

Blackpool Council

24 July 2020

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, 4 August 2020 at 2.00 pm
via Remote meeting via Zoom

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 7 JULY 2020 (Pages 1 - 4)

To agree the minutes of the last meeting held on 7 July 2020 as a true and correct record.

3 PLANNING ENFORCEMENT UPDATE REPORT (Pages 5 - 8)

The Committee will be asked to note the outcomes of the cases and support the actions of the Service Manager, Public Protection.

4 PLANNING APPLICATIONS PERFORMANCE (Pages 9 - 10)

To receive a quarterly update on the Council's performance in relation to Government targets.

5 PUBLICATION AND USE OF CHILDREN'S CARE HOMES PLANNING ADVICE NOTE (Pages 11 - 24)

To consider for approval the publication of an advice note on the Council's website and use as a material consideration in the determination of planning applications.

6 PLANNING APPLICATION 20/0219 - 124 NORBRECK ROAD, BLACKPOOL (Pages 25 - 40)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

7 PLANNING APPLICATION 20/0267 - 77 LANCASTER ROAD, BLACKPOOL (Pages 41 - 54)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

8 PLANNING APPLICATION 20/0296 - 14 FREEMANTLE AVENUE, BLACKPOOL (Pages 55 - 68)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

9 PLANNING APPLICATION 20/0287 - 37 HODDER AVENUE, BLACKPOOL (Pages 69 - 84)

The Committee will be requested to consider an application for planning permission, details of which are set out in the accompanying report.

10 PLANNING APPLICATION 20/0079 - FORMER B & Q PREMISES, HOLYOAKE AVENUE, BLACKPOOL (Pages 85 - 102)

11 DATE OF NEXT MEETING

To note the date of the next meeting as 1 September 2020 at 6.00pm.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Governance Adviser, Tel: (01253) 477212, e-mail bernadette.jarvis@blackpool.gov.uk

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Present:

Councillor Owen (in the Chair)

Councillors

Baker	Hugo	O'Hara	L Williams
D Coleman	Jackson	Robertson BEM	

In Attendance:

Mr Carl Carrington, Head of Planning Quality and Control
Mr Ian Curtis, Legal Officer
Mrs Bernadette Jarvis, Senior Democratic Governance Adviser
Ms Susan Parker, Head of Development Management
Ms Clare Lord, Legal Officer – observing

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 16 JUNE 2020

The Planning Committee considered the minutes of the last meeting held on 16 June 2020.

Resolved: That the minutes of the meeting held on 16 June 2020 be approved and signed by the Chairman as a correct record.

3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED

The Planning Committee received a report on the planning appeals lodged and determined since the last meeting.

The report stated that three appeals had been lodged since the last meeting against the decision of the Council to refuse permission in respect of the following planning applications:

- Application 19/0688, Unit 2, Woodman Centre, Vicarage Lane, Blackpool
- Application 19/0787, 19-21 Boscombe Road, Blackpool
- Application 20/0061, 49 Webster Avenue, Blackpool

The report also confirmed that an appeal against the Council's decision to refuse planning permission for the upgrade of an existing 48 sheet advert to support a digital poster at 150 Bond Street, Blackpool had been allowed by the Planning Inspectorate.

The Planning Inspectorate had also allowed an appeal against the Council's decision to refuse planning permission for the replacement of an existing 1 x 48 sheet advertisement

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JULY 2020

hoarding with 1 x 48 sheet digital advertising display unit at Palladium Buildings, Apollo Bingo Ltd, Waterloo Road, Blackpool.

Resolved: To note the report.

4 PLANNING APPLICATION 20/0187 - 40 ABINGDON STREET, BLACKPOOL

The Planning Committee considered planning application 20/0187 that sought permission for alterations to the front elevation and use of ground floor premises as altered as an adult gaming centre. Ms Parker, Head of Development Management, provided the Committee with an overview of the application and presented the proposed site layout, location and elevation plans and aerial views of the site. She reminded Members that the Committee had considered the application at its last meeting and had been minded to refuse the application and defer the decision to this meeting to allow the drafting of reasons for refusal that reflected the Committee's concerns. Ms Parker referred to a further letter of objection from Quilligans Café Bar that had been included in the Update Note, advising that it had not raised any issues which had not already been dealt with in the report.

Ms Parker referred to the officer's recommendation for approval but also highlighted the suggested reasons for refusal at paragraph 1.3 of the report that encapsulated the concerns raised by Members at the last meeting. She also highlighted the alternative suggested reason for refusal at paragraph 1.16 of the report that in her view was a more appropriate and more robust reason for refusal. Ms Parker also referred to the Planning Inspectorate's decision regarding the neighbouring property that had made no reference to Policies CS15 or CS17 of the Core Strategy. Members were also reminded of the limited weight that could be attached to emerging Policy DM13 due to its early stage of development. Furthermore, as the uses defined in Policy DM13 were comparable, the proposed conversion to an adult gaming centre was not considered to conflict with this Policy.

Mr Deegan, Agent acting on behalf of the Applicant, spoke in support of the application. He referred to the conclusions in the Inspector's appeal decision in relation to the adjacent property and presented his view of the material weight that could be placed on the appeal decision. He also presented his view that the application, if approved, would not have a detrimental impact on the character of the area. He asked the Committee to support the officer's recommendation for approval to enable the social, economic and environmental benefits of the proposal to be realised.

Mr Etchells spoke in objection to the proposal. He referred to the Committee's decision at the previous meeting to be minded to refuse the application and referred to a number of additional objections that had been received from businesses in the area following the lifting of lockdown restrictions, which in his view further justified refusal of the application.

The Committee considered the application and noted that there had been no changes to the application since the Committee had been minded to refuse the application at its last meeting, with the exception of an additional objection having been received from Quilligans Café Bar. It acknowledged the aims of emerging Policy DM13 but also had

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 7 JULY 2020

regard to the limited weight that could be attached to the Policy due to it being in the early stages of development. It also noted that the proposal could not currently be considered to conflict with Policy DM13 due to the proposed change to a comparable use as defined in the current Policy. The Committee considered the application and was satisfied that the reasons for refusals offered at Paragraph 1.16 of the officer's report were appropriate, taking into consideration current policies and the key issues identified by the Committee.

Resolved: To refuse the application for the reasons outlined in the decision notice which can be accessed via the link below:

https://idoxpa.blackpool.gov.uk/online-applications/applicationdetails.do?activetab=summary&keyval= blckp_dcapr_63888

Background papers: Applications, plans and replies to consultations on the application.

5 DATE OF NEXT MEETING

The Committee noted the date of the next meeting as Tuesday 4 August 2020.

Chairman

(The meeting ended 14.37pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Governance Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk

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Report to:

PLANNING COMMITTEE

Relevant Officer:

Tim Coglan, Service Manager, Public Protection

Date of Meeting:

4 August 2020

PLANNING ENFORCEMENT UPDATE

1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool between 1 June 2020 and 30 June 2020.

2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement activity for its information.

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

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'.

5.0 Background Information

5.1 Cases

5.1.1 New cases

In total, 64 new cases were registered for investigation in June 2020.

As at 30th June 2020, there were 663 “live complaints” outstanding.

5.1.2 Resolved cases

In total, six cases were resolved by negotiation without recourse to formal action.

5.1.3 Closed cases

In total, 22 cases were closed. These cases include those where there was no breach of planning control found, no action was appropriate, or where it was considered not expedient to take action.

5.2 Formal enforcement notices / s215 notices

- No enforcement notices were authorised in June 2020;
- No Section 215 notices were authorised in June 2020;
- No enforcement notices were issued in June 2020;
- One Section 215 notice was issued in June 2020.

5.2.1 Information on the Section 215 notice issued is detailed in the table below.

5.2.2 Notice served

Reference	Address	Case	Dates
19/8381	26 Coop Street (FY1 5AJ)	Poor condition of property	s215 Notice issued 15/06/2020. Compliance due by 21/11/2020 unless an appeal is lodged with Magistrates Court by 21/07/2020

5.3 Does the information submitted include any exempt information? No

5.4 List of Appendices:

5.4.1 None.

6.0 Legal considerations:

6.1 None.

7.0 Human Resources considerations:

7.1 None.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Background papers:

13.1 None.

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Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	4 August 2020

PLANNING APPLICATIONS PERFORMANCE

1.0 Purpose of the report:

1.1 To update the Committee of the Council's performance in relation to Government targets. This report reflects performance in the first quarter of the 2020/2021 financial year.

2.0 Recommendation(s):

2.1 To note the report.

3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of performance.

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

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None the report is for information only.

4.0 Council Priority:

4.1 This report is relevant to both Council priorities:

- Priority 1 - The economy: Maximising growth and opportunity across Blackpool
- Priority 2 – Communities: Creating stronger communities and increasing resilience

5.0 Background Information

5.1 The Government sets targets for the speed of planning decisions.

- Major applications – 60% to be determined within 13 weeks or an agreed Extension of Time
- Non-major applications – 70% to be determined within 8 weeks or an agreed Extension of Time

- 5.2 The Council's performance must be reported to Government on a quarterly basis.
- 5.3 For the quarter of April – June 2020, the Council's performance in terms of speed was as follows:
- Major applications – 100% determined within 13 weeks or an agreed Extension of Time
 - Non-major applications – 76% determined within 8 weeks or an agreed Extension of Time
- 5.4 The Council has therefore exceeded the statutory targets in this quarter.
- 5.5 Does the information submitted include any exempt information? No
- 5.6 List of Appendices None
- 6.0 Legal considerations:**
- 6.1 None.
- 7.0 Human Resources considerations:**
- 7.1 Performance is influenced by staffing numbers, sickness and leave.
- 8.0 Equalities considerations:**
- 8.1 None.
- 9.0 Financial considerations:**
- 9.1 Poor performance puts the Council at risk of designation and the potential for loss of fee income.
- 10.0 Risk management considerations:**
- 10.1 Under-resourcing of the service could lead to inability to respond to peaks in workload.
- 11.0 Ethical considerations:**
- 11.1 None.
- 12.0 Internal/ External Consultation undertaken:**
- 12.1 Not applicable.
- 13.0 Background Papers**
- 13.1 None.

Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	04 August 2020

PUBLICATION AND USE OF CHILDREN’S CARE HOMES PLANNING 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.

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

3.2b Is the recommendation in accordance with the Council’s approved budget? Yes

3.3 Other alternative options to be considered:

3.4 The advice note could be not approved for publication or use. 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.

4.0 Council Priority:

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

5.0 Further information

5.1 Members will recall that a report was presented to and agreed at the Committee meeting on 16 June 2020 that set out an approach to deal with applications for Certificates of Lawfulness and applications for planning permission in respect of children's care homes.

5.2 It is considered that conversions from single-family dwellings to children's care homes 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.

5.3 As a result, such changes of use are now considered to generally require planning permission. A number of former applications for Certificates of Lawfulness have subsequently been withdrawn and applications for planning permission submitted. Pressure for the development of children's care homes is likely to continue for some time.

5.4 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.

5.5 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.

5.6 Does the information submitted include any exempt information? No

5.7 List of Appendices:

5.7.1 Appendix 5(a) - Children's Care Homes planning advice note – July 2020

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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Children's Care Homes

Advice Note

August 2020

Blackpool Council



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DRAFT

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 care home.

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.

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

In light of the specific issues in Blackpool as set out above, the Council has identified the following 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.

Children's care in Blackpool – a planning perspective

Since 2010, Blackpool Council has issued a number of Certificate of Lawfulness for the Proposed Use of dwelling-houses as 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.

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 care home 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 children's care homes are considered to meet a specialist need and that criteria (ii) therefore applies to their location.

Specific Advice

Where can I locate a new children's care home?

It is important that our most vulnerable children 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 children due to the existing high levels of deprivation prevalent in this area.

What kind of property should I look for?

In general, the following types of property are considered to be appropriate as follows:

- 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.

What about car parking?

We recognise that children's 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.

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. 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 care home, 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 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. 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 similar use.

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 care home use.

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

- How many children 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 ever left alone at the property?
- Under what circumstances are children allowed to leave the property?
- Would staff members be informed/aware if a child 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 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 care home provision will meet local need?

A crucial aspect of the Council's strategy is the need to ensure that local children 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 wherever possible.

In order to ensure that new provision is available to meet the needs of local children, 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 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 care home that was not required by Blackpool Council to accommodate a local child, that place could be offered to a child 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 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 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.

The Council would be unlikely to support the placement of a child from a remote authority unless exceptional circumstances can be demonstrated. For example, a placement may be accepted where the child 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 care home 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 care home 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 care homes, 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: Agree in principle and delegate approval to the Head of Development Management
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 to agree the application in principle and delegate approval 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 the Committee 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 application is a semi-detached bungalow with a bedroom within the roofspace. 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 8-00am to 11-00pm and 11-00pm to 8-00am in a shift pattern. In addition, there would be a manager and deputy manager working 8-00am to 4-00pm who would also be on call out of hours.
- 5.2 The applicants, Outbound Care, were formed on January 2017 and in a supporting submission they state that they 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. Four 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 and Environmental Services, Highways and 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 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 postcode area. The provider has recently (2019) registered these homes with OFSTED. Each home offers 1 or 2 places for young people with a range of needs. Although they have 9 beds in our local area (7 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: 27th April 2020

9.2 Neighbours notified: 27th 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 neighbour's 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.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The National Planning Policy Framework (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 National Planning Practice Guidance (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 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 was produced in July 2020 and has been attached as an Appendix to Agenda Item 5 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 seeks 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 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 changeovers at 8-00am and 11-00pm plus a manager and deputy manager available during the day and also out of hours if required. These changeovers 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 are 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 agree the application in principle and delegate approval to 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.*

14.0 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.

ADVICE NOTES TO DEVELOPERS

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

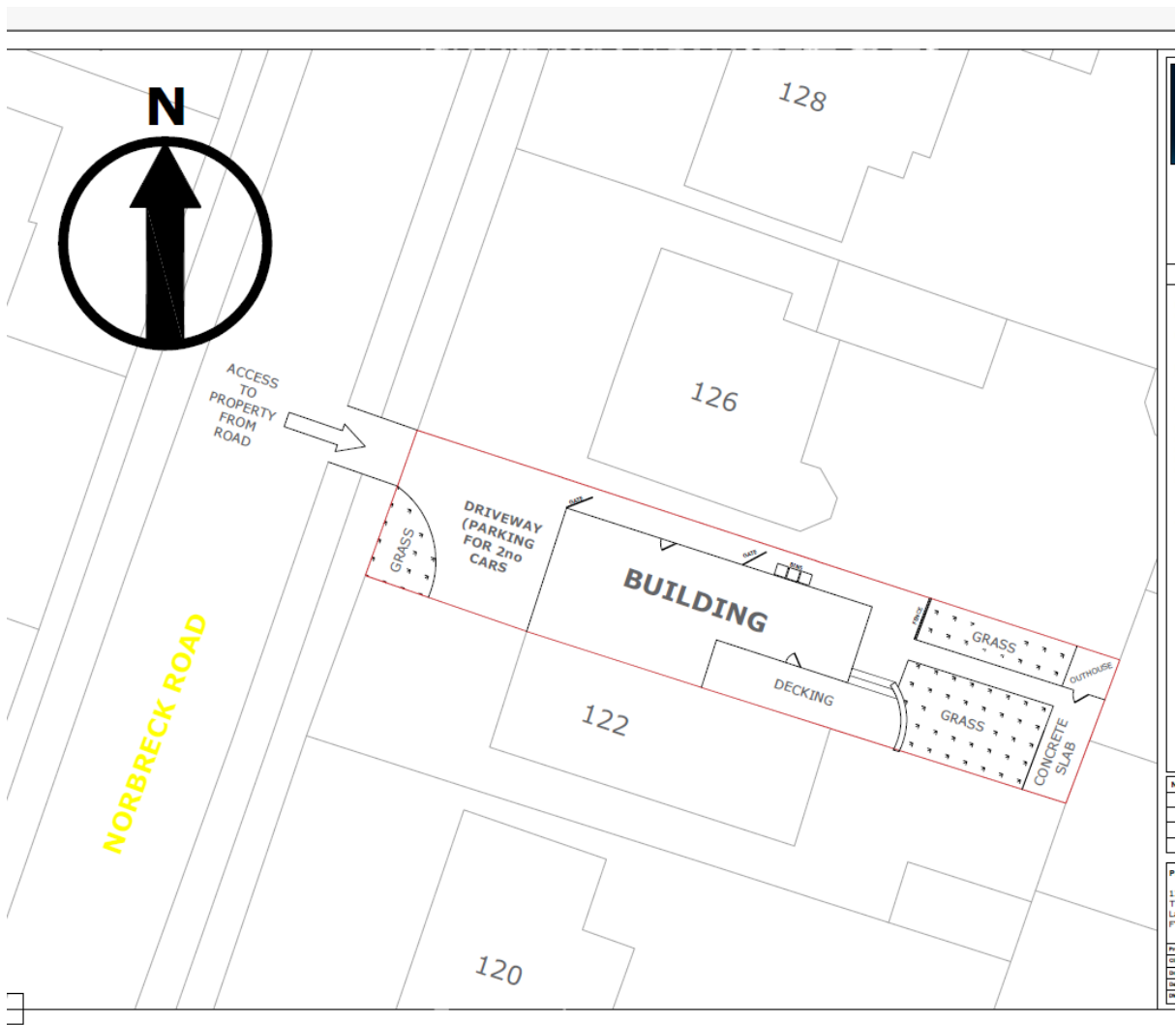
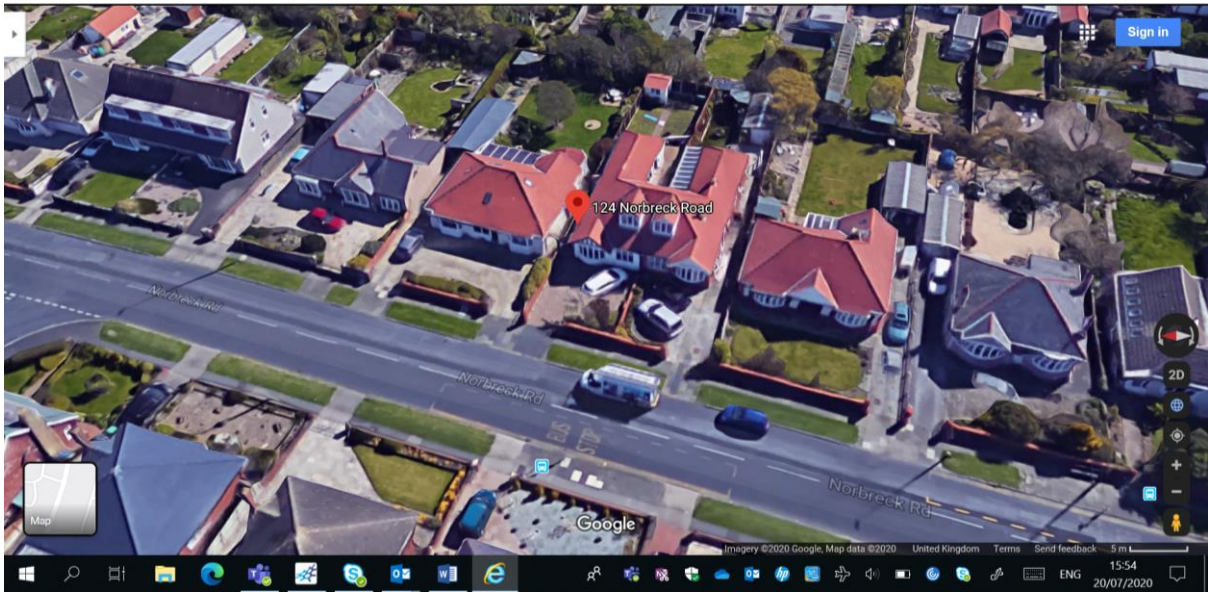
The property shall only be occupied on a residential basis by no more than 2 children, up to 18 years of age, either:

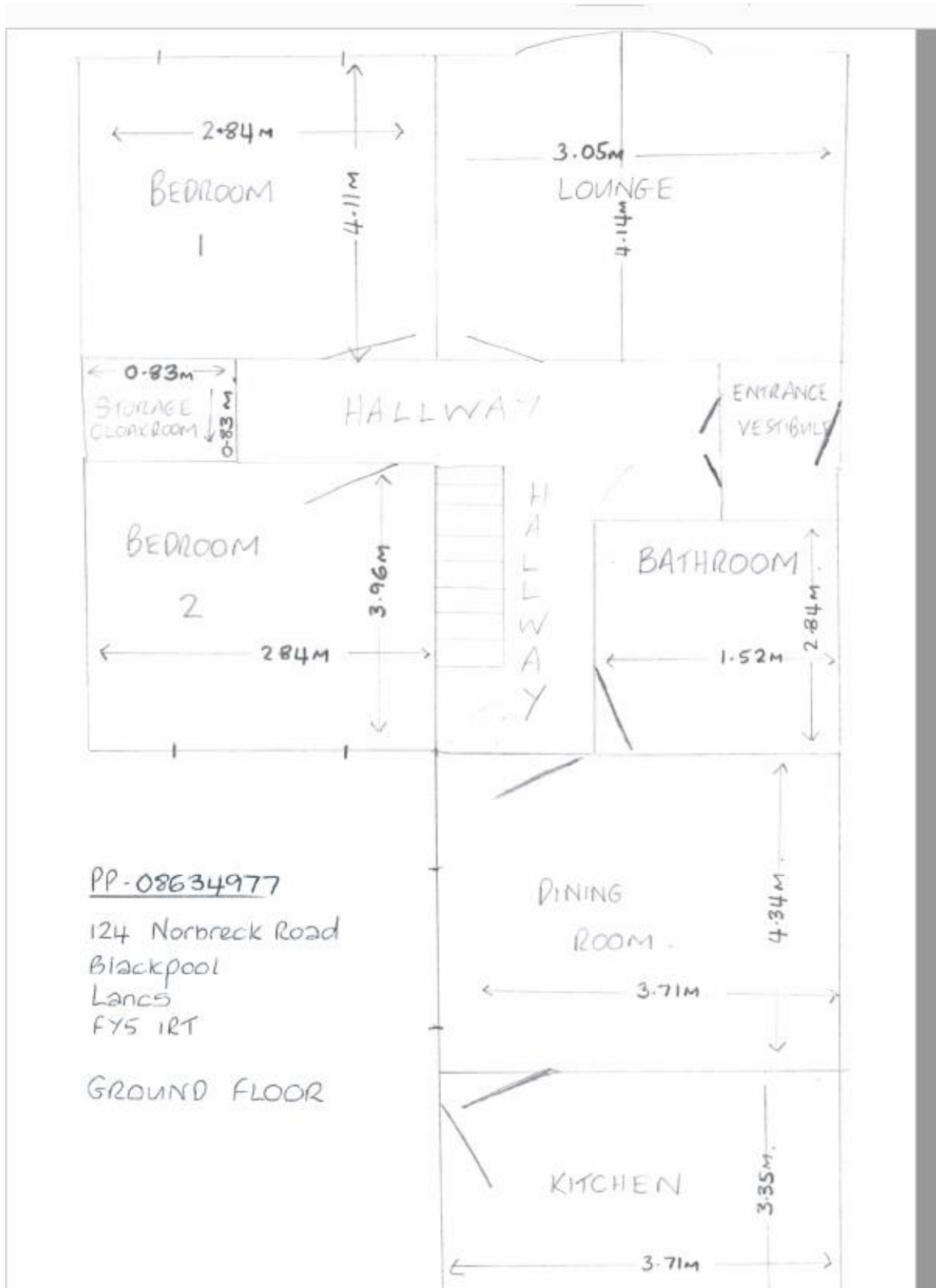
- (i) *placed by Blackpool Council or*
- (ii) *placed by another Authority with the prior written agreement of Blackpool Council.*

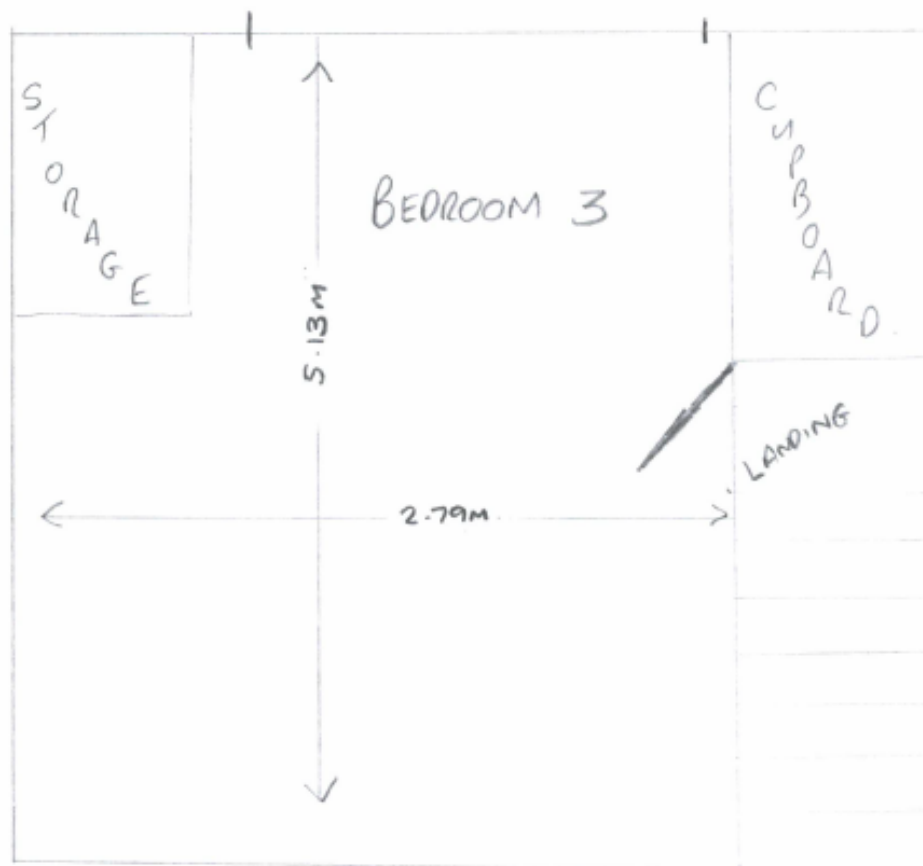
The S106 can be viewed in full online at: <https://idoxpa.blackpool.gov.uk/online-applications/>

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124 Norbreck Road ref: 20/0219







PP-08634977

124 Norbreck Road
Blackpool
Lancs
FY5 1RT

UPPER FLOOR (DORMER)

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: Agree in principle and delegate approval to the Head of Development Management.
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 to agree the application in principle and delegate approval to the Head of Development Management to grant planning permission, subject to the completion of a S106 legal agreement.

3.0 INTRODUCTION

- 3.1 This application is before the Committee 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. Georges 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 dwellinghouse (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 requires 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 Not Applicable

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 is 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 May 2020

9.2 Neighbours notified: 28 May 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 be likely to 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" and 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 National Planning Policy Framework (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 National Planning Practice Guidance (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 was produced in July 2020 and has been attached as an Appendix to Agenda Item 5 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 seeks 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 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 changeover 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 Care 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 agree the application in principle and delegate approval to 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.*

14.0 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 2 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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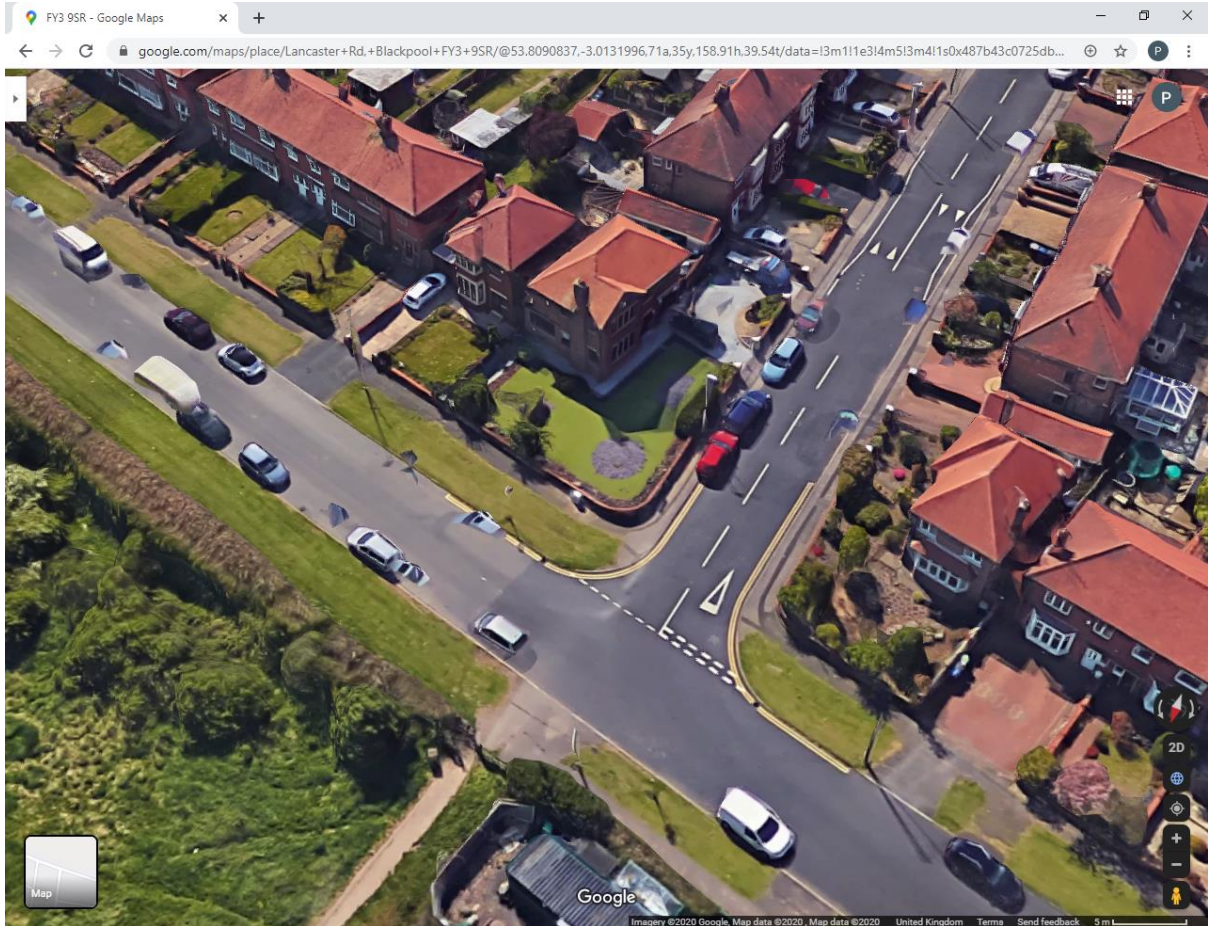
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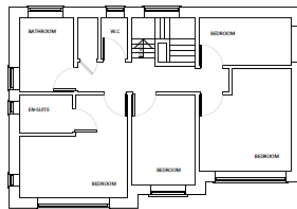
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AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 333403, 435154



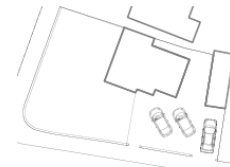
Supplied by Streetwise Maps Ltd
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Licence No: 100047474
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EXISTING GROUND FLOOR
1:50



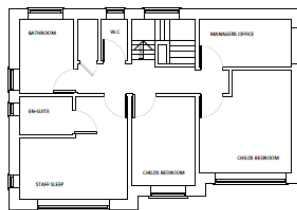
EXISTING FIRST FLOOR



SITE PLAN
1:200



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

RT
 A1
 Planning
 77 LANCASTER ROAD
 BLACKPOOL
 FY3 9SR

Existing and Proposed Plans

TY PROPERTIES	DATE	BY
As shown	21.05.20	RT
130-2-001	-	-

**Blackpool Council
Development Management**

Officer Report to Committee

Application ref: 20/0296
Ward: Squires Gate
Application type: Full
Location: 14 Freemantle Avenue, Blackpool
Proposal: Use of premises as Children's Home for up to 2 children
(Use Class C2)
Recommendation: Agree in principle and delegate approval to the Head of
Development Management
Case officer: Mrs W Hoggarth
Case officer contact: 01253 476226

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 the improving the lives of vulnerable children in Blackpool.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application site is a detached property of suitable size for a two child placement. It is outside the defined Inner Area and not within 400 metres of any similar specialist children's use. The recommendation therefore is to agree the application in principle and delegate approval to the Head of Development Management to grant planning permission, on receipt of a S106 agreement signed by the applicant. The deed would provide that the property is only occupied by 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 the Committee as 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 dwelling on the west side of Freemantle Avenue. The property has two off-street parking spaces to the front and the integral garage is currently in use as a store and office. To the rear is an enclosed garden area. On street parking is restricted between Good Friday and 10th November. The property is within easy access of local schools, local shops and amenities and this is a primarily residential area.

4.2 The site is located within flood zone 2.

5.0 DETAILS OF PROPOSAL

5.1 The proposal is for the change of use of a dwellinghouse (Class C3) to a Children's Home (Class C2). The property would comprise a ground floor lounge, dining room, kitchen and WC. The integral garage is to be reinstated too to provide a third parking space. On the first floor there will be two children's bedrooms, one staff sleep room/office with balcony attached and a bathroom and separate WC. The use of the property as a C2 unit would provide care to children and 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 applicant company (Sandcastle Care) is contracted to provide a range of support services for adolescents and children. The company is regulated and inspected by OFSTED. It is based in Blackpool and has a number of operational and service contracts with a several different local authorities, including Blackpool Council. Their aim is to provide high quality, highly nurturing and life-changing residential childcare in small homely environments.

5.3 The application has been supported by:

- Management Plan
- Planning Statement
- Flood Risk Assessment

6.0 RELEVANT PLANNING HISTORY

6.1 None relevant

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 **Local Highway Authority:** No objection and the flood risk assessment is acceptable too.

8.2 **Childrens Services:** In terms of location, I would have no issue with this location, it is in a residential area, no density of accommodation, close to transport links and local facilities. Not aware it is a problem area for crime or anti-social behaviour. It is proposed as a home for two children, so as long as they are able to work with us as per the new approach, we do have an existing relationship with Sandcastle so they are not an “unknown” provider and do support some of our children. Sandcastle has committed to working closely with Blackpool and are aware of our approach.

9.0 REPRESENTATIONS

9.1 Site notice published: 21 June 2020

9.2 Neighbours notified: 11 June 2020

9.3 114 representations have been received from the following properties:

- Freemantle Avenue : 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 22, 23, 25, 29 and 31
- New South Promenade: 647/655, 699, 701, 703, 705 and 707
- Clifton Drive: 101, 117, 119, 132, 151, 164, 166 and 168
- Bosworth Place: 3, 9, 16, 21 and 29
- Abercorn Place: 2, 9, 10 and 12
- Walpole Avenue: 4, 10, 19, 29, 31, 41 and 63
- Bentinck Avenue: 20, 22 and 56
- Raleigh Avenue: 32, 33 and 40
- Squires Gate Lane 17 and 19
- Councillor Gerald Walsh and MP Scott Benson
- 17 Primrose Avenue,
- 10 Chaffinch Close, Thornton,
- 28 Greystoke Court,
- 8 Crichton Place,
- 719E Milllenium Court,
- 43 Southborne Road,
- 58 Sawley Avenue,
- 62 Lomond Avenue,
- 1 Fifth Avenue,
- 30 Holgate,
- 252 Bloomfield Road,
- 87 St Leonards Road,
- 119 Ashfield Road,
- 58 Layton Road,
- 36 St Stephens Avenue,

31 Foxwood Drive, Kirkham
49 Naze Lane, Preston.

9.4 These representations raise the following issues:

- No local need
- Breach of property covenants
- Devaluation of properties
- Noise and disturbance
- Loss of privacy and visual amenity
- Fear of crime with anti-social behaviour
- Insufficient parking and increase in vehicles from staff and visitors
- Residential area not suitable for children's home and damage the character of the area
- Blackpool doesn't need more children's homes and would have impact on existing foster care on street
- Increase in youths congregating
- Change of use to a commercial property not appropriate in this location
- Already other care homes within 300 metres
- Concern that the number of children at property could increase
- Children from other areas could be placed here.
- As children can go out on their own, concern that they will be unsupervised and cause nuisance in the local area
- Introduction of a commercial property into a residential street – changing the dynamics
- This type of home and its tenants are more likely to have emergency services in attendance than a normal household
- Balconies not safe for children
- Poor location choice for facility
- Traffic generation
- Building unsuitable for residential care home

9.5 The Committee is respectfully reminded that issues relating to loss of view, potential impact on property prices and property covenants are not valid planning considerations.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The National Planning Policy Framework (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 National Planning Practice Guidance (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 A Children's Care Homes Advice Note was produced in July 2020 and has been attached as an Appendix to Agenda Item 5 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 an 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. 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.

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 seeks 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 As there is an identified need for accommodation for local children, support could be given to proposals for residential children's care homes where the operator is prepared to work with the Council's Children's Services department. In the current case, the operator is already working in conjunction with, and has the support of our Children's Services in providing placements. In order to perpetuate that arrangement in the future, if permission is forthcoming, the applicant has agreed to enter into a legal agreement (under Section 106 of the Act) requiring any placements in this property to be made via Blackpool Council. This would not necessarily preclude placements from remote authorities, but these would have to be agreed by the Council based upon the specific circumstances of the case.
- 11.1.5 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. In this case, the application property is more than 400m away from the nearest similar use. It is acknowledged that a number of local residents have raised the proximity of nearby nursing homes or older person care homes, however, these are not considered to be similar uses to that proposed. As such, the locational requirement of Policy BH24 is considered to be met and no undue over-concentration of children's care homes in the area would arise. The property falls outside of the defined Inner Area, where the high levels of deprivation makes the placement of vulnerable children undesirable.
- 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 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. The proposal seeks permission to accommodate two young persons. Seven employees would be directly associated with this property overall. Two carers would be on site at any one time, in addition to a manager on site during the daytime. Overnight, there would two carers (one sleep in and one on waking watch). Shift changeover times are stated to be at 08:00 and 22:00. Three off-street parking spaces are available at the property.
- 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. 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 the changeovers themselves could be staggered to minimise impact. The proposed times of the shift changeover are considered to be acceptable and would not cause undue 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, the existing use of the property as a traditional family home would also be expected to generate visits from friends and relatives. No education would be provided on site, the child would attend local school provision. 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.

11.2.3 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 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. A significant amount of information has been submitted by the applicant and this includes some information regarding the way in which the property would be managed. The Management Plan 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 company staff and that no education would be provided on-site. Children would have to abide by established house rules. The Council's Children's Services department have been consulted on the Management Plan and the proposed operation of the premises and consider it to be suitable. On balance, subject to a condition requirement compliance with the submitted Management Plan, no unacceptable impacts on residential amenity arising from noise or activity are anticipated.

11.3. Visual Impact

11.3.1 In terms of the visual impact, no external alterations are proposed and the property should be indistinguishable from a residential dwelling.

11.4. Access, highway safety and parking

11.4.1 With regard to access, highway safety and parking, there are three off street parking spaces proposed, one in the garage and two on the front of the property. Whilst it is recognised that on-street parking is limited and subject to restrictions and pressure, there is some public car parking available within reasonable walking distance from the site on the Promenade. This could be used by visiting professionals. In addition, this is a sustainable location and there are public transport facilities in the vicinity. 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 department. This latter department 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. An Inspector who determined an appeal in 2011 acknowledged that local residents concerns relating to potential anti-social behaviour were understandable. However, he went on to conclude that there is 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 Drainage and flood risk – the flood risk assessment is acceptable and no impact is anticipated.

11.5.3 Biodiversity impact – none anticipated.

11.5.4 Environmental impact – no impact is expected with regards to air, water and land quality.

11.5.5 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 employment in the local area. Service users and staff may also support 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. No unacceptable amenity impacts are identified.

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 considered 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 approved.

13.0 RECOMMENDATION

13.1 It is recommended that Members resolve to agree the application in principle and delegate approval to 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.

14.0 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 27/05/2020 and drawing numbered 132-2-001 received by the Council on 10/07/2020

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

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 2 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/>

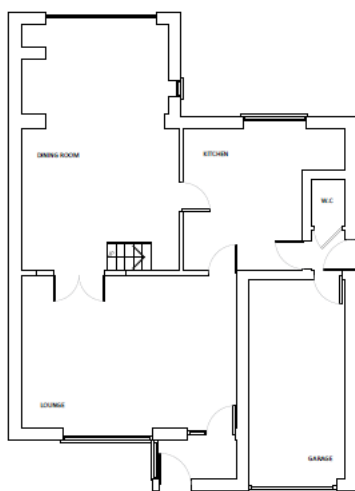
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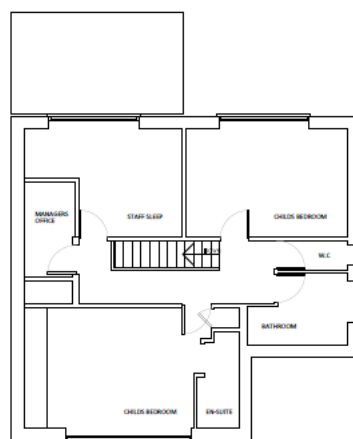




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PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

**Blackpool Council
Development Management**

Officer Report to Committee

Application ref: 20/0287
Ward: Victoria
Application type: Full
Location: 37 Hodder Avenue, Blackpool, FY1 6NS
Proposal: Use of premises as a residential Care Home for one young person 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 terraced property of a size suitable for one child placement and it is outside the defined Inner Area where high levels of deprivation preclude the placement of vulnerable children. However, it is within 400 metres of a similar specialist use, and as such, the recommendation would normally be for refusal. However, due to the particularly urgent need for this placement due to the current Covid-19 crisis and given the applicant’s established working relationship with the Council, the imposition of a temporary permission of one year is considered appropriate in this circumstance.

3.0 INTRODUCTION

- 3.1 This application is before the Committee 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, mid-terraced house in a group of four dwellings on a residential cul-de-sac with terraced properties on either side of the road. At the head of the road is a three-storey block of sheltered flats (Dunsop Court). To the side of 48 Hodder Avenue is a private car parking court, which is available to residents of the street and on-street parking is also available on Hodder Avenue. There is a primary school in close proximity on Waterloo Road and the closest secondary school is South Shore Academy on St. Annes Road. The property is within easy access of local shops and amenities. There are bus routes in proximity on Waterloo Road, Ansdell Road and Central Drive and this is a primarily residential area.

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 retrospective proposal for the use of what was a dwellinghouse (Class C3) as a children's home (Class C2). The property comprises at ground floor a lounge with front bay window, with a kitchen to the rear with a utility room off the kitchen. Upstairs there are two bedrooms, a shower room with wash basin and WC. To the rear there is a yard area. Due to the limited size of the property, the home would accommodate one child aged 11 – 17 with a minimum of two carers on site at any time. The use of the property as a Class C2 unit would provide care to one young person who requires a permanent and supportive home for them to live in a stable environment until they are ready to become independent.

5.2 The applicant company (Creative Living Care) is contracted to provide of support services for adolescents and children. The company is regulated and inspected by OFSTED. It is based in Blackpool and has a number of operational and service contracts with a several different local authorities, including Blackpool Council. Their aim is to provide looked-after children with a stable and loving home environment, using a therapeutic led parenting model to deliver positive outcomes. They have been operating children's homes for nearly a decade and have vast experience in this area, and their management team have been consistently rated "Good" by OFSTED.

5.2 The application has been supported by:

- Planning Statement
- Management Plan
- Staff Rota

6.0 RELEVANT PLANNING HISTORY

6.1 None relevant

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:** This is the second home that Children's Social Care has supported through the fast track Ofsted registration processes and they are caring for one of our very complex young people whose placement ended during Covid-19 due to serious safeguarding issues i.e. they could not keep him safe. This is a company known to us, which gives us confidence in the current situation, as our visits to young people are more difficult.

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

9.0 REPRESENTATIONS

9.1 Site notice published: 28 May 2020

9.2 Neighbours notified: 27 May 2020

9.3 Representations have been received from the following properties:

- Hodder Avenue: 35, 39 and 41
- Petition of objection from 22 signatories of 14 dwellings on Hodder Avenue and one on Grasmere Road.

9.4 These representations raise the following issues:

- The use has already commenced, but the forms state that it hasn't, so the application is null and void.
- Noise and disturbance late night from slamming doors and running up/down flights of stairs, the occupants party into the late night.
- The front door bleeps, which is loud and disturbing.
- Can't sleep with window open due to the smell of weed.
- Unable to park on the street due to the amount of cars and a fire engine could not get through to the vulnerable elderly people in Dunsop Court.
- Lack of privacy in the garden as they are shouting from upstairs windows.
- Scared to leave the house due to intimidating behaviour.

9.5 Although the application was originally submitted as a future proposal, it subsequently came to light that the use had in fact commenced approximately four weeks before submission. This was due to the urgent need to home a local child due

to the Covid-19 situation and was an agreement made with the approval of the Courts. Retrospective planning applications are not uncommon, however this does not pre-judge or prejudice due consideration of the application. Other matters will be addressed in the body of the report.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The National Planning Policy Framework (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 National Planning Practice Guidance (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 was produced in July 2020 and has been attached as an Appendix to Agenda Item 5 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 seeks 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 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 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. In this case the site falls within 400m of an existing children's residential care home. As such, the proposal fails against this requirement and this weighs significantly against the application. The property does however, fall 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. Whilst a need for provision to meet identified local need is generally accepted, it is understood that there is a particularly urgent need at present due to the current Covid-19 crisis. The widespread lockdown means that existing homes are unable or unwilling to take new referrals, whilst the demand for placements continues. This is understood to be a nationwide problem that has been acknowledged by the sectors regulating body, OFSTED. This places the Council in a uniquely difficult situation.
- 11.1.6 Officers are mindful that a vulnerable young person is currently settled in this property and that the current situation arising from Covid-19 makes retention of this placement very desirable. Although the long-term use of the property as a children's care home would be contrary to Policy BH24 due to the proximity of a similar use, a temporary 1 year permission would be a reasonable solution to enable the young person to remain at the premises until they turn 18. At that point, alternative arrangements would inevitably have to be made.
- 11.1.7 In order to ensure that the accommodation meets locally generated need, it would ordinarily be necessary for an applicant to enter into a Section 106 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 Section 106 template to increase processing efficiency moving forward. However, given the urgency of the current situation, the fact that a permanent permission would be unacceptable, and the applicant's established working relationship with the Council, the imposition of a restrictive condition is considered to be adequate in this circumstance.

11.1.8 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.

11.2. Residential Amenity

11.2.1 The Children's Care Homes Advice Note considers that, in general, terraced properties are only suitable for accommodating one child. This proposal is compliant in that it seeks permission to accommodate one young person. It is stated that the total number of carers would be 12. No carers would be resident on site and one to two carers would be present at any one time, in addition to a manager on site during the daytime (08:00 – 17:50). There would be at least one carer on site at all times, with two overnight (one sleep in and one on waking watch). Shift changeover times are stated to be at 08:00, 16:00 and 22:00. No off-street parking spaces are directly available at the property although there is a parking court in close proximity.

11.2.2 Although up to 12 jobs would be created, no more than three members of staff would be expected on site at any one time. 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 the changeovers themselves could be staggered to minimise impact. The proposed times of the shift changeover are considered to be acceptable and would not cause undue 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 for one child the number of visits would be low and similar in number to visits undertaken by friends and relatives to a normal dwelling house. No education would be provided on site, the child would attend Princes Trust vocational training off-site. 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.

11.2.3 It is acknowledged that young people accommodated in care are generally more likely to have experienced trauma or neglect and may therefore be more prone to demonstrate challenging behaviours. The child currently in residence is local and has been placed by Blackpool Council. Notwithstanding the suggestion of a temporary permission, the applicant has agreed to accommodate only children placed by or with the written agreement of Blackpool Council. Looked-after 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.

- 11.2.4 The neighbours have objected to the challenging behaviour of the current occupant and his carers and have reported a number of incidents to the police (damage to the fence and putting shampoo on a car). The applicant denies that the damage to the neighbour's fence was caused by the young person, but as a gesture of goodwill has offered to pay for the repairs. An acceptable behaviours/actions session has been undertaken by keyworker staff with the young person in residence. The applicant has shared his contact details with the neighbours, investigated the claims, brought the matters to the attention of the staff on site, and has reiterated to them to be mindful and respectful of residents. A disciplinary action has been issued for the staff member smoking in the back garden as it contradicts their no smoking policy. He has also offered a meeting with the neighbours and would arrange a professional mediation session with a third party to support the rebuild of trust if required.
- 11.2.5 Policy BH24 requires the applicant to submit a Management Plan. A significant amount of information has been submitted by the applicant and this includes some information regarding the way in which the property would be managed. The Management Plan stipulates the maximum number of staff on site and explains how changeover periods would be handled. It also explains that therapy would be provided in-house by company staff and that no education would be provided on-site. Children would have to abide by established house rules. On balance, subject to a condition requiring compliance with the submitted Management Plan, no unacceptable impacts on residential amenity arising from noise or activity are anticipated.

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 no provision for off-street parking at the property. There is a parking court at the head of the cul-de-sac but this is a private facility. Since the proposal is to accommodate a maximum of one child and there is on-street parking for casual visitors/support workers on street, it is considered that the provision is adequate. Although neighbours have objected on the grounds of congestion and access for emergency services, the Head of Transportation considers that there are no issues with respect to access and parking or highway safety in this particular case. The applicant has indicated that some of the support workers are local and walk to work. In addition, this is a sustainable location and there are public transport facilities in the vicinity.
- 11.4.2 The Care Home would be run by a competent, OFSTED registered organisation that would work closely with the Council's Children's Services team. This 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 is 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 urgently needed accommodation for a local child in need of care. Given the limitations imposed by the ongoing COVID19 crisis and the potential for this scheme to provide an immediate solution, 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.

11.6.5 Notwithstanding the above, the provisions of Policy BH24 and the justifications behind the criteria of this Policy are clear. Although little weight can be attached to it at present, it is pertinent to note that emerging Policy DM3 would continue the requirement to apply the '400m rule'.

11.6.6 The Courts always put the welfare of the child as paramount (s1 (1) of the Children's Act 1989) and so placed the child at this property. The young person occupying the premises has recently had his 17th birthday and his placement would come to its natural end at age 18. On this basis, although the proposal is contrary to the concentration element of the Policy (as there is another home within 400 metres) it is recommended that planning permission be granted for a temporary period of one year. This solution would enable a trusted operator to provide much needed provision at a time of unique crisis, but would enable the provisions of Policy BH24 to be observed in the longer-term and for the operator to secure appropriate alternative premises. This approach also lessens the risk of controlling occupancy through a planning condition rather than a Section 106 legal agreement.

11.6.7 The agent has stated that he will have to respond further regarding a temporary permission as the applicant has received "assurances from another arm of the authority and gone to considerable expense to deliver the facility requested. Whilst, the temporary consent might be a short term fix it doesn't really help the applicant in terms of the expense incurred already, we therefore need to explore the delivery model options available for the longer term use". Any subsequent correspondence will be reported through the update note.

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, it is recommended that planning permission should be approved for a temporary period of one year, subject to appropriate conditions.

13.0 RECOMMENDATION

13.1 Temporary approval for a period of one year, subject to the following conditions:

- 1 The use hereby approved shall cease to operate no later than 1 year from the date of this permission.

Reason: The proposal would result in an undue concentration of such uses in the local area but meets an urgent need during the exceptional circumstances arising from the covid-19 crisis. A temporary permission is therefore appropriate to meet this need but in order for the Local Planning Authority to retain long-term control

over the use of the site and because the use proposed would not be approved on a permanent basis in accordance with Policy BH24 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Blackpool Local Plan 2001-2016.

- 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 26 May 2020.

Proposed layout as described in the Planning Statement recorded as received by the Council on 26 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 26 May 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 property shall only be occupied on a residential basis by no more than 1 child, 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.

Reason: In order to ensure that the accommodation is available to meet identified local needs in accordance with the provisions of Policy BH24 of the Blackpool Local Plan 2001-2016.

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20/0287 37 HODDER AVENUE, BLACKPOOL, FY1 6NS



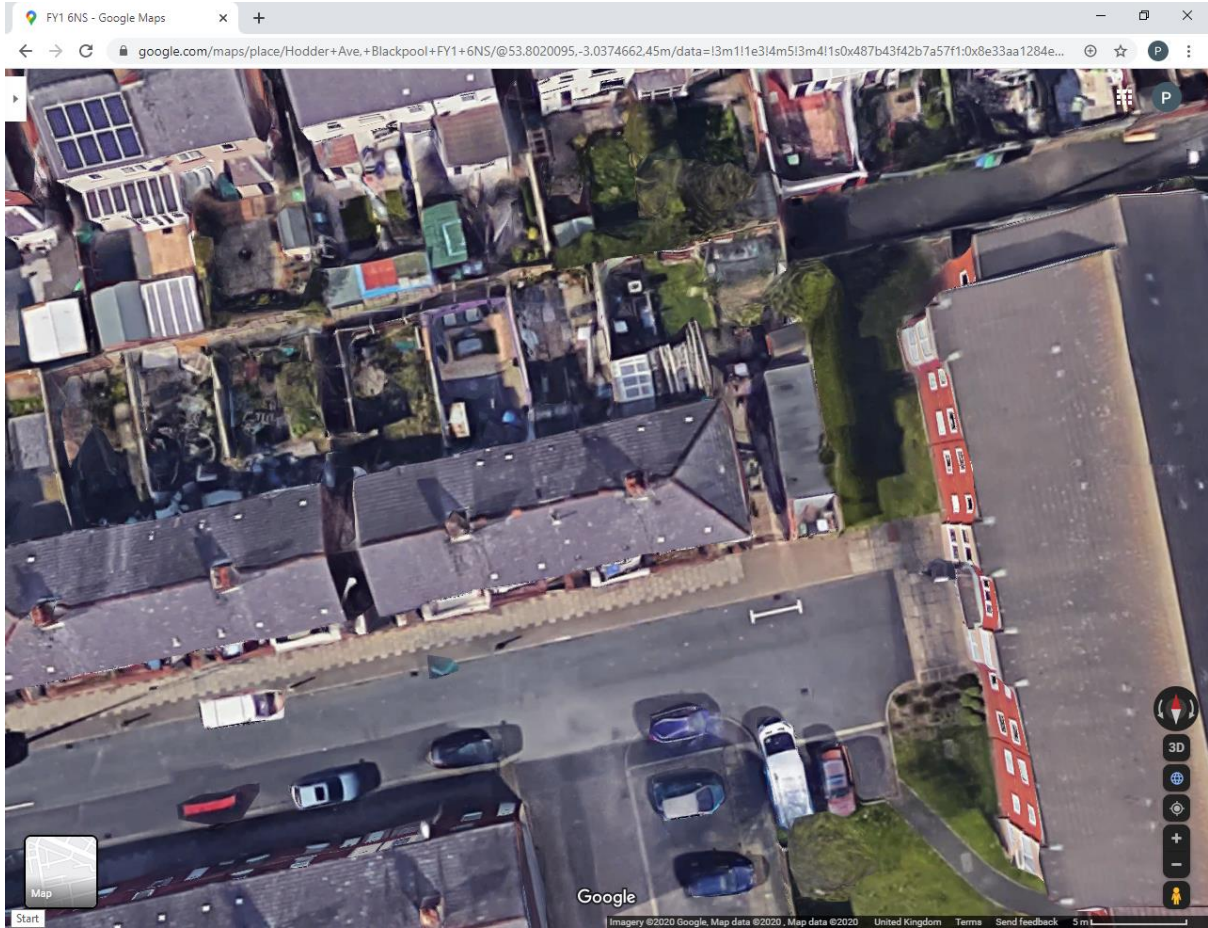
37, Hodder Avenue, Blackpool, FY1 6NS

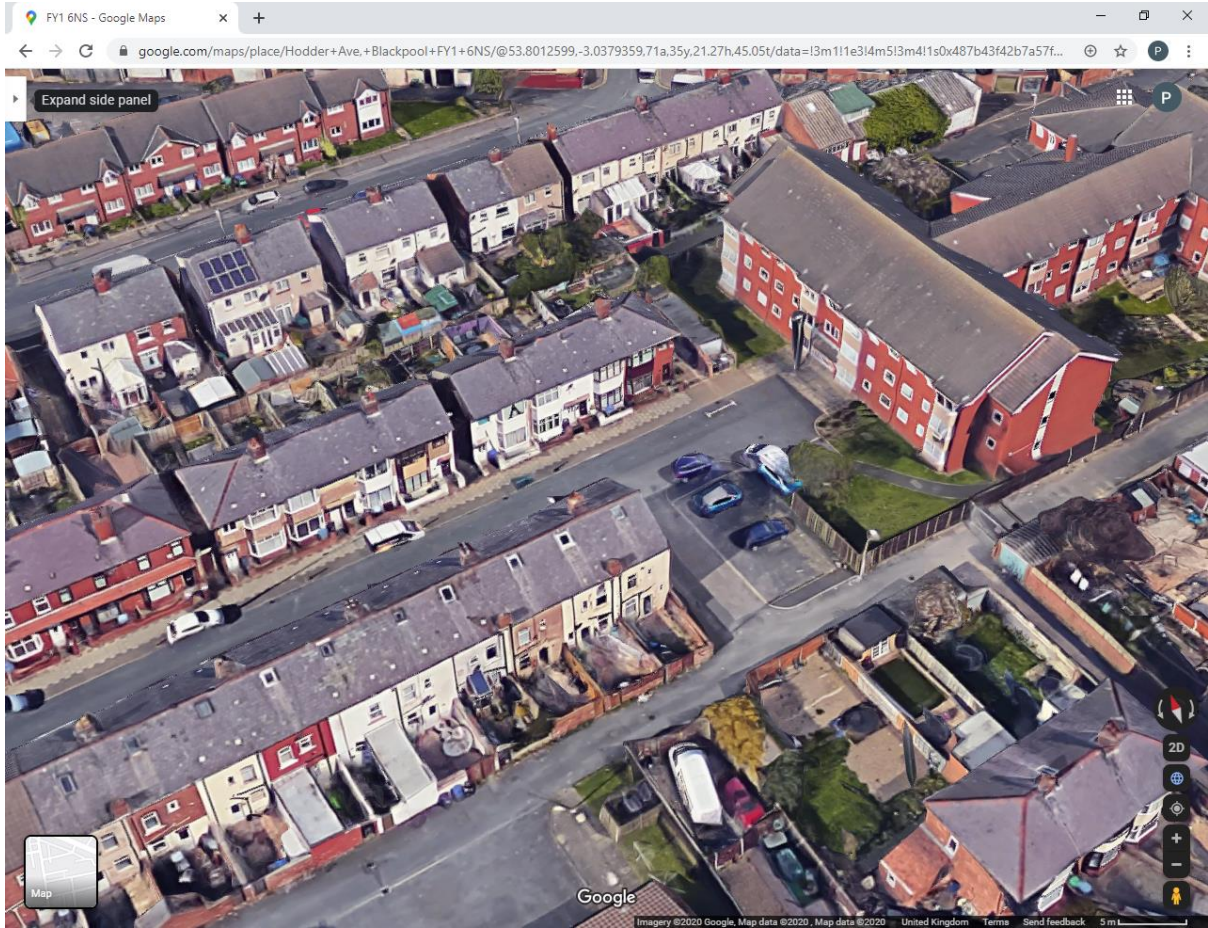


Site Plan shows area bounded by: 331897.29, 434383.42 331838.71, 434534.84 (at a scale of 1:1250), OSGridRef: SD31763446. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**Blackpool Council
Development Management**

Officer Report to Committee

Application ref: 20/0079
Ward: Greenlands
Application type: Full
Location: Former B & Q premises, Holyoake Avenue, Blackpool
Proposal: Erection of single storey side extension and external alterations to existing Class A1 retail store, and part use as a retail foodstore with associated works to existing car park and alterations to existing access and egress onto Holyoake Avenue.
Recommendation: Agree in principle and delegate approval to the Head of Development Management.
Case officer: Mr M. Shaw
Case officer tel. no.: 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. The proposal is considered to satisfy both priorities relating to the economy and communities.

2.0 SUMMARY OF RECOMMENDATION

2.1 The application is recommended for approval, subject to conditions listed elsewhere within this report, and on the basis of a sum of £30,000 being paid to the Council via a Section 106 legal agreement to enable appropriate alterations to be carried out to the traffic signal junction of Holyoake Avenue, Plymouth Road, Bispham Road and Warbreck Hill Road, in accordance with an agreed scheme, and also to discharge the retail restriction in the Section 52 Agreement on planning permission 82/1679.

3.0 INTRODUCTION

3.1 This application is before the Committee because there have been a number of representations and the proposal is of wider public interest.

4.0 SITE DESCRIPTION

4.1 This application relates to part of the 3750 sqm former B & Q store and more recently occupied by Poundstretchers on a retail/ business estate also including Pets at Home. The site is situated off Holyoake Avenue close to the traffic signal junction with Plymouth Road (A587), Bispham Road and Warbreck Hill Road. Adjoining the

junction and on Bispham Road is a parade of six shops designated as a local centre on the Blackpool Local Proposals Map and across Holyoake Avenue is a Co-op Funeral Care premises. The character of the area is mixed commercial and residential and the area is served by local bus services (the No.9 service runs past the site on Plymouth Road) and is also close to Layton railway station

- 4.2 Vehicle access/ egress into the site is located close to the traffic signal junction and there is a second access/ egress further along Holyoake Avenue. Between the two access/egress points are three pairs of semi-detached houses, one pair accessed from Hughes Grove, a small cul-de-sac. Surrounding the houses on three sides, with some landscaping providing a buffer, are the car parking spaces serving the application premises and the Pets at Home store. It is indicated that there are at present 268 car parking spaces directly to the front of the Poundstretchers store. Directly across Holyoake Avenue from the application site are residential properties. To the rear of the application premises is the Blackpool to Preston railway line.
- 4.3 The application premises and the adjoining business premises are unallocated on the Blackpool Local Plan Proposals Map and the site is within flood zone 1 meaning the site has a low risk of flooding.

5.0 DETAILS OF PROPOSAL

- 5.1 The application seeks full planning permission to convert 1,993sqm of the existing building into a retail food store with a single storey side extension to form a service bay adjoining the boundary with Plymouth Road. Although no planning application is end-user specific, it is understood that the unit proposed would be occupied by Aldi. The proposed retail sales area will be 1,425sqm with associated warehouse, staff, office and WC facilities. External alterations are also proposed, including the re-cladding and installation of a glazed shop frontage to facilitate the proposed retail shop use. The remaining floorspace within the building will form a separate retail unit although the exact details and future occupants are not known at this stage and this does not form part of this current application.
- 5.2 The existing vehicle access/egress into the site close to the traffic signal junction will become an access only with the second access/ egress into the site further along Holyoake Avenue retained with some internal alterations. This access/egress will also be utilised by service vehicles. The existing car parking area will be re-laid providing a total of 227 spaces including a pedestrian access and route into the store, including 14 mobility spaces and 9 parent and child spaces.
- 5.3 The application is accompanied by:
- Sequential assessment
 - Impact assessment
 - Transport assessment
 - Design and access statement
 - Flood risk assessment

- Retail impact statement
- Planning, retail and economic statement

6.0 RELEVANT PLANNING HISTORY

6.1 **82/1679** - outline application for the erection of a building and garden centre for the sale of DIY goods to the trade and public. Granted subject to a Section 52 legal agreement limiting sales to the following items:-

- Building materials
- Ceramic tiles
- DIY electrical accessories and lighting
- Floor coverings and carpets
- Flat pack furniture
- Garden products

6.2 **83/0970** - reserved matters application for the erection of a building and garden centre for the sale of DIY goods to the trade and public. Granted.

6.3 **18/0017**- Retention of use of premises for retail purposes, excluding the sale of clothing, footwear and jewellery. Temporary planning permission granted until 30 May 2021.

6.4 **19/0228** - Pre-application submission- subdivision of the existing retail unit and the variation of Condition 11 of Outline Permission 82/1679 to allow the retail sale of food from one of the newly created units

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- The principle of a food retail store
- Impact of highway safety/ traffic generation/ car parking
- Impact on residential amenity
- Impact on visual amenity
- Other issues

8.0 CONSULTATION RESPONSES

8.1 **Community and Environmental Services Directorate, Contaminated Land:** The footprint to the main store remains as existing. There is a canopy area to the East of the site currently, which will become part of the building. As all structures are in place, no further information is required.

8.2 **Local Highways Authority (initial response):** Whilst the principle of the proposal is acceptable, we have concluded that the proposal warrants off-site highway works to the traffic signal junction at Plymouth Road/ Warbeck Hill Road/ Holyoake Avenue/

Bispham Road. Trip generation will be different to the previous use, with different peaks and troughs and there is likely to be an increase in vehicle trips due to the nature of the proposal, higher than the former use (B&Q store) and higher than the current use (Poundstretcher) and I understand the current use is to be retained in a smaller format store. With this in mind, the following off-site highway works to be conditioned:

- The closure of the existing vehicle access point close to the signal junction on Holyoake Avenue with suitable boundary treatment and removal of the redundant vehicle access point or
- The installation of a one-way traffic spike unit within the car park access in order to formalise this access point as an IN only
- Changes to the traffic signal junction to include:-
 - physical changes to the above ground signal traffic signal infrastructure to include changes to the signal phasing and staging.
 - Amended lane designation to the Holyoake Avenue.

8.3 **Local Highways Authority (final response):** The Council has spent circa £75,000 along this corridor to improve traffic flows. Since then the corridor has operated satisfactorily and is monitored on a regular basis with changes made as and when required. No complaints have been received since the changes were made. Holyoake Avenue is the least priority arm at this junction, and we cannot afford to give it any additional time as the north/south route is the priority. We do not wish to lose the benefits gained by and the works already completed at this traffic signal junction. The requested works should cost no more than £30,000 this includes narrowing the vehicle crossing closest to the junction.

8.4 **Environmental Protection Manager (Environmental)** - The delivery entrance is located where the old garden centre was which is the furthest point from residential dwellings. The embankment is to the side and the railway line behind therefore the impact would be minimal.

8.5 **WASTE - Commercial** - No comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

8.6 **Network Rail** - no objection in principle to the proposal, but set out the requirements which must be met as the proposal includes works within 10m of the railway boundary. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway.

9.0 **REPRESENTATIONS**

9.1 Press notice published: 13 February 2020

9.2 Four site notices displayed: 7 February 2020

9.3 Neighbours notified: 7 February 2020

9.4 Five representations have been received from the following properties:

- 4 Hughes Grove, 164 Queens Promenade and 83 Salmesbury Avenue in support
- 6 Holyoake Avenue object to the application
- 21 Holyoake Avenue make comments neither in support or opposition to the proposal

9.5 These representations raise the following issues:

Support

- we are in support of the new store, however we do have reservations regarding the exit system onto Holyoake Avenue.
- This seems like an excellent use for the former B & Q and will benefit all Bispham residents.
- Just what the area needs and brings new business to a very under used site.

Objection

- By making the current entrance / exit to the car park exit or entrance only, this will increase the traffic coming from the right of our property. The increase in traffic queues at the lights will be unbearable. At peak time traffic is already difficult and surely to make this a 1 way system is not taking into consideration those of us who live in the line of traffic.
- The building work will cause disruption and noise pollution plus the increased delivery traffic and with being open much longer than at present I am concerned that with the increase in traffic there is a significant increase in noise.
- We would like some reassurances that the car park will be maintained and cleaned to an acceptable standard.
- Trees should be planted high enough to block the view of the building.
- Unless the traffic issue can be resolved in some other way than separating the entrances then we oppose these plans.
- There may need to be a change to the amount of traffic that the traffic signals allow out of Holyoake Avenue at any one time to ensure no back-up queues.
- My only criticism would be the timing of the lights from that side of the junction, they have in recent time been changed to allow more cars through each time but with increased traffic I feel this would need looking at again.
- With the likely increase in traffic exiting from one point consideration is required to the pedestrian access and proximity of traffic coming from the adjacent industrial premises.
- Traffic is high and with delivery lorries exiting at such a sharp turn this could lead to an increase in accidents.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework (NPPF)

10.1.1 The National Planning Policy Framework (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:

- Achieving sustainable development
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places

10.2 National Planning Practice Guidance (NPPG)

10.2.1 The National Planning Practice Guidance (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.

- CS1 - strategic location for development
- CS3 - economic development and employment
- CS4 - retail and other town centre uses
- CS5 - connectivity
- CS7 - quality of design
- CS9 - water management
- CS10 - sustainable design and renewable and low carbon energy
- CS12- sustainable neighbourhoods

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
- LQ4 Building Design
- LQ6 Landscape Design and Biodiversity
- LQ11 Shop Fronts
- LQ14 Extensions and Alterations

- BH3 Residential and Visitor Amenity
- BH4 Public Health and Safety
- BH14 Local Centres
- BH15 Change of use Outside Defined Centres
- BH16 Shopping Development outside existing frontages
- AS1 General Development Requirements
- AS2 New Development with Significant Transport Implications

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 DM15: District and Local Centres
- Policy DM16: Threshold for Impact Assessment – Retail and Leisure Proposals

11.0 ASSESSMENT

11.1 The principle of a food retail store

11.2 The application site is in an edge of centre location and 75m the nearest designated local centre diagonally across the traffic signal junction onto Bispham Road. Members will be aware that the purpose of national and local retail policy is to protect the vitality and viability of existing centres from edge of centre and out of centre development that would have a significant adverse impact on those centres. The existing building is subject to a Section 52 legal agreement that restricts the range of goods that can be sold from the store and referred to above. As such, and given that this site is not within a District or Local Centre, policy requires it to be demonstrated that:

- There are no more centrally located/ sequentially preferable, appropriate sites available for the development; and
- The development would not cause significant adverse impact on existing centres.

In response to these requirements, a sequential test and retail impact statement have been submitted with the application.

11.3 Sequential test

11.4 Policy CS4 of the Core Strategy and the NPPF requires proposals for new retail development in out of centre locations to demonstrate there are no more centrally located/ sequentially preferable, appropriate sites available for the development.

11.5 Within the catchment and within the five minute drive time from the application site (an industry accepted search area for retail development) is Layton District Centre and the designated local centres further north on Bispham Road/ Low Moor Road, Moor Park Avenue and Warley Road/ Devonshire Road. This drive-time area also includes the edge of the town centre. The availability and sequential preference of other potential sites, including in and around the town centre, have been examined in detail. It is accepted that this existing long-established and under-utilised retail store (albeit non-food) is within a sustainable location, 75m from and readily accessible to a designated Local Centre, closer than any other potential sites to other designated centres. In terms of the sequential test it is accepted that there are no more suitable sites/premises within or on the edge of the local centres. A suitable site is available within the Town Centre boundary but, as it is outside of the primary retail areas, it is likewise considered to be edge-of-centre and is therefore not sequentially preferable to the application site. It is therefore considered that the applicant has now satisfactorily undertaken the sequential test in accordance with paragraphs 86, 87 and 90 of the NPPF and Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy.

11.6 Impact Test

11.7 At present the Council does not have an adopted local threshold for the requirement of a retail impact assessment. The threshold set by the NPPF is 2,500sqm and the proposal here falls significantly short of this figure. As such, no detailed quantitative retail impact assessment is required. Nevertheless, Policy CS4 requires proposals for out-of-centre retail development to demonstrate that they would not have an unacceptable impact on the health of the existing, established retail hierarchy. As such, a qualitative impact assessment has been provided.

11.8 Layton District Centre is a linear centre with shops along Layton Road/Westcliffe Drive. The only convenience offer within the District Centre relate to small-scale convenience goods retailing of a 'top-up' localised nature namely the Co-op, Best-One, Steve Hope Butchers, Folklore Continental Foodstore and McColls. Only five of the 47 units in the Centre are used for convenience goods purposes, demonstrating that the Centre is not underpinned by convenience goods retailing. The existing stores are qualitatively different to the proposal in that they meet immediate and 'top-up' convenience goods shopping requirements of users in the Centre. The Centre has low levels of vacancy that reflect positively on the health of the Centre. Given the qualitatively different nature of the convenience goods shopping operation proposed at the application site and those located within Layton District Centre and its existing vitality and viability, the proposal is not be considered to give rise to a significant adverse impact on it.

11.9 The three designated Local Centres are also not underpinned by convenience goods retailing. Bispham Road/ Low Moor Road has only one small-scale convenience goods retail outlet of a 'top-up' localised nature i.e. Spar, Devonshire Road/ Warley Road has a Cost Cutter and includes a post office and Moor Park Avenue has a newsagents. These existing stores are qualitatively different to the proposal meeting

immediate and 'top-up' convenience goods shopping requirements of users in the Centres. Given the qualitatively different nature of the convenience goods shopping operation proposed at the application site the proposal is not considered to give rise to a significant adverse impact on it.

11.10 The proposal is therefore considered to satisfy the requirements of the NPPF and Policy CS4 of the Core Strategy and therefore the principle of a retail food store occupying 1,993sqm of this 3,750sqm building is considered acceptable in principle.

11.11 Impact of highway safety/ traffic generation/ car parking

11.12 The proposal seeks to convert over half of the existing floorspace of the bulky goods store, formerly a B & Q and now, temporarily used as a Poundstretchers into a retail food store. The main existing vehicle access/ egress is situated close to the traffic signal junction and there are known to have been issues with traffic backing up onto Holyoake Avenue and within the site before traffic negotiates the signal junction. The proposal seeks to address this by creating an entrance only at the main access/egress and utilising the second access/ egress further along Holyoake Avenue as a secondary access, the sole egress and also the access/egress for service vehicles.

11.13 The application has been the subject of significant discussions in terms of the impact on the traffic signal junction and the steps required to deal with the additional traffic to be exiting the application site onto Holyoake Avenue and in negotiating the signal junction. Plymouth Road leading northwards onto Bispham Road (A587) is a main north-south route within the town and the junction has already been recently up-graded to deal with traffic flows. It is considered that the further, relatively minor up-grading of the junction can be carried out, at the expense of the applicant and in accordance with a detailed scheme to be agreed, which would satisfy highway safety concerns arising from the extra traffic generated by the proposal.

11.14 The proposal would involve more traffic using a longer stretch of Holyoake Avenue given the proposed change in traffic flows in and around the site. This will create an additional impact on residents of Holyoake Avenue and adjoining streets and also upon adjoining businesses. However, given that the signal junction can be satisfactorily up-graded, the circulation of traffic will better manage flows in and around the site. Given the ample off-street car parking facilities available for the proposal (see below) it is not considered that a refusal of planning permission on additional traffic impact can be substantiated or defended in this instance.

11.15 Council car parking standards set out a maximum requirement of one space per 18sqm on sites with medium accessibility for food retail developments over 500sqm. In this instance the proposal provides 227 spaces, to be shared with the remaining non-food retail floorspace within the building. The equivalent standard for non-food retail is 1 space per 25sqm. Based on the proposed food store occupying 1,993sqm this equates to 110 spaces with the maximum parking requirement of the remaining 1,782 sqm of non-food floorspace equates to a maximum of 71 spaces. This gives a surplus of parking spaces above the maximum standards of 46 spaces. Although the

standards are intended to be maximum allowances, the parking already exists on the site and is therefore considered to be acceptable.

11.16 Impact on residential amenity

11.17 The application has a long established retail use and retail food stores often satisfactorily co-exist adjoining and within residential areas. The only slight difference here is the three pairs of semi-detached houses on the south side of Holyoake Avenue which are bounded on three sides by car parking and an access to the application site. This is, however, partly protected by a landscaped buffer and Hughes Grove and the existing landscaped will be retained and increased in size. Subject to details being submitted and agreed as a condition of approval the proposal is considered acceptable in terms of the impact on residential amenity. Additional conditions will be included controlling the hours of opening of the store and to control service deliveries.

11.18 Impact on visual amenity

11.19 The application property has been on the site for nearly 40 years and is therefore a long established feature within the area. The proposal involves the re-cladding of the building, the installation of a glazed frontage and trolley parking to the front elevation. Retail food stores of this kind are now a familiar sight in the town. The proposal is expected to improve the external appearance of the building given its rather solid existing appearance. The enclosure of the former garden centre area to the side of the store would be well set back from the front elevation and would therefore have a limited visual impact. Likewise, the small extension proposed to the front would be small in scale and would be in keeping with the character of the over-all building. As such, no unacceptable visual impacts are anticipated.

11.20 Other issues

11.21 The scheme would not impact upon biodiversity. Air, land and water quality would be unaffected and the site would not be expected to be at undue risk from such. No additional hard-standing would be created and so there would be no impact on surface water drainage. The development would not impact upon flood risk.

11.22 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).

11.23 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.

11.24 Sustainability and planning balance appraisal

- 11.25 Sustainability comprises economic, environmental and social components.
- 11.26 Economically the scheme would not have an unacceptable impact on the established retail hierarchy and would maintain and enhance employment opportunities on the site.
- 11.27 Environmentally the proposal would not be expected to significantly increase private car use over and above the existing situation. No impacts on biodiversity, drainage or environmental quality would result. The proposed alterations to the building would be visually acceptable.
- 11.28 Socially the scheme would not have an unacceptable impact on residential amenity and, subject to the agreed works to the junction, would not have an unacceptable impact on highway safety or function. Flood risk would not be affected.

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, it is recommended that planning permission is granted.

13.0 RECOMMENDATION

- 13.1 Members are respectfully recommended to agree the application in principle and delegate approval to the Head of Development Management to grant planning permission subject to the following conditions, and subject to the applicant entering into a Section 106 agreement to secure the necessary £30,000 commuted sum contribution towards off-site highway works which would also remove the restrictions previously imposed by the Section 52 agreement relating to outline planning permission 82/1679.

14.0 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 31/01/2019.

Drawings ref: 2878BOL-102 Rev B, 2787BOL-104 Rev A, 2787BOL-106 Rev A, 2787BOL-107 Rev A.

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 Prior to the installation of any external lighting, details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter proceed in full accordance with these approved details. For the purpose of this condition, the details shall include the form, design, materials and technical specification of the lighting and a lux plan to show the resulting area of light-spill.

Reason: In the interest of the appearance of the site and locality and to safeguard the amenities of nearby residents in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016.

4. The external materials to be used on the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above works and the development shall thereafter proceed in full accordance with these approved details.

Reason: In the interests of the appearance of the site and streetscene in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ4 of the Blackpool Local Plan 2001-2016.

5. Prior to the first occupation or use of the development hereby approved:

(a) a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include a full planting schedule detailing plant species and initial plant sizes, numbers and densities;

(b) the landscaping scheme agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details; and

(c) Any trees or plants planted in accordance with this condition that are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season with trees or

plants of similar size and species to those originally required unless otherwise first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall in accordance with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies LQ1 and LQ6 of the Blackpool Local Plan 2001-2016.

6. Before the development hereby approved is first brought into use:

(a) details of cycle storage provision to include the type of cycle stand and the form and materials of a waterproof cover and enclosure shall be submitted to and agreed in writing by the Local Planning Authority; and

(b) the cycle storage agreed pursuant to part (a) of this condition shall be implemented in full and in full accordance with the approved details.

Reason: In order to encourage travel to and from the site by a sustainable transport mode in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

7. Prior to the development hereby approved being first brought into use, the parking provision shown on the approved plan(s), and directional signage and any physical measures to direct and control traffic flows into, out of and within the site in accordance with details to be submitted and approved in writing by the Local Planning Authority 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.

8. (a) The development hereby approved shall not be occupied until a travel plan has been submitted to and agreed in writing by the Local Planning Authority.

The travel Plan shall include:

- appointment of a travel co-ordinator
- proposals for surveying
- production of travel audits
- establishment of a working group
- an action plan
- timescales for implementation
- targets for implementation

(b) The development hereby approved shall then proceed and be operated in full accordance with the approved Travel Plan.

Reason: In order to encourage travel to and from the site by sustainable transport modes in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent amended Order) the premises shall be used only for convenience goods retail sales with ancillary comparison goods sales within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose including any other use within Class A1 within Unit 2B shown on Drawing ref: 2878BOL-102 Rev B.

Reason: In order to ensure that the Council has control of any possible future uses of the retail unit in the interests of public amenity and to safeguard the vitality and viability of Blackpool Town Centre in accordance with Policies HN5, BH3, BH11 and BH12 of the Blackpool Local Plan 2001-2016 and Policies CS4, CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

10. The retail use hereby approved shall not operate or receive deliveries or servicing outside the hours of 06:00 and 23:00 Mondays to Saturdays and 08:00 and 18:00 on Sundays. The engines and refrigeration units of heavy goods vehicles servicing the site shall be switched off for the duration of the unloading/loading operation.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policies BH3 and BH4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

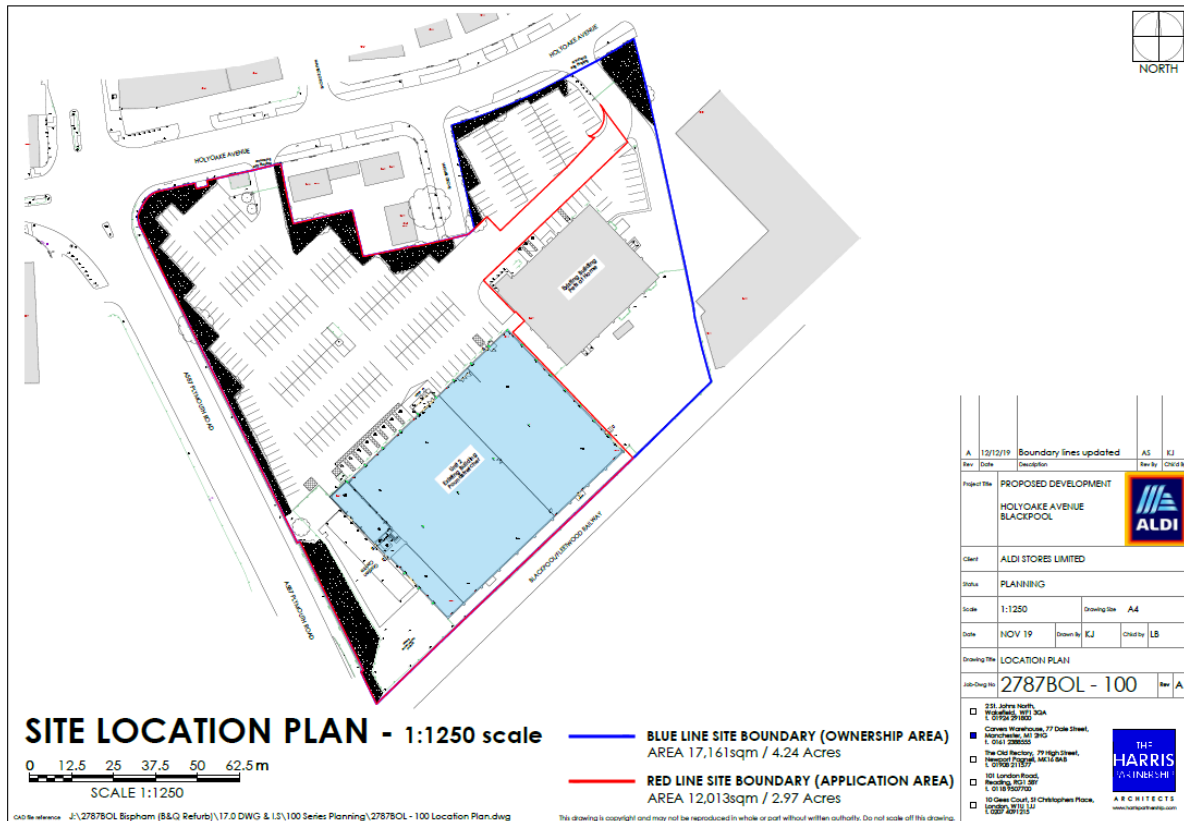
11. The net sales area of Unit 2B shown on Drawing ref: 2878BOL-102 Rev B hereby approved shall be restricted to 1,425sqm.

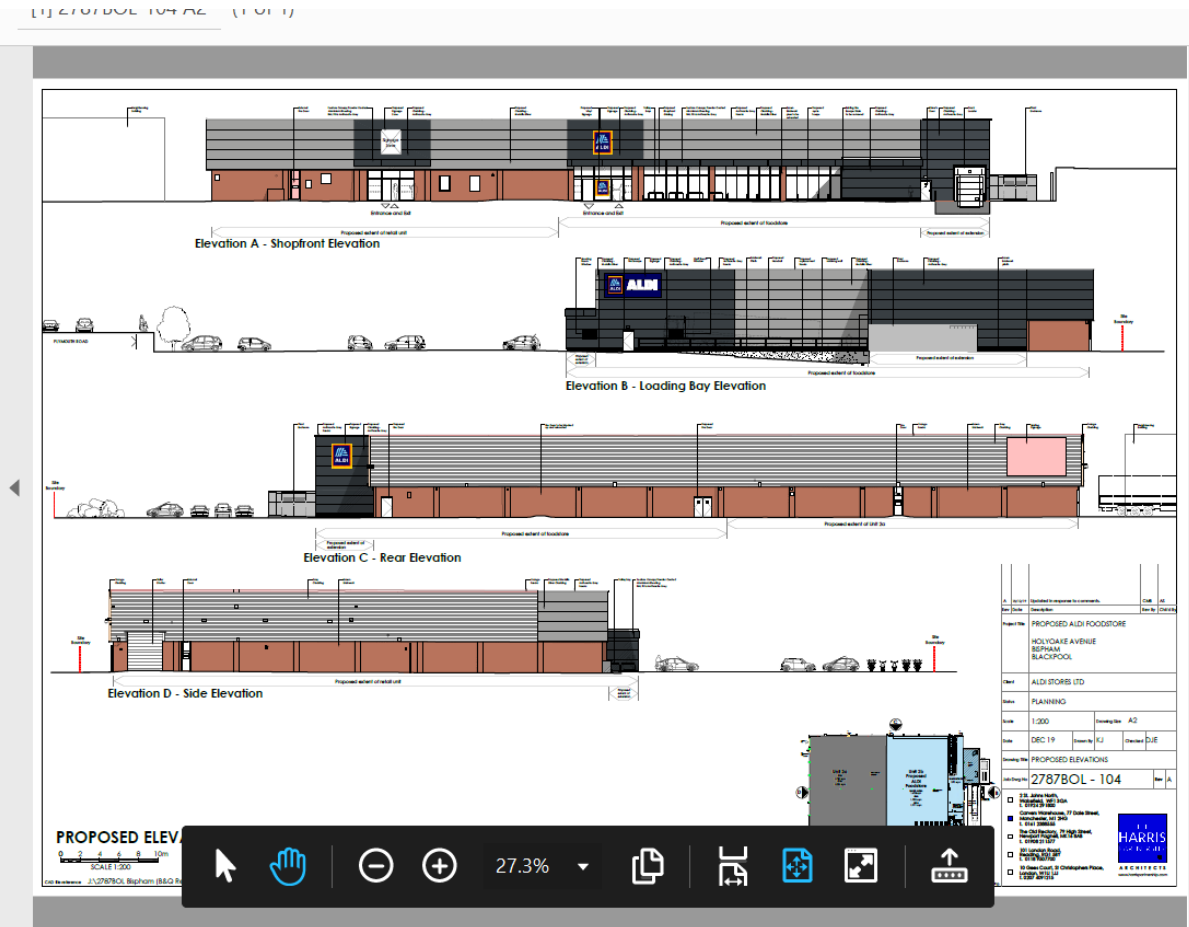
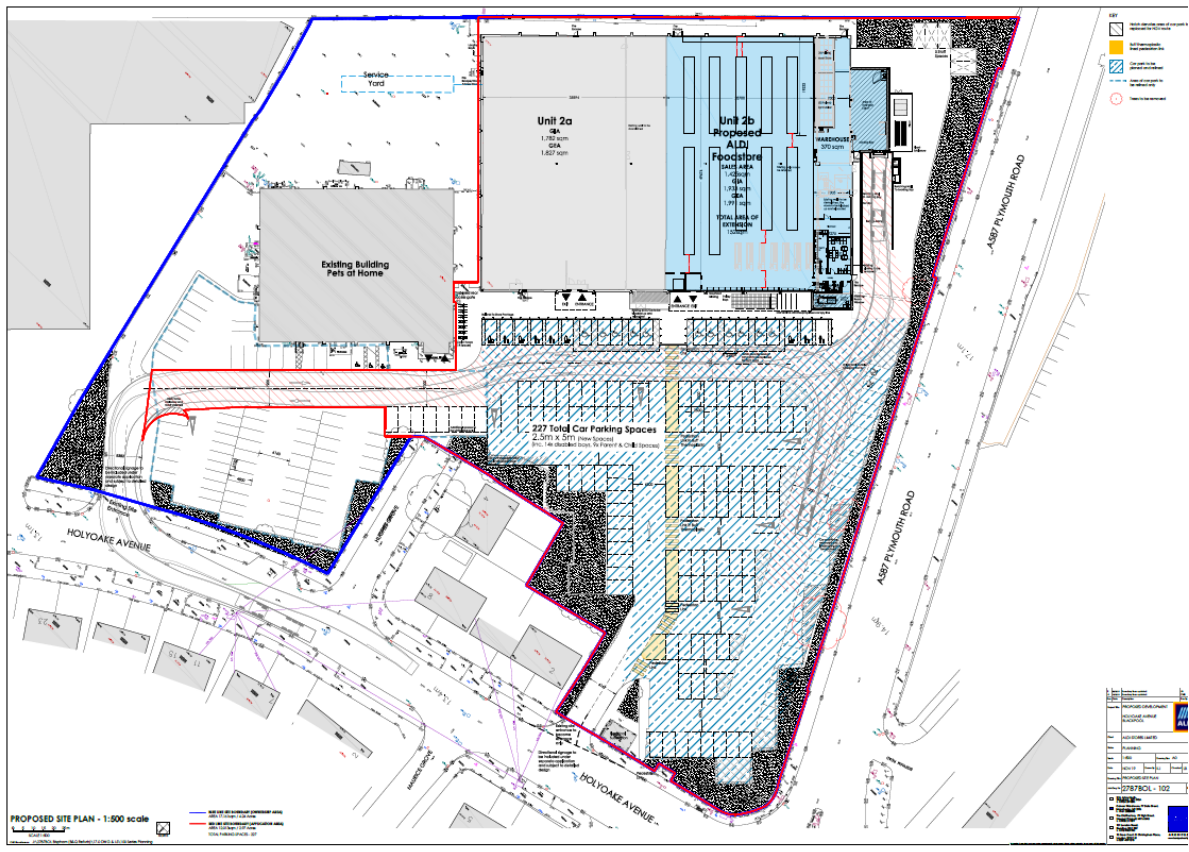
Reason: To safeguard the vitality and viability of Blackpool Town Centre and the District and Local Centres in the town in accordance with Policies BH11, BH12, BH13 and BH14 of the Blackpool Local Plan 2001-2016 and Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

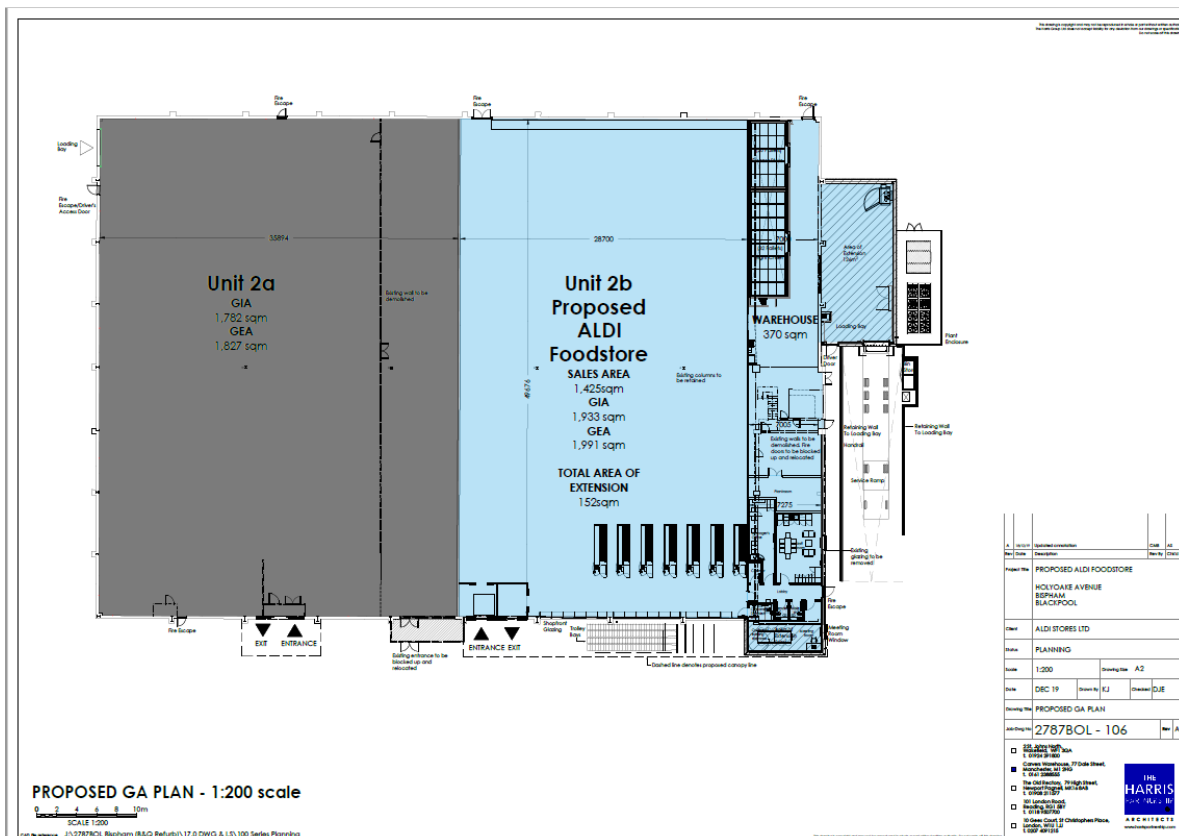
12. Notwithstanding the definition of development as set out under Section 55 of the Town and Country Planning Act 1990 (as amended) or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the unit hereby approved shall not be enlarged or subdivided and no mezzanine floorspace shall be provided.

Reason: In order to ensure that the Council has control of any possible future uses of the retail unit in the interests of public amenity and to safeguard the vitality and viability of Blackpool Town Centre in accordance with Policies HN5, BH3, BH11 and BH12 of the Blackpool Local Plan 2001-2016 and Policies CS4, CS7 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

Holyoake Avenue, Blackpool ref: 20/0079







Client	ALDI STORES LTD
Project Name	PROPOSED ALDI FOODSTORE
Address	HOLIDAYS AVENUE BEPHAM BLA CROFTOL
Phase	PLANNING
Scale	1:200
Date	DEC 19
Drawn By	ELJ
Checked By	DJE
Project No	PROPOSED GA PLAN
Sheet No	278780L - 106
Sheet A	A

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