

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 4 AUGUST 2020

Present:

Councillor Owen (in the Chair)

Councillors

Baker	Farrell	Jackson	Robertson BEM
D Coleman	Hugo	O'Hara	T Williams

In Attendance:

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Ms Clare Lord, Legal Officer

Ms Susan Parker, Head of Development Management

Mr Latif Patel, Network Planning and Projects Manager

Mr Mark Shaw, Principal Planning Officer

Ms Kate Aldridge, Head of Corporate Delivery, Performance and Commissioning

Also Present:

Councillor Mrs Callow – Norbreck Ward Councillor for Minute Item 6

Councillor Cox- Squires Gate Ward Councillor for Minute Item 8

Councillor Rick Scott – Warbreck Ward Councillor for Minute Item 10

Councillor Walsh – Squires Gate Ward Councillor for Minutes 8

1 DECLARATIONS OF INTEREST

Councillor D Coleman declared a prejudicial interest in the following Agenda Items:

Agenda Item 5, Publication and Use of Children's Care Homes Planning Advice Note;
Agenda Item 6, Planning Application 20/0219, 124 Norbreck Road, Blackpool;
Agenda Item 7, Planning Application 20/0267, 77 Lancaster Road, Blackpool;
Agenda Item 8, Planning Application 20/0296, 14 Freemantle Avenue, Blackpool; and
Agenda item 9, Planning Application 20/0287, 37 Hodder Avenue, Blackpool.

The nature of the interest in all the above agenda Items was that she was employed within the sector and some of the employees were known to her.

2 MINUTES OF THE MEETING HELD ON 7 JULY 2020

The Planning Committee considered the minutes of the last meeting held on 7 July 2020.

Resolved: That the minutes of the meeting held on 7 July 2020 be approved and signed by the Chairman as a correct record.

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3 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered the summary of planning enforcement activity within Blackpool between 1 June 2020 and 30 June 2020.

The report stated that 64 new cases had been registered for investigation with 633 complaints remaining outstanding by the end of the period, six cases had been resolved by negotiation without recourse to formal action and 22 cases had been closed as there had either been no breach of planning control found, no action was appropriate or it had not been considered expedient to take action.

The report also stated that one Section 215 notice had been authorised between 1 June 2020 and 30 June 2020.

The Committee noted the significant workload involved in undertaking planning enforcement activities.

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

4 PLANNING APPLICATIONS PERFORMANCE

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

The report outlined the performance for the quarter period from April 2020 to June 2020 as 100% for major development decisions determined within 13 weeks or an agreed extension of time against a target of 60% and 76% for non-major development decisions determined within eight weeks or an agreed extension of time against a target of 70%. It was noted that this exceeded the statutory targets for the period.

Resolved: To note the report.

5 PUBLICATION AND USE OF CHILDREN'S CARE HOMES PLANNING ADVICE NOTE

Ms Parker, Head of Development Management, reminded Members of the approach agreed by the Committee at its meeting on 16 June 2020 in respect of Certificates of Lawfulness and applications for planning permission for children's homes. She reported on the challenges faced with the previous approach in terms of the Council's lack of control over the children being placed within care homes and the consequences of this in terms of an oversupply of inaccessible homes and an undersupply of homes to accommodate the significant number of local children currently in need of placement.

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Ms Parker advised that in the majority of cases children's homes could now be considered as materially different to a standard residential dwelling for a number of reasons, which included a change in character of the property, impact on the Council's wider strategy and the ability to meet the needs of local children in need of care. Whilst each application would be determined on its merits, in Ms Parker's view the Council was justified in refusing to grant certificates of lawfulness and instead consider granting planning applications, but only where the properties were considered suitable and in an acceptable location and where the applicant had agreed to work with the Council to prioritise the placement of local children.

Ms Parker referred to the advice note that had been attached as at Appendix 5a to the report and reported on the key elements contained within the advice note, which included the requirement for children's homes not to be located within the inner defined area or within 400 metres of another similar use. She reported on the benefits of the advice note in terms of it providing advice and guidance in relation to future applications for children's homes.

The Chairman reported positively on the advice note in terms of it providing guidance for future applications and benefits for local children in need of care.

Resolved: To approve the advice note for publication and use.

NOTE: Councillor D Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this item.

ADDITIONAL NOTE: Councillor Jackson was absent during consideration of this item.

6 PLANNING APPLICATION 20/0219 - 124 NORBRECK ROAD, BLACKPOOL

The Committee considered planning application 20/0219 that sought permission for the use of a bungalow at 124 Norbreck Road, Blackpool as a residential care home for up to two persons aged 8-17 years old.

Mr Shaw, Principal Planning Officer, provided an overview of the application. He advised on the requirement for any permission granted to be subject to a Section 106 legal agreement requiring the applicant to work with the Council in relation to the placement of children within the home. He referred to the requirement of a further condition relating to sound installation recommended by Environmental Protection which would need to be included if Members were minded to approve the application. Mr Shaw advised on the key requirements of Policy BH24, which included the requirement for there to be no property with a similar facility located within 400 metres. Mr Shaw advised the Committee on a recent notification of a potential similar facility at 66-66a which was located within 400 metres of the application premises and the need for further clarity as to this property's specific use. In view of the current uncertainty as to the use of 66-66a Norbreck Road Mr Shaw recommended deferral of the application to allow further investigations to be made.

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Mrs Kerrone, member of the public, spoke in objection to the application. Her main concern related to the use of the property at 66-66a Norbreck Road, which in her view conflicted with Policy BH24 due to it housing looked after children and its location within 400 metres of the application premises which, in her view, would cause an exacerbation of the existing issues.

Mr Lee, Applicant, accompanied by Mr Chadwick, Proposed Homes Manager, spoke in support of the application. He advised on the ethos, goals and values of his organisation, which included providing children with appropriate care and support to help them function within the community. He referred to the objections to the application, which in his view were based on unfounded assumptions. He also referred the flexibility of Policy BH24 and his view that the application complied with policy.

Councillor Mrs Callow, Ward Councillor, spoke in objection to the application. She referred to the application premises' proximity to 66-66a Norbreck Road and raised concerns relating to this property. Further concerns raised by Councillor Mrs Callow included the placement of children from outside of the borough, her view of the unsuitability of the property and location and insufficient parking provision. She asked that the Committee refuse the application based on local residents' fear, close proximity to a similar facility and potential impact on local residents.

Mr Bramhall, member of the public, spoke in objection to the application. He advised on his view that the application was contrary to Policy BH24 due to its proximity to a similar facility. Further concerns related to the applicant's business model and the significant number of objections received to the proposal.

Ms Parker, Head of Development Management, referred to the change in the recommendation to request deferral to enable investigations into the use of 60-66a Norbreck Road to be made. In relation to a reference made to the applicability of Policy BH24 to non-C2 uses, Ms Parker advised that the policy was still considered to be relevant to care and supported-living uses that might fall outside of this class. With regards to fear as a potential grounds for refusal, Ms Parker acknowledged that it was a valid planning consideration but referred to Planning Inspectorate decisions that determined that there was no reasonable justification to assume that a properly managed care home would result in local disturbance and anti-social behaviour. She also reported on the aim of Section 106 legal agreement to control the placement of out of borough children. She reminded Members that an organisation's business model was not a planning consideration.

Ms Aldridge, Head of Corporate Delivery, Performance and Commissioning, provided the Committee with a brief overview of the challenges faced by children's services in relation to the placement of looked after children. She advised that children's services would work with the planning department in the investigation of the use of the facility at 60-66a Norbreck Road.

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Resolved: To defer the application to allow the detailed assessment of the facility at 66-66a Norbreck Road to be undertaken.

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

NOTE: Councillor D Coleman, having declared a prejudicial interest, had left the meeting prior to consideration of this item and took no part in the discussion or voting thereon.

ADDITIONAL NOTE: Councillor Jackson was present but unable to participate during consideration of this item due to technical issues.

7 PLANNING APPLICATION 20/0267 - 77 LANCASTER ROAD, BLACKPOOL

The Committee considered planning application 20/0267 that sought permission for the use of premises at 77 Lancaster Road, Blackpool as a residential care home for up to two young persons aged 11-17 with non resident carers (use ClassC2).

Ms Parker, Head of Development Management, provided an overview of the application and presented the site location, layout plans and aerial view of the site. She advised that the applicant was prepared to sign up to a Section 106 legal agreement requiring priority be given to local children and confirmed that there were no other children's homes located within 400 metres. Ms Parker also presented her view of the suitability of the property and acceptable location. She also referred to the objections to the application as detailed in the report and advised on her view of the benefits of placing children within stable environments.

Resolved: To agree the application in principle and delegate approval to the Head of Development Management, subject to conditions and on receipt of a Section 106 legal agreement and for the reasons outlined in the decision notice, which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

NOTE: Councillor D Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this item.

ADDITIONAL NOTE: Councillor Jackson was present but unable to participate during consideration of this item due to technical issues.

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8 PLANNING APPLICATION 20/0296 - 14 FREEMANTLE AVENUE, BLACKPOOL

The Committee considered planning application 20/0296 requesting permission for the use of premises at 14 Freemantle Avenue, Blackpool as a Children's Home for up to two children.

Ms Parker, Head of Development Management, provided an overview of the application and presented the site location, layout plans and aerial view of the site. She advised that the applicant was prepared to sign up to a Section 106 legal agreement requiring priority to be given to local children and confirmed that there were no other children's homes located within 400 metres. Ms Parker also presented her view of the suitability of the property and acceptable location. She referred to the significant number of objections as detailed in the report and although there were other care homes within 400 metres, Policy BH24 restricted only those care homes with similar care uses. Whilst Ms Parker acknowledged that fear of crime and anti-social behaviour was a valid planning consideration, she referred to the benefit of seeking a Section 106 legal agreement, which would provide an element of control over the management of the premises. She also reported on the benefits and need for children to be placed in a pleasant and stable environment.

Mr Foley, member of the public, spoke in objection to the application. He advised on his view that a local need for the facility had not been demonstrated as required by Policy BH24 and raised concerns at the potential for this application, if approved, to set a precedent for future applications. He also expressed his view of the potential for out of area placements to be made through a reciprocal agreement with another local authority.

Councillor Cox, Ward Councillor, spoke in objection to the application advising that he was also speaking on behalf of Councillor Walsh. He referred to the significant number of objections received in relation to the application and asked the Committee to disregard the two representations made in support of the application due to them living outside of the area. His main concerns related to his view of the inappropriateness of the location, insufficient parking provision and traffic issues and the potential for an increase in crime and anti-social behaviour.

The Committee also noted the representations from Councillor L Williams as detailed in the update note.

Resolved: To agree the application in principle and delegate approval to the Head of Development Management, subject to conditions and on receipt of a Section 106 legal agreement and for the reasons for the reasons outlined in the decision notice, which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

NOTE: Councillor D Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this item.

ADDITIONAL NOTE: Councillor Jackson was present but unable to participate during consideration of this item due to technical issues.

9 PLANNING APPLICATION 20/0287 - 37 HODDER AVENUE, BLACKPOOL

The Committee considered planning application 20/0287 seeking permission for the use of premises at 37 Hodder Avenue, Blackpool as a residential care home for one young person aged 11-17 with non-resident carers.

Ms Parker, Head of Development Management, provided an overview of the application and presented the site location, layout plans and aerial view of the site. She advised that the home was already established and that it currently housed a 17-year-old child who had been an emergency placement due to safeguarding issues occurring during the Covid19 lockdown. The property was outside of the inner defined area but was within 400 metres of another children's home. She referred to the applicant's comments with regard to walking distance, however, she advised on her view of the limited significance that could be placed on this in terms of the aims of Policy BH24, which sought to restrict an overconcentration of care homes. In her view the application failed the requirement of Policy BH24. However, Ms Parker also acknowledged the exceptional circumstances of the placement and therefore the recommendation was to approve a temporary permission for 1 year to enable the young person to continue to reside in the property until age 18. She referred to the objections as detailed in the report but acknowledged the need for these to be balanced against the needs of local children in care.

Mr and Mrs Turner, members of the public, spoke in objection to the application. their main concerns related to the impact of alleged incidents of anti-social behaviour, they also considered that there was more appropriate accommodation to house the individual in the area.

Mr Davies, Applicant's Agent, spoke in support of the application, advising on the inability of the applicant to verify the measurement to the similar facility due to the lack of disclosure of its location. He disputed the method of measurement used by the planning officers and advised on his view of the reasons why walking distance would be a more appropriate measure to demonstrate overconcentration of use. In his view the application complied with policy and he the Committee to consider the granting permanent planning permission, rather than a temporary 1-year permission that had been recommended.

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Responding to the Committee's concerns, Ms Aldridge agreed to investigate the issues raised by the objectors with the provider and Children's Services.

Resolved: To approve temporary permission for a period of 1 year, subject to conditions and for the reasons outlined in the decision notice, which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

NOTE: Councillor D Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this item.

10 PLANNING APPLICATION 20/0079 - FORMER B & Q PREMISES, HOLYOAKE AVENUE, BLACKPOOL

NOTE: Councillor D Coleman re-joined the meeting prior to consideration of this item.

The Committee considered planning application 20/0287 seeking permission for the erection of a 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 at the former B&Q premises at Holyoake Avenue.

Mr Shaw, Principal Planning Officer provided an overview of the application and presented the site location, layout plans and aerial view of the site. He advised on the existence of a Section 52 legal agreement currently in place that limited sales to specific items. He drew Members' attention to the amended conditions 8, 9, 10 and 12 relating to the retail foodstore as detailed in the update note. He also advised on an additional condition that would be required relating to the remaining floor space to reiterate the existing Section 52 legal agreement. Mr Shaw referred to two main planning considerations with the application, namely the requirement of a sequential test and retail impact statement and concluded that in his view the policy requirements for a retail development had been met. Mr Shaw also referred to the additional comment from the Local Highways Authority that reported its conclusion that access closest to Holyoake Avenue would be egress only and this had been accepted by the applicants. The application was recommended for approval subject to conditions 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.

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Mr Patel, National Planning and Networks Manager, reported on the benefits of the highway changes, which in his view would not have a detrimental impact on the nearby junction, and the expectation of £30,000 being secured from the applicant to fund the necessary works.

Mr Sobic, Applicant's Agent, spoke in support of the application, advising of the applicant's investment in the proposal, which in his view demonstrated a long-term commitment. He also advised on the economic benefits of the proposal in terms of employment and increased food retail offer to local residents. Mr Sobic referred to amended condition 10 in the update note which limited the delivery and servicing hours on a Sunday to 8.00am to 6.00pm and asked the Committee to consider amending this to replicate the Monday to Saturday hours of 6.00am to 11.00 pm. He indicated his support to the recommendation proposed by the planning officer, subject to the amendment of the Sunday servicing hours.

Mr Shaw advised on the standard practice of consulting with the Council's Environmental Protection team for requests to amend servicing hours and it was noted that there was no Environmental Protection officer at the meeting to comment upon the request.

Councillor Scott, Ward Councillor, advised on his view the benefits of the proposal in terms of preventing potential increase in anti-social behaviour from an empty property, benefits to local residents and increased footfall to the area.

The Committee considered the proposal and commented positively on proposal in terms of economic benefit and employment opportunities.

Resolved: To delegate approval to grant the application, subject to conditions including the amended conditions 8, 9, 10 and 12 as detailed in the update note and an additional condition relating to the remaining floor space, subject to a Section 106 legal agreement requiring payment of £30,000 to undertake alterations to then 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 and subject to consultation with Environmental Protection regarding the hours of delivery and servicing on Sunday, for the reasons outlined in the decision notice, which can be accessed via the link below:

<https://idoxpa.blackpool.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

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11 DATE OF NEXT MEETING

Resolved: To note the date of the next meeting as 1 September 2020.

Chairman

(The meeting ended at 4.36pm)

Any queries regarding these minutes, please contact:
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