommodation on the upper floors, to gather information on the current residential use of 66 Norbreck Road and to report back.

- 3.3 NCP state that 66 Norbreck Road has been used as an assisted living facility for children/young adults between 16-18, often after having left a children's care home, for approximately five years. It is the next stage from the children's care home system in preparing children/ young adults for independent living. It offers semi-independent living accommodation whereby the residents cook, clean, budget for themselves and take responsibility for the day-to-day activities within the home. 66 Norbreck Road currently has four young people in residence each having their own lockable room with a bed, small fridge and microwave. There is a shared bathroom, kitchen and garden which the young people take responsibility for on a rota basis. Although there is a general curfew, the young people are free to come-and-go as they choose and may sleep away from the premises with prior agreement. The level of supervision is what one would expect for older teenagers in a domestic setting. There is a support worker on the premises at all times, including overnight, to offer help and advice to the young people. They occupy an office that doubles up as a bedroom but are not resident. The level of support and supervision and the activity on-site is materially different to what would be found in a regulated children's care home. The use is therefore considered to be a specialist house in multiple occupation that would classify as *sui generis*.
- 3.4 There is no requirement for the premises at 66 Norbreck Road, or similar facilities, to be regulated by OFSTED. Placement within this and other similar facilities is done via the North West Placement Framework based within Bolton MBC but is undertaken by local authorities on a rota basis. NCP have now been informed by officers that planning permission is required at 66 Norbreck Road for its use as a *sui generis* HMO. It is not within the same use class as the children's home at 124 Norbreck Road, which is within use class C2, and is considered to be materially different in nature, function and impact. As such, whilst the 400m restrictive zone applied under local plan policy BH24 and discussed in more detail below would apply between semi-independent living premises, it should not apply between such uses and regulated children's care homes.
- 3.5 The remainder of this report is as previously presented to Members at the Committee meeting on 4 August 2020.

4.0 SITE DESCRIPTION

- 4.1 The application is a semi-detached bungalow with a bedroom within the roof space. The front area has off street car parking available for 2-3 vehicles. The main entrance into the property is located on the side elevation and in addition to the first floor bedroom there are six rooms on the ground floor including a bathroom, kitchen and dining room leaving three other rooms either to be used as living rooms or bedrooms. The property has a reasonably spacious, private and enclosed rear garden area accessible from the kitchen. Sharing the party wall is 122 Norbreck Road which appears to be a mirror image of the application property with the addition of a conservatory to the side of the kitchen and running along the common boundary.
- 4.2 The character of the area is residential with a mixture of two storey houses and bungalows although this particular section of Norbreck Road is predominantly bungalows. There is a bus stop for the No 4 route directly across Norbreck Road from the property. The property is close to the Promenade and Devonshire Road and within walking distance of local shops, schools and other facilities. The application property is unallocated on the Proposal Map of

the Blackpool Local Plan and located within flood risk zone 1 which equates to low flood risk.

5.0 DETAILS OF PROPOSAL

- 5.1 The application involves the use of a vacant 2-3 bed dormer bungalow (Class C3 dwellinghouse use) as a children's home (Class C2 residential institution use). The proposed children's home would accommodate two children aged between 8 – 17 with three teams of two carers on site working 08-00 to 23-00 and 23-00 to 08-00 in a shift pattern. In addition there would be a manager and deputy manager working 08-00 to 16-00 who would also be on call out of hours.
- 5.2 The applicants, Outbound Care, were formed in January 2017 and in a supporting submission they state that they are proving to be a thriving success in helping young people across the country. Their Mission is to provide a trusting and nurturing home environment designed to develop and prepare young people for a successful transition into adulthood. The goal is to provide well equipped and comfortable housing to young people with support from a qualified, skilled, progress orientated staff team. The application is accompanied by a copy of the lease agreement, a copy of the landlord's authorisation and a supporting statement/ management plan. OFSTED registration is stated to be dependent upon first obtaining planning permission. 4 copies of a pro forma have also been submitted from neighbours to the applicants' existing home(s) complimenting the company on its positive contribution.

6.0 RELEVANT PLANNING HISTORY

- 6.1 **19/0575-** Certificate of Lawfulness for Proposed Use - Use of premises as residential care home for up to two young persons. Withdrawn.

7.0 MAIN PLANNING ISSUES

- 7.1 The main planning issues are considered to be:
- Acceptability of the Use in Principle and Policy BH24
 - Impact on Residential Amenity and the Residential Character of the Area
 - Impact on Visual Amenity
 - Car parking provision/ Traffic Generation/ Highway Safety

8.0 CONSULTATION RESPONSES

- 8.1 **Community & Environmental Services, Highways & Traffic Division:** No objection to the proposal. There are no drainage issues with the proposal. In highways respects the use is not materially different to the existing residential use. There is no servicing element. The parking provision is adequate given the nature of the use and two bedrooms will be occupied by non-drivers at least.
- 8.2 **Environmental Protection Manager (Environmental):** The property is a semi-detached bungalow. Officers are currently dealing with a number of complaints in relation to premises of this sort. It is therefore requested that acoustic measures to be installed at the premises to ensure the neighbours are not subject to neighbourly noise nuisance.
- 8.3 **Children, Adult and Family Services:** Outbound Care have five children's homes, four of which are in Blackpool. Three of the four in Blackpool are in FY1. The provider has recently

(2019) registered these homes with OFSTED. Each home offers one or two places for young people with a range of needs. Although they have nine beds in our local area (seven in Blackpool), they are not currently accommodating any children or young people looked after by Blackpool, although they will have received referrals from us, along with other providers in the area, so we do not have a current working relationship with them. We do not believe these to be vacant beds, and therefore they are accommodating children from other areas. In terms of location I do not have an issue as it appears to be a large semi-detached property in a mainly residential area where you would expect family housing.

9.0 REPRESENTATIONS

9.1 Site notice published: 27 April 2020

9.2 Neighbours notified: 27 April 2020

9.3 Representations have been received from the following properties:

Norbreck Road: 66, 67, 68-70, 73, 79, 81, 83, 85, 87, 89, 91, 95, 114, 118, 120, 122, 126, 128, 138, 140 and 154

Kirkstone Avenue: 1

Waterhead Crescent: 3, 4, 5

Guildford Avenue: 1

A petition signed by 71 people has also been submitted.

9.4 These representations raise the following issues:

- This is a small semi-detached property with little indoor or outdoor space and is therefore unsuitable.
- It is in very close proximity to neighbours who are predominantly elderly and / or disabled who are anxious about the prospect of vulnerable young adults living at the property who may have emotional or behavioural issues with little qualified supervision.
- There are many more appropriate locations nearer to services.
- Potential for anti-social behaviour and there is a local fear of crime.
- Staff shift patterns do not provide the best opportunity for building relationships.
- Children from outside the borough are located well away from their families.
- Paul Maynard MP has raised the issue in the House of Commons of Blackpool being in danger of becoming a 'dumping ground' and the lack of communication between different agencies.
- The property is poorly maintained.
- The front door is only 1.9m from the neighbours' front door and the proposed use would result in a constant footfall.
- Noise and disturbance would be totally unacceptable.
- The proposal is contrary to policy BH24 and the property should be detached.
- This a quiet residential street and the proposal involves disturbance over and above a family residence.
- There is insufficient parking with a bus stop opposite and there would be a need for regular visits including emergency services.
- This would generate additional traffic on an already busy road with rat running and speeding issues.
- This is a business and money making venture.
- Homes are being marketed to other local authorities and this can impact on other

services. It is clear this is not meeting local needs but to attract outside placements.

- The number of beds provided exceeds local demand.
- Sir Michael Narey in his 2016 report found children in homes tend to be older, male, with special educational needs and therefore more challenging. There are too many care homes in the area.
- The placing of children from outside Blackpool is not acceptable to us, because if approval is given for one placement, there would be a precedent set, which would give leverage to the company to demand more. The ruling should be quite clear, absolutely no children from outside the borough.
- According to Policy BH24 of the Blackpool Local Plan no children's homes will be supported within 400 metres of an existing similar use. There is one operating within 400 metres at 66 Norbreck Road. It is run by a company called Northern Community Services, and there has been a lot of incidents of unruly and anti-social behaviour, involving police intervention. The nearby residents have reported drug dealing, and there has been suspicion of break ins at the shops.
- Outbound Care are operating four different care homes, and not one child is from the Blackpool area. This is further evidence that this town is being used as a dumping ground. This has to stop. Blackpool Children's Care have confirmed there is no need for any more private care homes, as there are already plenty of spaces available, provided that the existing ones take in Blackpool children, rather than raking in higher fees by offering to take high risk children from other towns.
- Northern Community Pathways state "we provide semi-independent living accommodation, and outreach to 16 to 18 year olds" and currently have 66 Norbreck Road which falls within the specialist use category of BH24 and is located just 298 metres from 124 Norbreck Road. Notwithstanding the location of these premises, it has also been the subject to countless complaints from nearby residents, for anti-social behaviour, recorded drug offences, and police involvement on a regular basis, and appears to be totally unregulated. The granting of permission for a similar facility at 124 Norbreck Road, would be a contrary to policy.
- The Police in consultation with Mr. Paul Maynard M.P. have warned about the propensity of the 'County Lines' operating in our resort, and this is why close proximities of these types of accommodations have to be avoided.

Councillors Maxine and Peter Callow formally submit their strong objection to the planning application for the children's home at 124 Norbreck Road. The reason for the objection is that the proposal is completely out of character with the area and most importantly it is less than 400 metres from a similar establishment.

Councillor Don Clapham - the problems generated from 66 Norbreck Road in Bispham just up the road from this application are horrendous. A unit housing children from outside Blackpool. The huge numbers of Blackpool children in care are being housed out of Blackpool is very expensive and to house children being brought in from other towns is unsupportable. There is a mass of opposition by residents and you add myself and Cllr Paul Wilshaw in opposition to this application

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 - Achieving well-designed places

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016.

- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS15 Health and Education

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1 Lifting the Quality of Design
- BH3 Residential Amenity
- BH4 Public Health and Safety
- BH24 Residential Institutions and Community Care Residential Use
- AS1 General Development Requirements (Access and Transport)
- LQ14 Extensions and Alterations

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM3: Residential Institutions

10.6 Other Relevant Policy Guidance

10.6.1 A Children's Care Homes Advice Note has been produced July 2020 and is to be presented to the Council's Planning Committee at the meeting on 4 August with a recommendation that it be published and used as a material consideration in the assessment and determination of planning applications. The Advice Note is intended to offer clarification and information to applicants seeking planning permission for the development of or the change of use of an existing building to a children's care home. The aim is to ensure that good quality accommodation is available in appropriate premises and locations within the borough to meet the needs of looked-after children within the care of Blackpool Council, without causing undue harm to the character and amenities of local neighbourhoods.

10.6.2 In light of specific Blackpool issues, the principal objectives are:

- Ensure that new children's homes are established in appropriate premises and in suitable locations;
- Establish a priority for local children to ensure that the Council can meet the needs of the existing community within the local area;
- Prevent an undue concentration of specialist uses in any particular area of the borough in order to safeguard local character and amenity;
- Safeguard the children in care and the interests of local communities by requiring premises to be operated in accordance with robust Management Plans.

11.0 ASSESSMENT

11.1 Principle

11.1.1 The National Planning Policy Framework makes it clear that a priority of the planning system is to meet local housing needs, including those of groups with specific housing requirements. The impact on the ability of a Local Authority to meet its own needs within its own area is therefore a material consideration.

11.1.2 The use proposed would fall within Class C2 of the Planning Use Classes Order. Policy BH24 of the Local Plan is the key policy relating to such uses. This policy seeks to direct community residential care uses to suitable properties and locations. A local need for the use must be demonstrated, and the management of the operation and its potential impact on neighbours considered. The policy goes on to state that, in order to protect the character and amenities of residential areas and avoid an undue concentration of care uses, no more than 10% of any block will be permitted in such use, and no use meeting a specialist need will be supported within 400m of an existing similar use.

11.1.3 The requirement for a demonstration of local need is fundamental to all applications for C2 uses within Blackpool. There is nothing within the policy or supporting text to suggest that local need could be a justification for departure from the criteria at the end of the policy that seek to avoid undue concentration. Compliance with all elements of the policy must be secured in order for a proposal to be supported.

11.1.4 The 400m criteria of Policy BH24 only applies to residential uses meeting specialist needs. The supporting text to Policy CS24 lists 'bail hostels, drug or alcohol recovery units and problem family homes' as specialist uses. However, in an appeal decision in Blackpool in 2011 (ref. 10/0870 – APP/J2373/A/10/2139079), the Inspector judged the children's home the subject of the application to classify as a specialist use. A mapping system has been developed that shows the positions of existing children's care homes and also the boundary of a 400m radius buffer around each home. This allows officers to easily assess whether or not a proposed use would be within 400m of an existing use. The site does not fall within 400m of an existing children's residential care home and so the locational requirements of Policy BH24 are met. The property falls outside of the defined Inner Area, where the high levels of deprivation makes the placement of vulnerable children undesirable.

11.1.5 The Council's Children's Services department has been consulted on this application and has confirmed that there is a local need for accommodation within the town. As such, it is considered that support could be given, subject to meeting stated criteria, on the basis that the operator is prepared to work with the Council's Children's Services team with an emphasis on the placing of local children. In order to perpetuate this arrangement in the

future, if permission is forthcoming, the applicant will be required to enter into a Section 106 legal agreement requiring any placements in this property to be made via Blackpool Council. This would not necessarily preclude placements from outside authorities, but these would have to be agreed by the Council based upon the specific circumstances of the case.

11.1.6 The proposal would result in the loss of a family dwelling. However, the Council can currently demonstrate a five year supply of housing land and the quantitative loss would be negligible. As such this carries little weight in the planning balance.

11.1.7 The proposals ability to meet a local need in suitable premises in an appropriate location weighs strongly in favour of the scheme.

11.2 Residential Amenity

11.2.1 The Children's Care Homes Advice note to be presented to Committee at the meeting on 4 August considers that semi-detached properties are generally suitable for accommodating up to two children. In this case only two young people would be resident and so the property is considered to be suitable. There would be two members of staff present at all times within the premises working in shifts with change overs at 08-00 and 23-00 plus a manager and deputy manager available during the day and also out of hours if required. These change overs of staff may be noticeable and there may be some limited impact on adjoining property but given it involves two staff leaving the home and being replaced by two new members of staff this is not considered sufficient to warrant a refusal of the application.

11.2.2 It is acknowledged that care homes can generate a significant number of additional visits from care, education and therapeutic professionals, however, the existing use of the property as a traditional family home would also be expected to generate visits from friends and relatives. The property is also semi-detached and shares a party wall with a single family residence. However, the property is also positioned on a relatively busy through road, which is a bus route. As such, activities taking place within the property and any increase in vehicle movements would not be expected to unacceptably impact upon amenity through noise. Nevertheless, in order to avoid direct impact upon the adjoining semi-detached bungalow Environmental Protection have recommended the imposition of a condition requiring sound insulation.

11.2.3 The application property is located within a residential area where there are a significant number of bungalows and a significant elderly population. It is noted that local residents have raised a number of concerns regarding behaviour. Children have a right to be cared for in good-quality accommodation within their local area. If any unacceptable issues arose relating to the behaviour of the child due to poor management of the premises, the Council could withdraw the placement. There is therefore a very clear motivation for the operator to ensure that the use does not impact unacceptably upon nearby neighbours.

11.2.4 Policy BH24 requires the applicant to submit a Management Plan and this has now been submitted and includes details maximum number of staff on site and explains how change-over periods will be handled and on balance, subject to the implementation and compliance with the Management Plan, no unacceptable impacts on residential amenity arising from noise or activity are anticipated.

11.3 Visual amenity

11.3.1 The outward appearance of the property and its curtilage with car parking to the front and an enclosed garden to the rear will not change as a result of the proposal and it will not therefore impact visually on the residential character of the area remaining residential in appearance.

11.4 Access, highway safety and parking

11.4.1 The application property has an existing paved front garden and vehicle access providing 2-3 off street car parking spaces. There is also unrestricted parking available on street on what is a fairly wide and busy local through road if required. The property is within a sustainable location within walking distance of local schools, shops and other facilities and is located close to the Promenade and Devonshire Road and there is a no. 4 bus route on Norbreck Road itself. On this basis, the parking provision is considered to be acceptable.

11.4.2 The home would be run by a competent, OFSTED registered organisation that would work closely with the Council's Children's Services team. This latter team has judged the location of the property to be appropriate and are therefore supportive of this application. As such, and given the reasonable expectation of appropriate management of the premises, there is no reason to suppose that the use would have an unacceptable impact on highway function or safety, or that young people accommodated would be at undue risk arising from traffic or the characteristics of the local highway network.

11.5 Other Issues

11.5.1 There are understandable local concerns regarding potential impact of a children's home, particularly amongst elderly residents. However, many such premises locate within residential areas without any undue impact on the residential character or amenity of an area. The needs of the children also requires due consideration in order to provide appropriate opportunities to develop successfully into adulthood within an appropriate residential environment. Whilst perceived fear of crime is a valid planning consideration, the Inspector who determined the appeal in 2011 acknowledged that local residents concerns relating to potential anti-social behaviour were understandable. However, he went on to conclude that there was no evidence to suggest that young people in care cause demonstrable harm to local amenity. Instead he noted the OFSTED rating of the operator and concluded that the premises would be managed appropriately to avoid undue impact. This case is the same in terms of situation and so the same conclusion must prevail in this instance.

11.5.2 The scheme would not impact adversely upon drainage, flood risk or biodiversity. Air, land and water quality would be also be unaffected.

11.5.3 The application has been considered in the context of the Council's general duty in all its functions to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998 (as amended).

11.5.4 Under Article 8 and Article 1 of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. This application does not raise any specific human rights issues.

11.6 Sustainability and planning balance appraisal

- 11.6.1 Sustainability comprises economic, environmental and social components.
- 11.6.2 Economically, the proposal would create employment in the local area. Service users and staff may also contribute to local shops and amenities.
- 11.6.3 Environmentally, the scheme would have no impact on visual amenity, drainage or environmental quality. The proposal would likely generate more vehicle movements than a typical family home but this does not weigh notably against the proposal.
- 11.6.4 Socially, although the proposal would result in the loss of a family dwelling, the scheme would provide a vital service which would help improve the lives of vulnerable children in Blackpool.
- 11.6.5 In terms of planning balance, the development proposed is considered to constitute sustainable development in terms of the economic, environmental and social components. No other material planning considerations have been identified that would outweigh this view.

12.0 CONCLUSION

- 12.1 As set out above, the scheme is judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment. On this basis, planning permission should be granted.

13.0 RECOMMENDATION

- 13.1 It is recommended that Members resolve to support the application and delegate the Head of Development Management to grant planning permission subject to the following conditions, on receipt of a S106 agreement signed by the applicant which provides that:

The property shall only be occupied on a residential basis by two young people, either:
(i) placed by Blackpool Council; or,
(ii) placed by another Authority with the prior written agreement of Blackpool Council.

- 13.2 Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans and information:

Location Plan received by the Council on 06/04/2020
Floor layout received by the Council on 06/04/2020

The development shall thereafter be retained and maintained in accordance with these approved details.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

- 3 The use hereby approved shall at all times operate in accordance with the Management Plan recorded as received by the Council on 21 July 2020.

Reason: In the interests of the residential amenity of the local area and to avoid undue pressure on local on-street parking provision in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 and AS1 of the Blackpool Local Plan 2001-2016.

- 4 The accommodation shall be used as a children's care home within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose, including any other use within Use Class C2 and specifically shall not be used as supported living accommodation for 16 –18 year olds.

Reason: In order to safeguard the living conditions of the occupants of nearby residential properties and the character of the area in accordance with Policies CS7, CS12 and CS23 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 of the Blackpool Local Plan 2001-2016.

ADVICE NOTES TO DEVELOPERS

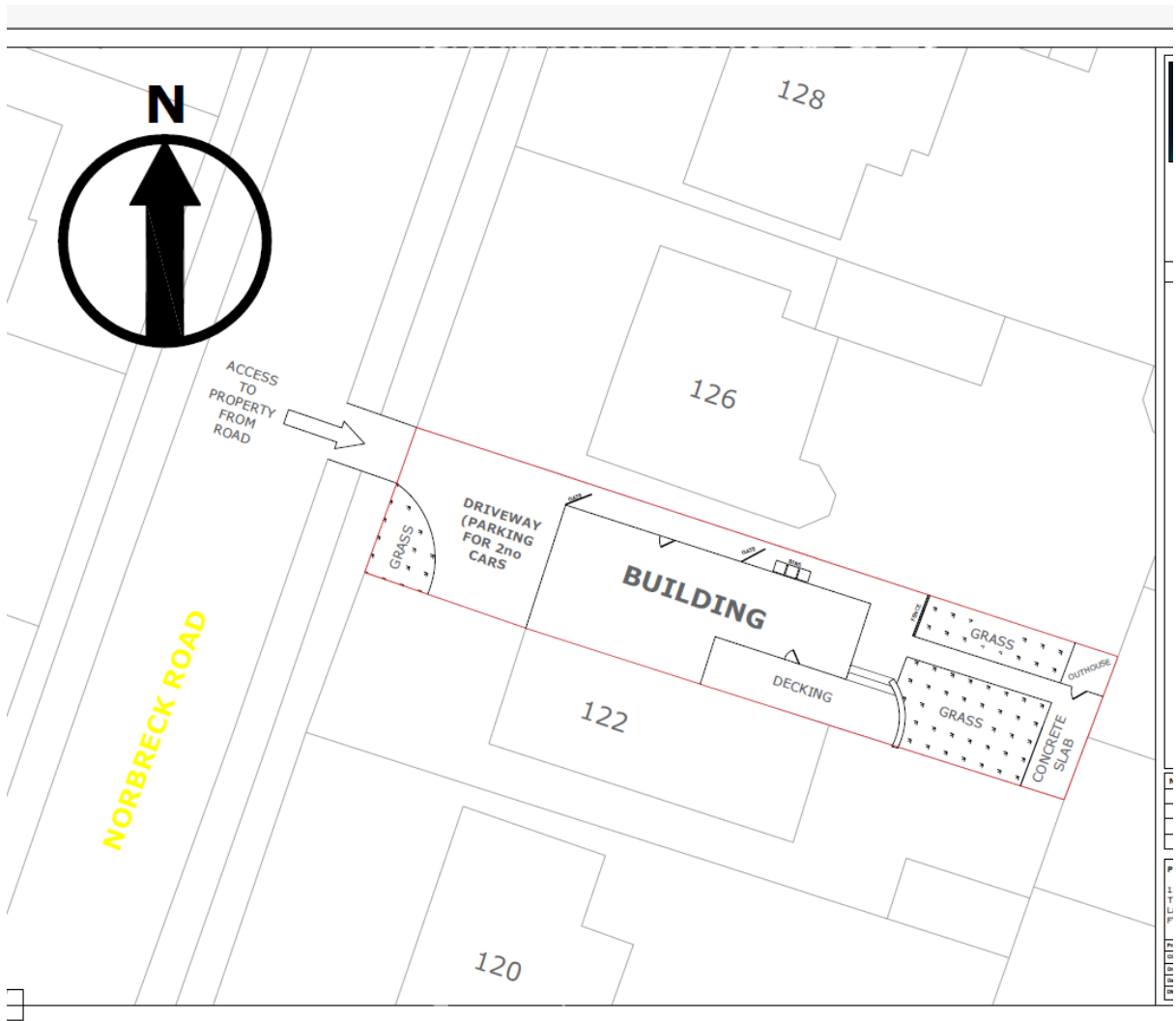
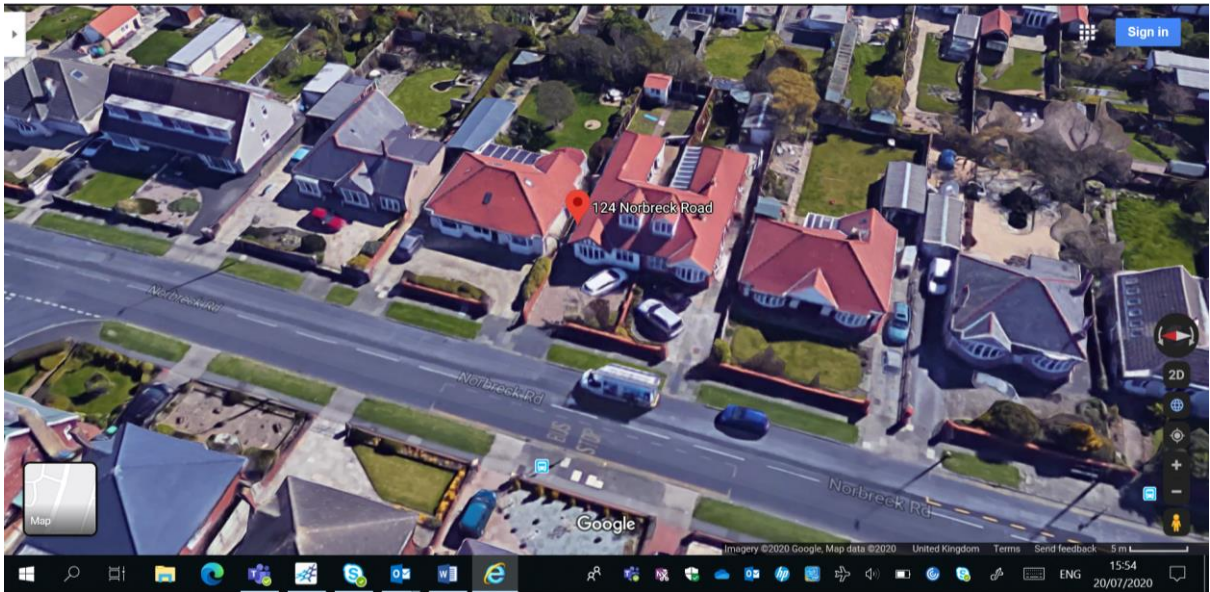
1. This permission is subject a S106 agreement which restricts use of the premises as follows:

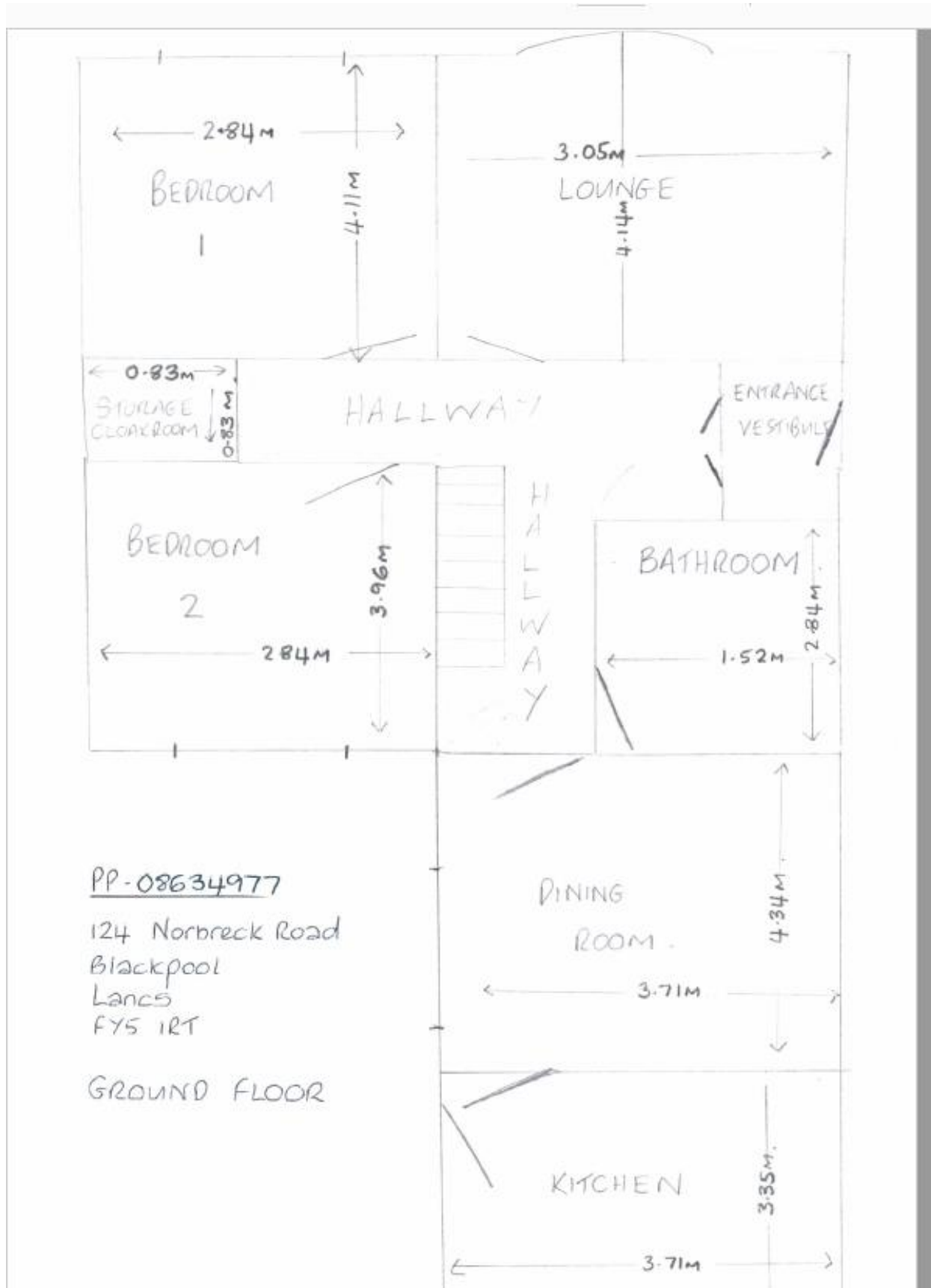
The property shall only be occupied on a residential basis by no more than two children, up to 18 years of age, either:

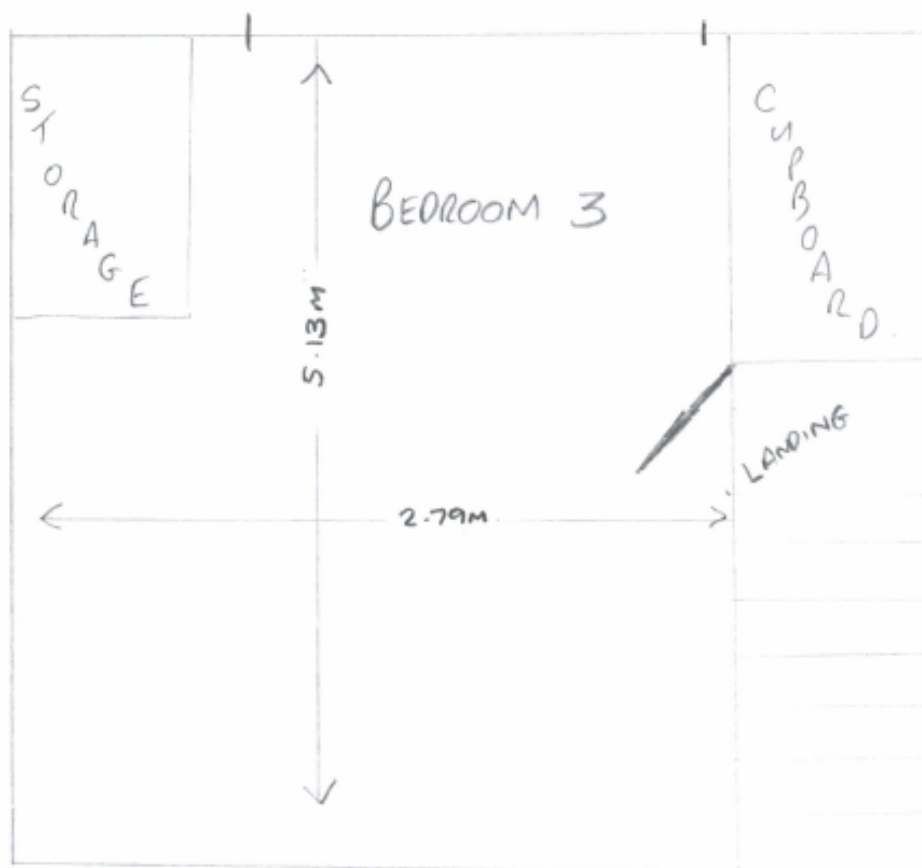
- (i) *placed by Blackpool Council or*
- (ii) *placed by another Authority with the prior written agreement of Blackpool Council.*

The S106 can be viewed in full online at: <https://idoxpa.blackpool.gov.uk/online-applications/>

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PP-08634977

124 Norbreck Road
Blackpool
Lancs
FY5 1RT

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Blackpool Council Development Management

Officer Report to Committee

Application ref: 20/0267
Ward: MARTON
Application type: FULL
Location: 77 LANCASTER ROAD, BLACKPOOL, FY3 9SR
Proposal: USE OF PREMISES AS A RESIDENTIAL CARE HOME FOR UP TO TWO YOUNG PERSONS AGED 11 - 17 WITH NON RESIDENT CARERS (USE CLASS C2).
Recommendation: REFUSE
Case officer: MS P. GREENWAY
Case officer contact: 01253 476222

1.0 **BACKGROUND**

- 1.1 This application was first brought before Members at the Planning Committee meeting on 4 August 2020.
- 1.2 The Advice Note for consideration on this agenda and the accompanying officer report for it identifies two types of care provision for young people. The first type is a children's residential care home (CRCH) which can be used to accommodate and care for children and young people up to the age of 18 years. The second type is a semi-independent supported-living (SISL) facility for young people aged 16-18 years who are considered ready to move on from full care and start preparations for independent adult life.
- 1.3 As stated in the officer report for that item, the Advice Note was first presented to Members at the Committee meeting on 4 August 2020. When that first iteration of the Advice Note was drafted, and when the proposals listed above were being prepared for Members' consideration at the August 2020 meeting, your planning officers were largely unaware of this second type of provision. As such, that first iteration of the Advice Note only related to the provision of children's residential care homes (CRCH).
- 1.4 At the meeting on 4 August 2020, the Committee resolved to support the proposal at 77 Lancaster Road and delegate the Head of Development Management to grant planning permission subject to the signing of a S106 legal agreement that would give priority to local children. This resolution followed the officer recommendation of approval. This recommendation was based on the understanding at that time that the property was not within 400m of a similar facility meeting specialist needs.

- 1.5 Members may recall, however, that a proposal for a CRCH at 124 Norbreck Road was also on the August 2020 agenda and was subject to significant local objection. This was partly due to the existence of a SISL facility nearby. Your planning officers were unaware of this facility until its existence was highlighted by nearby residents. Due to the nature of the objections against the proposal, this application was deferred for consideration at a later meeting to allow the nearby use to be investigated.
- 1.6 The SISL use on Norbreck Road was duly visited by planning officers. The operator explained how the premises operated and the matter was discussed at length with colleagues in the Council's Children's Services team. It was explained that the support provided in SISL does not classify as care under the definitions of the Care Act. On balance your officers felt that the two uses were materially different and that, as such, the approval of a CRCH within 400m of the site would accord with Policy BH24 of the Blackpool Local Plan 2001-2016.
- 1.7 As a result of this further investigation, the proposal at 124 Norbreck Road was brought back before Members at the Committee meeting on 1 September 2020. Members subsequently resolved to support the proposal at 124 Norbreck Road and delegate the Head of Development Management to grant planning permission subject to the signing of a S106 legal agreement that would give priority to local children. This resolution followed the officer recommendation of approval which was based on the understanding at that time that the two types of care use for young people could be considered to be materially different.
- 1.8 In light of the above, the Advice Note was amended to include reference to semi-independent supported-living (SISL) facilities and to confirm officer understanding at that time that such uses were materially different to children's residential care homes (CRCH). This amended Advice Note was presented to the Committee for consideration at its meeting on 20 October 2020 when it was approved for use.
- 1.9 Following the resolutions of Committee in respect of the proposal at 124 Norbreck Road, further objections were received from local residents. As a result, your officers sought specialist legal advice on the matter. It was advised that the planning system is an independent legal entity and that any distinctions in types of care identified under the Care Act should not be taken to indicate a material difference in use when considering the Town and Country Planning (Use Classes) Order. The advice concluded that both children's residential care homes (CRCH) and semi-independent supported-living (SISL) facilities would classify as Class C2 uses meeting similar specialist needs. As such, no material difference exists between them and the '400m rule' should apply to all such uses.

- 1.10 During this period the planning team worked with colleagues from across the Council to develop a reliable list of SISL facilities across the borough. Whereas OFSTED provides a monthly list of regulated CRCHs, no such easy listing exists for SISL. The list therefore had to be developed from other sources of information and then verified as being reliable. The listed properties were then mapped onto the Council's GGP system. This mapping revealed the existence of an SISL facility within 400m of 77 Lancaster Road.
- 1.11 Although the Committee has already considered the proposal at 77 Lancaster Road and reached a resolution, no planning permission has been granted to date due to the requirement for a S106 legal agreement to be completed. The Courts have confirmed that, where there is a material change in circumstances following a Committee resolution but before a permission is granted, it is appropriate to refer the matter back before Committee for reconsideration.
- 1.12 In the cases of this application, the legal advice to officers is considered to represent a material change in circumstances. The property is proposed for use as a children's residential care home (CRCH) but falls within 400m of an operational semi-independent supported-living (SISL) facility. As such, the proposal conflicts with Policy BH24 of the Blackpool Local Plan 2001-2016.
- 1.13 Policy BH24 expects all proposals for care facilities to demonstrate a local need in order to be considered acceptable. It then goes on to specify locational criteria, including the '400m rule' discussed above. As such, whilst a need for CRCH is identified in Blackpool, this does not outweigh the conflict with the '400m rule'. It is not considered that the loss of potential capacity that these proposals would provide would unduly compromise the Council being able to fulfil its child-care responsibilities. On this basis, this application is back before Members with a revised recommendation for refusal.

2.0 RECOMMENDATION

- 2.1 Refuse planning application ref. 20/0267 at 77 Lancaster Road for the following reason:

The property is within 400 metres of an existing specialist care facility falling within Use Class C2 and meeting similar needs. The proposed use would therefore result in an over-concentration of such specialist uses in the immediate vicinity which would be detrimental to the character of the area and contrary to the provisions of Policy BH24 of the Blackpool Local Plan 2001-2016.

3.0 APPENDICES

3.1 Appendix 5A:

Report to Committee in respect of application ref. 20/0267 at no. 77 Lancaster Road presented to the meeting on 4 August 2020.

Appendix 5B:

77 Lancaster Road plans

Blackpool Council Development Management

Officer Report to Committee

Application ref: 20/0267
Ward: MARTON
Application type: FULL
Location: 77 LANCASTER ROAD, BLACKPOOL, FY3 9SR
Proposal: USE OF PREMISES AS A RESIDENTIAL CARE HOME FOR UP TO TWO YOUNG PERSONS AGED 11 - 17 WITH NON RESIDENT CARERS (USE CLASS C2).
Recommendation: APPROVE
Case officer: MS P. GREENWAY
Case officer contact: 01253 476222

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience’.
- 1.2 This application accords with the second priority, increasing resilience with respect to improving the lives of vulnerable children in Blackpool.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application site is a detached property of a size suitable for the placement of two children and it is outside the defined Inner Area where high levels of deprivation preclude the placement of vulnerable children; nor is it within 400 metres of a similar specialist use. No physical alterations are proposed to the exterior of the property and the on-site parking is adequate for the use. The use would give priority to local children, enabling us to meet our own needs within the borough and the recommendation is therefore for delegation to the Head of Development Management to approve, subject to the completion of a S106 agreement.

3.0 INTRODUCTION

- 3.1 This application is before Members because there have been a significant number of representations made against the application and the proposal is one of a number of current applications involving the establishment of a children’s home and is therefore of wider public interest.

4.0 SITE DESCRIPTION

- 4.1 The property is a two storey, detached house on the corner of Lancaster Road with Lawson Road, within a residential area close to Stanley Park. Directly to the north across Lawson Road is urban greenspace, with allotments leading to Marton Mere and the “showground”

used occasionally for horse and dog shows. The property benefits from front lawns behind low boundary walls and off road parking is in the form of a garage and a large hardstanding accessed from Lancaster Road. Parking is precluded on the road junction and there are traffic calming measures on both roads, but otherwise there is on-street parking in the area. Stanley Primary School is in close proximity on Wordsworth Avenue and the closest secondary school is St. George's on Cherry Tree Road. The property is within easy access of local shops and amenities. There are bus routes in proximity on Lancaster Road, Worcester Road and West Park Drive.

4.2 The site is not subject to any constraints and is in flood zone 1.

5.0 DETAILS OF PROPOSAL

5.1 This is a proposal for the use of what was a dwelling-house (Class C3) as a children's home (Class C2). The property comprises at ground floor a kitchen, study and lounge. Upstairs there are four bedrooms (one en-suite) a bathroom and a separate W.C. There are lawns to the front and side, behind a residential boundary wall. There is also a garage, off road hardstanding and a private rear yard behind a high brick wall. No internal alterations are proposed, the ground floor study would be converted into a staff office and the smallest bedroom would become the manager's office. The en-suite bedroom would function as the staff bedroom. The use of the property as a Class C2 unit would provide care to two young people who require a permanent and supportive home for them to live in a stable environment until they are ready to become independent.

5.2 The application has been supported by:

- Planning Statement
- Management Plan

6.0 RELEVANT PLANNING HISTORY

6.1 N/A

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- the principle of a children's care home in this location
- impact on residential amenity
- impact on visual impact
- highway impact/traffic generation/car parking

8.0 CONSULTATION RESPONSES

8.1 **Children's Services:** From a commissioning perspective the area proposed is residential, close to local amenities and bus routes with little known anti-social behaviour. The provider are well established in terms of their relationship with the local authority and care for a number of Blackpool children. They are fully aware and committed to supporting our new approach.

8.2 **Local Highway Authority:** No objection.

8.3 **Head of Environmental Protection:** No objection

9.0 REPRESENTATIONS

9.1 Site notice published: 28/05/2020

9.2 Neighbours notified: 28/05/2020

9.3 Representations have been received from the following properties:

- Lawson Road: 102
- Lancaster Road: 86

9.4 These representations raise the following issues:

- Emotional and behavioural issues. This property would likely see a number of different children, over a potentially longer period of time housed here. In a normal dwelling, families grow up, families move but a child care home doesn't.
- Staff would be trained in 'calming down techniques' and restraint, which are outside the operation of a normal dwelling.
- There could potentially be up to 2 - 4 cars at a time leaving and visiting the property as staff change over shifts. Family members of the children may also visit, increasing the number of potential cars even more above and beyond a normal family dwelling.
- If staff vehicles are already within the site, incoming staff would likely park on street, then move cars onto the premises when those existing staff leave. The garage is unlikely to be used for parking of staff cars and cars could be blocked in by vehicles being parked in tandem.
- Indiscriminate parking is likely to occur on street, which causes inconvenience to residents in neighbouring properties.
- Each child may need to be taken to different schools, which adds to the potential impact upon residential amenity in terms of comings and goings.
- Lancaster Road/Lawson Road is a busy through-road and a care home at the junction could have a significant effect on traffic congestion and lead to major traffic disruptions.
- There would be a material change to the character of the use of the property.
- Research Report DFE-RR201, Living in Children's residential homes states "all residents living in the sample of homes, during their stay just under a third were temporarily excluded from school; over half went missing overnight; and 40 %, on average 90 were reported to police for an offence" & Howard League research shows that Children's Care homes have a higher than normal call out to local police with some children homes calling the police over 200 times a year. Currently this area shows very low levels of offences and the proposed Care Home has a very significant chance of impacting these low levels of crime rates and adversely affecting the local community. This provides clear evidence that the intensity and use of the property would in reality be very different to a dwelling house and would have a significant effect on adjacent properties.
- The planning proposal is fundamentally flawed in its belief that a proposed Children's Home would not create adverse effects on any neighbouring properties or an impact on the character of the area.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable

development. The following sections are most relevant to this application:

- Section 5 – Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 - Achieving well-designed places

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS7 Quality of Design
- CS12 Sustainable Neighbourhoods
- CS15 Health and Education

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1 Quality of Design
- BH3 Residential Amenity
- BH4 Public Health and Safety
- BH24 Residential Institutions and Community Care Residential Use
- AS1 General Development Requirements (Access and Transport)

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM3: Residential Institutions

10.6 Other Relevant Policy Guidance

10.6.1 A Children's Care Homes Advice Note has been produced July 2020 and is to be presented to the Council's Planning Committee at the meeting on 4 August with a recommendation that it be published and used as a material consideration in the assessment and determination of planning applications. The Advice Note is intended to offer clarification and information to applicants seeking planning permission for the development of or the change of use of an existing building to a children's care home. The aim is to ensure that good quality accommodation is available in appropriate premises and locations within the

borough to meet the needs of looked-after children within the care of Blackpool Council, without causing undue harm to the character and amenities of local neighbourhoods.

10.6.2 In light of specific Blackpool issues, these are the principal objectives:

- Ensure that new children's homes are established in appropriate premises and in suitable locations;
- Establish a priority for local children to ensure that the Council can meet the needs of the existing community within the local area;
- Prevent an undue concentration of specialist uses in any particular area of the borough in order to safeguard local character and amenity;
- Safeguard the children in care and the interests of local communities by requiring premises to be operated in accordance with robust Management Plans.

11.0 ASSESSMENT

11.1 Principle

11.1.1 The National Planning Policy Framework makes it clear that a priority of the planning system is to meet local housing needs, including those of groups with specific housing requirements. The impact on the ability of a Local Authority to meet its own needs within its own area is therefore a material consideration.

11.1.2 The use proposed would fall within Class C2 of the Planning Use Classes Order. Policy BH24 of the Local Plan is the key policy relating to such uses. This policy seeks to direct community residential care uses to suitable properties and locations. A local need for the use must be demonstrated, and the management of the operation and its potential impact on neighbours considered. The policy goes on to state that, in order to protect the character and amenities of residential areas and avoid an undue concentration of care uses, no more than 10% of any block will be permitted in such use, and no use meeting a specialist need will be supported within 400m of an existing similar use.

11.1.3 The requirement for a demonstration of local need is fundamental to all applications for C2 uses within Blackpool. There is nothing within the policy or supporting text to suggest that local need could be a justification for departure from the criteria at the end of the policy that seek to avoid undue concentration. Compliance with all elements of the policy must be secured in order for a proposal to be supported.

11.1.4 The 400m criteria of Policy BH24 only applies to residential uses meeting specialist needs. The supporting text to Policy CS24 lists 'bail hostels, drug or alcohol recovery units and problem family homes' as specialist uses. However, in an appeal decision in Blackpool in 2011 (ref. 10/0870 – APP/J2373/A/10/2139079), the Inspector judged the children's home the subject of the application to classify as a specialist use. A mapping system has been developed that shows the positions of existing children's care homes and also the boundary of a 400m radius buffer around each home. This allows officers to easily assess whether or not a proposed use would be within 400m of an existing use. The site does not fall within 400m of an existing children's residential care home. The property falls outside of the defined Inner Area, where the high levels of deprivation makes the placement of vulnerable children undesirable.

11.1.5 The Council's Children's Services department has been consulted on this application to provide an assessment and verification of the local need for the facility proposed and they have confirmed that this is the situation.

- 11.1.6 In order to ensure that the accommodation meets locally generated need, it would be necessary for an applicant to enter into a S106 legal agreement with the Council to secure the nature of occupancy. In anticipation of future applications of this kind, the Council is taking a proactive approach and is in the process of drawing up a standardised S106 template to increase processing efficiency moving forward.
- 11.1.7 The proposal would result in the loss of a family dwelling. However, the Council can currently demonstrate a five year supply of housing land and the quantitative loss would be negligible. As such this carries little weight in the planning balance.
- 11.1.8 The proposals ability to meet a local need in suitable premises in an appropriate location weighs strongly in favour of the scheme.

11.2. Residential Amenity

- 11.2.1 The Children's Care Homes Advice Note to be presented to Committee at the meeting on 4 August considers that detached properties are suitable for accommodating three or more children. In this case only two young people would be resident and so the property is considered to be suitable. It is stated that the total number of carers would be seven directly associated with this property. No carers would be resident on site and two staff would be present at any one time, in addition to a home manager on site during the daytime. There would be two members of staff present overnight (one sleep in and one on waking watch). Shift changeover times are stated to be at 08:00 and 22:00. The children would have various needs, but with no particular concentration on complex needs and there would be one therapist visiting the home once a week.
- 11.2.2 Although up to seven jobs would be created, no more than three members of staff would be expected on site at any one time. Policy BH24 requires the applicant to submit a Management Plan, this stipulates the maximum number of staff on site and explains how change-over periods would be handled. It also explains that therapy would be provided in-house by staff in addition to one visit from an external therapist a week, and that no education would be provided on-site. Meals are prepared on site by staff and there are no commercial kitchens involved. The idea is to ensure the property is as close to a normal home as is possible. It would be very rare for relatives and friends to make visits, and contact with family would almost certainly be off-site. This is because the two children would come from different family backgrounds, and, amongst other things, it may be upsetting for the other child to have this type of visit. Children would have to abide by established house rules. On balance, this plan for the management of the property is considered to be acceptable.
- 11.2.3 Periods of shift changeover would generate increased staff presence and activity but staff numbers at these times would be expected to be relatively low and result in minimal impact. The proposed times of the shift changeover are considered to be acceptable and would not cause unacceptable disturbance to local residents. It is acknowledged that care homes can generate a significant number of additional visits from care, education and therapeutic professionals. However, it is understood that minimal education would be provided on site, the children would in the main attend local schools, and that the staff includes trained therapists. It must be noted that use of the property as a traditional family dwelling would likely generate visits from friends and relatives. As such, activities taking place within the property and any increase in vehicle movements would not be expected to cause unacceptable impact upon amenity through noise.

11.2.4 The Management Plan suggests that the children would have varying levels of need and would not necessarily have challenging behaviour; however it is acknowledged that it is more likely for young people placed into care to have experienced trauma or neglect and therefore be more prone to demonstrate challenging behaviours. The applicant has agreed to accommodate only those children placed by or with the written agreement of Blackpool Council. As such, the child would be local. Such children have a right to be cared for in good-quality accommodation within their local area. The operator has a long-standing working relationship with the Council and is OFSTED registered. If any issues arose relating to the behaviour of the child due to poor management of the premises, the Council could withdraw the placement. There is therefore a very clear motivation for the operator to ensure that the use does not impact unacceptably upon nearby neighbours.

11.3. Visual Impact

11.3.1 No external alterations are proposed to the property and so no visual impact would result.

11.4. Access, highway safety and parking

11.4.1 With regard to access, highway safety and parking, there is provision for off street parking at the property in the form of a garage and a large area of hardstanding. Although there are parking restrictions around the junction, there is on street parking available for casual visitors/support workers on both Lancaster Road and Lawson Road and it is considered that the provision is adequate. Although neighbours have objected on the grounds of congestion the Head of Transportation considers that there are no issues with respect to access and parking or highway safety in this particular case. In addition, this is a sustainable location and there are public transport facilities in the vicinity. As such, it is not considered that the Council could reasonably resist the proposal on parking grounds. There is no reason to suppose that the operation of the premises would have an unacceptable impact upon the capacity or function of the local highway network.

11.4.2 The home would be run by a competent, OFSTED registered organisation that would work closely with the Council's Children's Services team. This latter team has judged the location of the property to be appropriate and are strongly supportive of this application. As such, and given the reasonable expectation of appropriate management of the premises, there is no reason to suppose that the use would have an unacceptable impact on highway function or safety, or that young people accommodated would be at undue risk arising from traffic or the characteristics of the local highway network.

11.5. Other Issues

11.5.1 Perceived fear of crime is a valid planning consideration. The Inspector who determined the appeal in 2011 acknowledged that local residents concerns relating to potential anti-social behaviour were understandable. However, he went on to conclude that there was no evidence to suggest that young people in care cause demonstrable harm to local amenity. Instead he noted the OFSTED rating of the operator and concluded that the premises would be managed appropriately to avoid undue impact. This case is the same in terms of situation and so the same conclusion must prevail in this instance.

11.5.2 There are no changes to biodiversity, environmental factors or drainage, therefore there are no adverse impacts on these factors.

11.5.3 The application has been considered in the context of the Council's general duty in all its functions to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998 (as amended).

11.5.4 Under Article 8 and Article 1 of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. This application does not raise any specific human rights issues.

11.6 Sustainability and planning balance appraisal

11.6.1 Sustainability comprises economic, environmental and social components.

11.6.2 Economically, the proposal would have little impact, but would generate a small amount of employment in the local area. Service users and staff may also contribute to local shops and amenities.

11.6.3 Environmentally, the scheme would have no impact on visual amenity, drainage or environmental quality. The proposal would likely generate more vehicle movements than a typical family home but this does not weigh notably against the proposal.

11.6.4 Socially, although the proposal would result in the loss of a family dwelling, it would provide accommodation for a local child in need of care and the value of this provision is considered to be of substantial and over-riding social benefit. No unacceptable impacts on neighbouring residential amenity have been identified that would be sufficient to outweigh this.

12.0 CONCLUSION

12.1 As set out above, the scheme is considered to represent sustainable development on the basis of the restrictions outlined, and no other material planning considerations have been identified that would outweigh this assessment. On this basis, planning permission should be approved.

13.0 RECOMMENDATION

13.1 It is recommended that Members resolve to support the application and delegate the Head of Development Management to grant planning permission subject to the following conditions, on receipt of a S106 agreement signed by the applicant which provides that:

The property shall only be occupied on a residential basis by one young person, either:
(i) placed by Blackpool Council; or,
(ii) placed by another Authority with the prior written agreement of Blackpool Council.

13.2 Conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans and information:

Location plan recorded as received by the Council on 19th May 2020

Existing and proposed plans ref. 130-2-001 received on 28th May 2020

The development shall thereafter be retained and maintained in accordance with these approved details.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

- 3 The use hereby approved shall at all times operate in accordance with the Management Plan recorded as received by the Council on 8 July 2020 and addendum received on 13 July 2020.

Reason: In the interests of the residential amenity of the local area and to avoid undue pressure on local on-street parking provision in accordance with the provisions of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 and AS1 of the Blackpool Local Plan 2001-2016.

- 4 Prior to the development hereby approved being first brought into use, the parking provision shown on the approved plan, including the garage, shall be provided and shall thereafter be retained as such.

Reason: In order to ensure that adequate parking provision is available to meet the needs of the development in the interests of the appearance of the area and highway safety in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016.

ADVICE NOTES TO DEVELOPERS

1. This permission is subject a S106 agreement which restricts use of the premises as follows:

The property shall only be occupied on a residential basis by no more than two children, up to 18 years of age, either:

- (i) *placed by Blackpool Council or*
- (ii) *placed by another Authority with the prior written agreement of Blackpool Council.*

The S106 can be viewed in full online at: <https://idoxpa.blackpool.gov.uk/online-applications/>

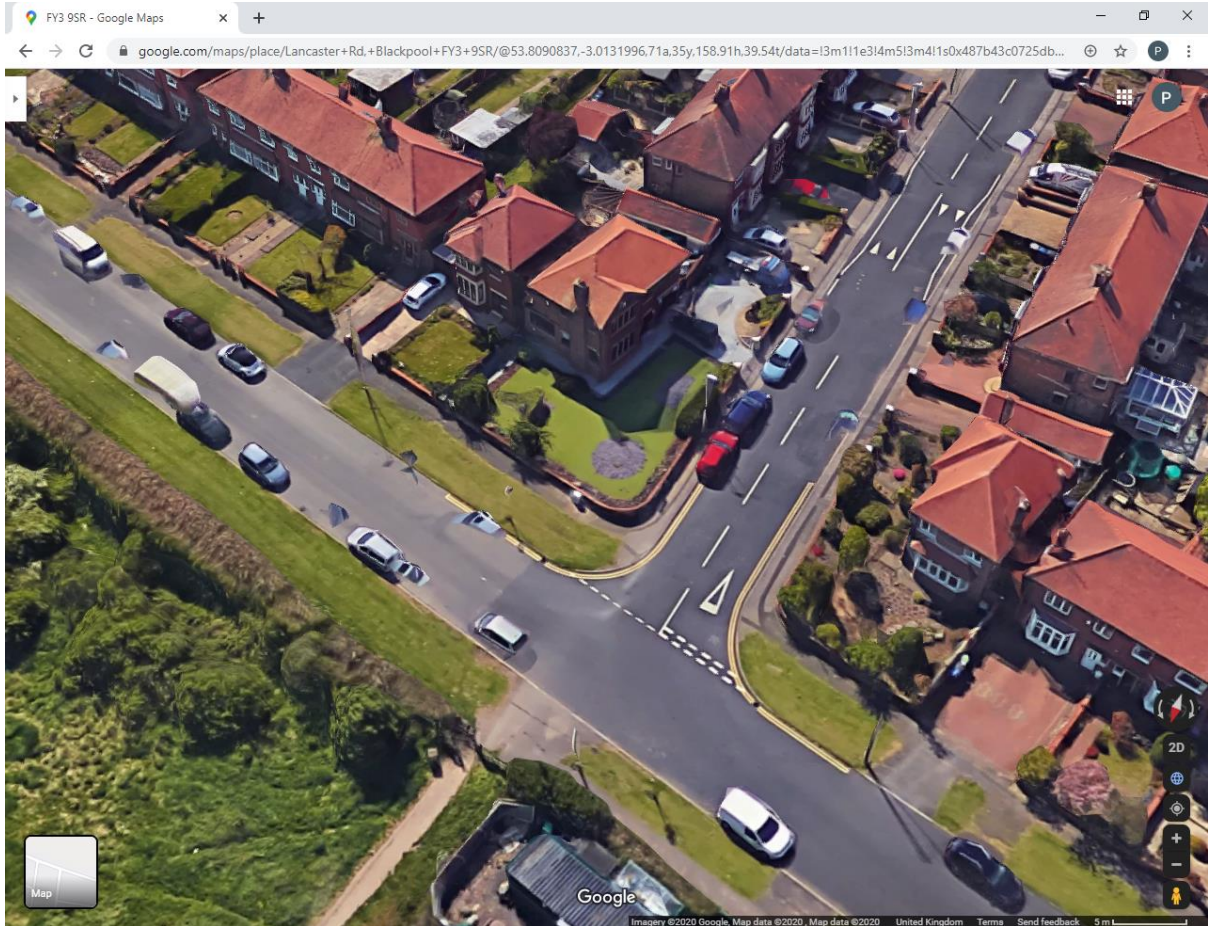
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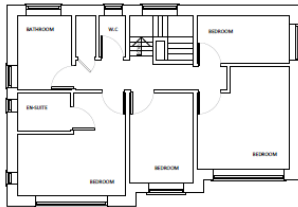
SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 333403, 435154



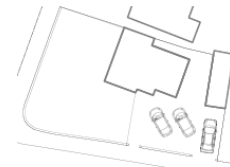
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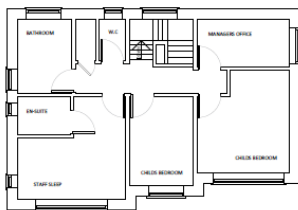
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SITE PLAN
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PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

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Existing and Proposed Plans		
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Blackpool Council - Development Management

Officer Report to Committee

Application ref: 20/0407
Ward: WARBRECK
Application type: FULL
Location: 7 HOLMFIELD ROAD
Proposal: USE OF PREMISES AS A SEMI-INDEPENDENT SUPPORTED LIVING ACCOMMODATION FACILITY FOR FOUR YOUNG PERSONS AGED 16-17 WITH NON RESIDENT CARERS (retrospective application).
Recommendation: REFUSE
Case officer: MS. P. GREENWAY
Case officer contact: 01253 477222

1.0 BLACKPOOL COUNCIL PLAN 2019-2024

- 1.1 The Council Plan sets out two priorities. The first is 'The Economy: maximising growth and opportunity across Blackpool', and the second is 'Communities: creating stronger communities and increasing resilience.'
- 1.2 This application accords with the second priority to some extent as it would support vulnerable children in Blackpool, however there would also be a degree of conflict as it would contribute to an over-concentration of such uses in the immediate area of the site.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application relates to a mid-terraced property that falls within both the Defined Inner Area and within 400 metres of existing similar specialist uses (3 x Semi-independent supported living [SISL]'s and a children's home). As such, the recommendation is for refusal.

3.0 INTRODUCTION

- 3.1 This application is before Members because there have been a significant number of representations made against the application and the proposal is one of a number of current proposals involving the establishment of a children's residential care home (CRCH) / semi-independent supported living facility (SISL) and is therefore of wider public interest.
- 3.2 The operators Coastal Key Housing (CKH) state that 7 Holmfield Road has been used since it opened in 2018 as a semi-independent supported facility for children/young

adults between 16-17 years old, in the care of the local authority, ensuring they are prepared for independence in the build up to turning 18. Support includes cooking, budgeting, personal hygiene and finding employment or college opportunities, as well as keeping the residents safe and secure. The premises currently has 4 young people in residence and are due to remain until they turn 18 next year. The level of supervision is what one would expect for older teenagers in a domestic setting and there is a curfew of 23:00 from Sunday to Thursday and midnight on Friday / Saturday and this is supported by CCTV. There is a support worker on the premises most of the time, including overnight. The level of support and supervision and the activity on-site is different to what would be found in a regulated children's care home. The layout of the accommodation is similar in nature to a house in multiple occupation, where residents have their own rooms but share communal spaces. However, because persons under the age of 18 years cannot legally form a household, and because a degree of care is provided (albeit not to the level of requiring regulation under the Care Act), the use is considered to fall within Use Class C2.

- 3.3 There is no requirement for the premises to be regulated by Ofsted. Placement within this and other similar facilities is done via the North West Placement Framework (NWPf) based within Bolton but is undertaken by local authorities on a rota basis. CKH have been informed by officers that planning permission is required for its use within class C2. As such, the 400m restrictive zone applied under Local Plan Policy BH24 and discussed in more detail below applies as well as the Inner Area restriction.

4.0 SITE DESCRIPTION

- 4.1 The application is a mid-terraced, two storey property, with roof space accommodation behind an original pike dormer. On the ground floor there is a communal lounge, staff room/office and to the rear a W.C. and a kitchen/dining room giving access to a small rear yard. The first floor comprises three bedrooms, a bathroom and a W.C. The second floor comprises two bedrooms (including a staff bedroom) and above this is a smaller loft in the roof space used for storage. The front area is a garden behind a low residential wall; and there is no off street car parking available, although vehicles can park on-street immediately outside the property.
- 4.2 The character of the area is one of dense, Victorian residential terraced houses, close to the Promenade and behind an area of hotels and guesthouses. The property is within walking distance of Gynn Gardens, local shops on Dickson Road, schools and other facilities. The application property is located within North Shore Conservation Area (NSCA), within the Defined Inner Area and within flood risk zone 1 (low flood risk).

5.0 DETAILS OF PROPOSAL

- 5.1 The application is retrospective and is for the continued use of the premises (previously Class C3 dwelling house) as a semi-independent supported living facility (SISL) which is considered to be within Use Class C2. The facility accommodates four young people of ages 16 – 17 with three teams of up to two carers on site working 10:00 until 17:00; 17:00 – 23:00; and 23:00 to 10:00 in a shift pattern.
- 5.2 The applicants, CKH, bought the property in 2016 and were accepted by NWPF in June 2018 and opened in 2018. The application is accompanied by a supporting statement/ management plan. In their supporting submission they state that the safety, well-being and progression of their residents and staff is at the heart of their ethos. If the residents feel safe, they are likely to be settled within their placement. They conduct an annual locality risk assessment which is influenced by the crime figures in Warbreck ward. They acknowledge that the property is located in a ‘high crime’ area compared with national statistics, and have taken extra precautions to secure the building and safeguard their residents. The staff are all DBS checked, are employed in line with their company policy and processes. All staff are local to Blackpool and understand local issues and the needs of the residents. They ensure the building is safe and secure each day and have a staff member who is in the house at all times. The property is secured externally by CCTV which allows staff to see who is coming and going, and also serves as a deterrent against crime. The residents have a curfew of 23:00 from Sunday – Thursday, and midnight from Friday – Saturday and, although the residents can come and go, staff ensure that they know their whereabouts.
- 5.3 With regard to the fact that the premises are already established as a SISL, the supporting statement says that they will continue to react robustly to any threat to their business. Their biggest concern is their current residents, who would certainly suffer if the facility ceased to operate. It is widely recognised that young people who have multiple placement breakdowns have worse outcomes than young people who are in long-term placements. All four of the current residents have been in the property since last year and are due to remain until they turn 18 next year. They consider that these are all successful placements with a clear plan to support them into independence. Their further concerns include potential unemployment of staff members and financial losses due to the uncertainty in the property market.
- 5.4 Coastal Key Housing state that they are dedicated to improving the lives of vulnerable local young people, providing a platform for young people to have access to the opportunities that every young person deserves, and to support them as they approach adulthood and beyond. Moving forward, they strive to continue to build on their successes over the last two years, whilst remaining a small, close knit provision with no short term plans to expand their number of properties.

6.0 RELEVANT PLANNING HISTORY

- 6.1 **14/0885** Use as a single private dwelling house GTD (was previously holiday flats). It is worth noting that a condition was attached to this permission to prevent any change of use from C3 to a C4 HMO. Part of the justification for this condition was the need to safeguard the Council's ongoing efforts to establish more balanced and healthy communities within the Inner Areas of the borough by safeguarding family dwelling-houses.

7.0 MAIN PLANNING ISSUES

- 7.1 The main planning issues are considered to be:

- Acceptability of the Use in Principle and Policy BH24
- Impact on Residential Amenity and the Residential Character of the Area
- Impact on Visual Amenity
- Car parking provision/ Traffic Generation/ Highway Safety

8.0 CONSULTATION RESPONSES

- 8.1 **Police Architectural Liaison Officer:** No comment. As this is a retrospective application it is too late to affect any changes.
- 8.2 **Blackpool Civic Trust:** We do not feel this type of facility should be located in a holiday/residential area. It is also not an appropriate development for the conservation area. The views of the local residents must be considered when making the final decision.
- 8.3 **Conservation Officer:** No objection
- 8.4 **Community and Environmental Services, Highways and Traffic Division:** No objection.

9.0 REPRESENTATIONS

- 9.1 Site notice posted: 20 July 2020
- 9.2 Neighbours notified: 20 July 2020
- 9.3 Objections have been received from Paul Maynard MP (appended to this report), Cllr. Michele Scott and from the following properties:

King Edward Avenue: 5, 7, 12, 14, 18 and 20
Shaftesbury Avenue: 33
Holmfield Road: 22
Empress Drive: 9

9.4 Two letters of support have been received.

9.5 These representations raise the following issues:

- There is already a high concentration of such uses in the area and these cause criminal damage and anti-social behaviour.
- It is in close proximity to hotels that cater for older people who are intimidated by the young adults living at the property.
- Fear of crime and intimidation of local residents.
- Inadequate supervision.
- This is a holiday area and not an appropriate location, businesses are suffering.
- Damage to vacant properties (broken windows, fires etc) has been caused by occupants of this property and a nearby SISL.
- Paul Maynard MP has raised the issue in the House of Commons of Blackpool being in danger of becoming a 'dumping ground' and the lack of communication between different agencies.
- The Police in consultation with Mr. Paul Maynard M.P. have warned about the propensity of the 'County Lines' operating in our resort, and this is why close proximities of these types of accommodations have to be avoided.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 - Achieving well-designed places

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016.

- CS7 Design
- CS12 Sustainable Neighbourhoods
- CS15 Health and Education

10.4 Blackpool Local Plan 2011-2016 (saved policies)

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1 Quality of design
- BH3 Residential Amenity
- BH4 Public Health and Safety
- BH24 Residential Institutions and Community Care Residential Use
- AS1 General Development Requirements (Access and Transport)

10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM3: Residential Institutions

10.6 Other Relevant Policy Guidance

10.6.1 A Children's Care Homes Advice Note was presented to the Council's Planning Committee at the meeting on 4 August 2020. Committee agreed with the recommendation that it be published and used as a material consideration in the assessment and determination of planning applications. The Advice Note is intended to offer clarification and information to applicants seeking planning permission for the development of or the change of use of an existing building to a children's care home. The aim is to ensure that good quality accommodation is available in appropriate premises and locations within the borough to meet the needs of looked-after children within the care of Blackpool Council, without causing undue harm to the character and amenities of local neighbourhoods.

10.6.2 The Advice Note was revised to address the issue with SISL's "Residential care and semi-independent supported-living accommodation for children and young people Advice Note" and published in September 2020. This revision was presented to and agreed by Planning Committee in October 2020.

10.6.3 Following legal advice, further amendments to the Advice Note have been made and a third revision is on this agenda.

10.6.4 In light of specific Blackpool issues, the principal objectives of this guidance are to:

- Ensure that new children's homes are established in appropriate premises and in suitable locations;

- Establish a priority for local children to ensure that the Council can meet the needs of the existing community within the local area;
- Prevent an undue concentration of specialist uses in any particular area of the borough in order to safeguard local character and amenity;
- Safeguard the children in care and the interests of local communities by requiring premises to be operated in accordance with robust Management Plans.

11.0 ASSESSMENT

11.1 Principle

11.1.1 The National Planning Policy Framework makes it clear that a priority of the planning system is to meet local housing needs, including those of groups with specific housing requirements. The ability of a Local Authority to meet its own needs within its own area is therefore a material consideration.

11.1.2 The Council's Children's Services department consider that there is a local need for this facility. More particularly, the requirement is for the need for a facility such as this within the wider area, rather than this particular location. Children's Services would work with this particular provider wherever they were located in Blackpool. As such, the precise location is not a function of need.

11.1.3 The use proposed would fall within Class C2 of the Planning Use Classes Order. Policy BH24 of the Local Plan is the key policy relating to such uses. This policy seeks to direct community residential care uses to suitable properties and locations. A local need for the use must be demonstrated, and the management of the operation and its potential impact on neighbours considered. The policy goes on to state that, in order to protect the character and amenities of residential areas and avoid an undue concentration of care uses, no more than 10% of any block will be permitted in such use, and no use meeting a specialist need will be supported within 400m of an existing similar use.

11.1.4 The requirement for a demonstration of local need is fundamental to all applications for C2 uses within Blackpool. There is nothing within the policy or supporting text to suggest that local need could be a justification for departure from the criteria at the end of the policy that seek to avoid undue concentration. Compliance with all elements of the policy must be secured in order for a proposal to be supported.

11.1.5 The 400m criteria of Policy BH24 only applies to residential uses meeting specialist needs. The supporting text to Policy CS24 lists 'bail hostels, drug or alcohol recovery units and problem family homes' as specialist uses. However, in an appeal decision in Blackpool in 2011 (ref. 10/0870 – APP/J2373/A/10/2139079), the Inspector judged the children's home the subject of the application to classify as a specialist use. A mapping system has been developed that shows the positions of existing children's residential care homes (CRCH) and semi-independent supported-living facilities (SISL) and also the boundary of a 400m radius buffer around each. This allows officers to

easily assess whether or not a proposed use would be within 400m of an existing use. The site falls within 400m of an existing CRCH and three SISLs so the locational requirements of Policy BH24 are not met. In addition, the property falls inside the defined Inner Area, where the high levels of deprivation makes the placement of vulnerable children undesirable.

- 11.1.6 Notwithstanding the locational issue set out above, were the Council to support the scheme, the applicant would be expected to enter into a S106 legal agreement to give priority to local young people. This agreement would specify that all placements must either be made by or with the written agreement of Blackpool Council. This would mean that young people from outside of Blackpool could only be accommodated at the property if the Council's Children's Services team confirmed that the place was not required at that time to meet a local need, or that the placement was the most appropriate given the particular needs of the young person.
- 11.1.7 Blackpool is a hugely deprived Local Authority area. Out of 317 Local Authority areas the 2019 Indices of Multiple Deprivation ranked Blackpool as the most deprived nationwide in terms of average rank, average score, and local concentration. In terms of deprivation particularly affecting children, Blackpool ranks second in the list. The town's average scores in respect of crime and education rank it as eighth and ninth respectively. Blackpool is the most deprived authority area for health and employment. As such, Blackpool suffers from acute social problems that the Council is working hard to address.
- 11.1.8 The town's ranking as the most deprived in terms of local concentration reflects the extremely high levels of deprivation experienced within the defined Inner Area of the borough. The application property falls within the defined Inner Area, where deprivation rates are highest, and this particular property is within the 1% most deprived out of 32,844 such areas (LSOAs) nationwide. It falls within the first decile of deprivation with regard to income, employment, health, crime, living environment and IDACI (The Income Deprivation Affecting Children Index measures the proportion of all children aged 0 to 15 living in income deprived families).
- 11.1.9 The proposal would result in the loss of a family dwelling. The Council can currently demonstrate a five year supply of housing land and the quantitative loss would be negligible. However, it must be noted that a key element of the Council's regeneration strategy is the provision of good family homes within the Inner Area to encourage the development of more stable, balanced and healthy communities. Traditionally this area has suffered from extremely high levels of transience which has prevented this. It must be acknowledged that the residents of the use would necessarily be relatively transient as they would only be able to stay for a maximum of two years. In addition the staff would view the property as a place of work rather than a home. As such, the use of the property as proposed would not contribute to improved social cohesion in the neighbourhood and would therefore undermine the Council's strategy to some extent. Nevertheless, in relation to housing need itself, the loss of the property as a dwelling carries little weight in the planning balance.

11.2 Residential Amenity

- 11.2.1 The Residential Care and Semi-independent Supported-living Accommodation for Children and Young People Advice Note presented to Committee at the meeting on 20 October 2020 considers detached properties to be preferable for SISL uses but acknowledges the use of terraced properties to be acceptable. In this case four young people would be resident, however the property is of substantial size and so is physically capable of accommodating the number applied for. There would be eleven members of staff in total, with two members of staff present during the daytime (10:00 – 17:00) one or two during the evening (17:00 – 23:00) and one during the night time (23:00 – 10:00) with a shift handover at 10:00 am. These change overs of staff may be noticeable and there may be some limited impact on adjoining property but given it involves up to two staff leaving the home and being replaced by two new members of staff this is not considered sufficient to warrant a refusal of the application.
- 11.2.2 It is acknowledged that care uses can generate a significant number of additional visits from care, education and therapeutic professionals, although this would be expected to be less for a SISL than a CRCH. The existing use of the property as a traditional family home would also be expected to generate visits from friends and relatives. The property is terraced and shares a party wall with a currently unauthorised SISL at 9 Holmfield Road and with three flats at 5 Holmfield Road. However, the property is also positioned on a relatively busy through road. As such, activities taking place within the property and any increase in vehicle movements would not be expected to unacceptably impact upon amenity through noise. Nevertheless, in order to avoid direct impact upon the adjoining properties, if permission was to be forthcoming, the imposition of a condition requiring sound insulation would be appropriate.
- 11.2.3 The application property is located within a residential area where there are some elderly residents and visitors. It is noted that local residents have raised a number of concerns regarding behaviour. Children have a right to be cared for in good-quality accommodation within their local area. As any planning permission would be subject to an agreement requiring all placements to be made by or with the agreement of the Council, if any unacceptable issues arose relating to the behaviour of the child due to poor management of the premises, the Council could withdraw the placement. There is therefore a very clear motivation for the operator to ensure that the use does not impact unacceptably upon nearby neighbours.
- 11.2.4 Policy BH24 requires the applicant to submit a Management Plan and this has now been submitted and includes details maximum number of staff on site and explains how change-over periods will be handled and on balance, subject to the implementation and compliance with the Management Plan, no unacceptable impacts on residential amenity arising from noise or activity are anticipated.

11.3 Visual amenity

11.3.1 The outward appearance of the property would not change as a result of the proposal and it will not therefore impact visually on the character of the area remaining residential in appearance.

11.4 Access, highway safety and parking

11.4.1 The application property has a small front garden behind a residential boundary wall and no space for off street car parking. There is unrestricted parking available on street on what is a fairly wide and busy local through road if required. The property is within a sustainable location within walking distance of local schools, shops and other facilities and is located close to the Promenade and The Gynn/Dickson Road and there are bus routes and a tramway in near proximity. As such, and although pressure on local on-street parking can be significant, it is not felt that the proposal could reasonably be resisted on parking grounds.

11.4.2 As stated previously, there is no requirement to be registered with OFSTED, however the operator works within the NWPF. As such, and given the reasonable expectation of appropriate management of the premises, there is no reason to suppose that the use would have an unacceptable impact on highway function or safety, or that young people accommodated would be at undue risk arising from traffic or the characteristics of the local highway network.

11.5 Other Issues

11.5.1 It is acknowledged that the property currently accommodates young people who are in need of care. The fact that these young people are in Local Authority care makes it far more likely that they have experienced some degree of trauma, neglect or instability in their lives. This makes them more vulnerable and therefore any further disruption to them should be avoided if at all possible. It is understood that the four young people currently resident will all turn 18 years of age within the next 12 months. Whilst the recommendation is for refusal of this application, it should be noted that no enforcement action would be taken that would require cessation of the use until all of the current residents have turned 18 and vacated the property.

11.5.2 There are understandable local concerns regarding potential impact of a children's home, particularly amongst elderly residents. However, many such premises locate within residential areas without any undue impact on the residential character or amenity of an area. The needs of the children also requires due consideration in order to provide appropriate opportunities to develop successfully into adulthood within an appropriate residential environment. Whilst perceived fear of crime is a valid planning consideration, the Inspector who determined the appeal in 2011 acknowledged that local residents concerns relating to potential anti-social behaviour were understandable; however, he went on to conclude that there was no evidence to suggest that young people in care cause demonstrable harm to local amenity. Instead he noted the OFSTED rating of the operator and concluded that the premises would be managed appropriately to avoid undue impact. Although these

premises are not OFSTED registered, they do work within an acknowledged framework and so the same conclusion must prevail in this instance.

- 11.5.3 The scheme would not impact adversely upon drainage, flood risk or biodiversity. Air, land and water quality would be also be unaffected.
- 11.5.4 The application has been considered in the context of the Council's general duty in all its functions to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998 (as amended).
- 11.5.5 Under Article 8 and Article 1 of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. This application does not raise any specific human rights issues.

11.6 Sustainability and planning balance appraisal

- 11.6.1 Sustainability comprises economic, environmental and social components.
- 11.6.2 Economically, the proposal would create some employment in the local area. Service users and staff may also contribute to local shops and amenities.
- 11.6.3 Environmentally, the scheme would have no impact on visual amenity, drainage or environmental quality. The proposal would likely generate more vehicle movements than a typical family home but this does not weigh notably against the proposal.
- 11.6.4 Socially, the proposal would result in the loss of a family dwelling within the defined Inner Area where the focus is on the establishment of less transient and more balanced and healthy local communities. Although the use would meet an identified local need, in this location it would be within 400m of four other facilities meeting similar specialist needs (one of which is unauthorised and subject to separate enforcement investigation). As such it would contribute to an over-concentration of such uses in this area to the detriment of its character, function and general amenity.
- 11.6.5 In light of the above and in terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the economic, environmental and social components. No other material planning considerations have been identified that would outweigh this view.

12.0 CONCLUSION

- 12.1 As set out above, the scheme is not judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment. On this basis, planning permission should be refused.

13.0 RECOMMENDATION

13.1 It is recommended that Members resolve to refuse the application for the following reason:

13.2 The property is within 400 metres of existing children’s residential care home and semi-independent supported living homes falling within Use Class C2. The proposed use would therefore result in an over-concentration of such specialist uses in the immediate vicinity which would be detrimental to the character of the area and contrary to the provisions of Policy BH24 of the Blackpool Local Plan 2001-2016.

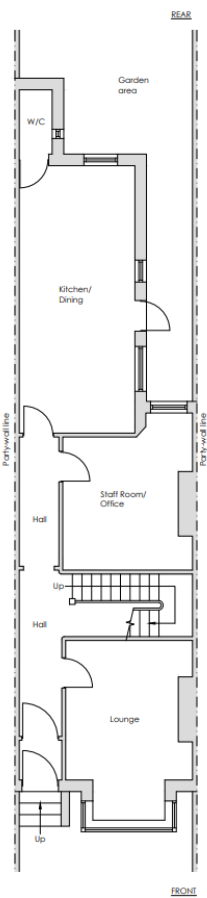
14.0 APPENDICES

14.1 Appendix 6A:
7 Holmfield Road plans

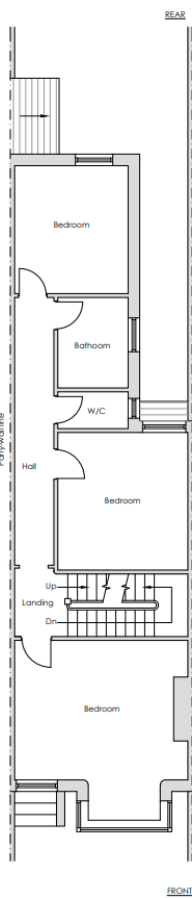
Appendix 6A - 7 Holmfield Road plans, ref. 20/0407



Site Location Plan (1:500)



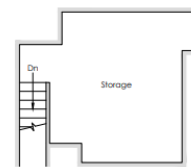
Existing Ground Floor Plan



Existing First Floor Plan



Existing Second Floor Plan



Existing Loft Plan

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