

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/>