

## **Blackpool Council Development Management**

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### **Officer Report to Committee**

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

#### **1.0 BLACKPOOL COUNCIL PLAN 2019-2024**

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

#### **2.0 SUMMARY OF RECOMMENDATION**

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

#### **3.0 INTRODUCTION**

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

#### **4.0 SITE DESCRIPTION**

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

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

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

## **5.0 DETAILS OF PROPOSAL**

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

5.2 The application has been supported by:

- Planning Statement
- Management Plan

## **6.0 RELEVANT PLANNING HISTORY**

6.1 N/A

## **7.0 MAIN PLANNING ISSUES**

7.1 The main planning issues are considered to be:

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

## **8.0 CONSULTATION RESPONSES**

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

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

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

## **9.0 REPRESENTATIONS**

9.1 Site notice published: 28/05/2020

9.2 Neighbours notified: 28/05/2020

9.3 Representations have been received from the following properties:

- Lawson Road: 102
- Lancaster Road: 86

9.4 These representations raise the following issues:

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

## **10.0 RELEVANT PLANNING POLICY**

### **10.1 National Planning Policy Framework (NPPF)**

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

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

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

## **10.2 National Planning Practice Guidance (NPPG)**

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

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

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

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

## **10.4 Blackpool Local Plan 2011-2016 (saved policies)**

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

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

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

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

- Policy DM3: Residential Institutions

## **10.6 Other Relevant Policy Guidance**

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

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

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

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

## **11.0 ASSESSMENT**

### **11.1 Principle**

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

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

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

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

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

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

## **11.2. Residential Amenity**

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

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

### **11.3. Visual Impact**

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

### **11.4. Access, highway safety and parking**

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

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

### **11.5. Other Issues**

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

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

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

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

## **11.6 Sustainability and planning balance appraisal**

11.6.1 Sustainability comprises economic, environmental and social components.

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

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

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

## **12.0 CONCLUSION**

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

## **13.0 RECOMMENDATION**

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

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

13.2 Conditions:

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

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

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

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

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

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

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

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

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

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

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

#### **ADVICE NOTES TO DEVELOPERS**

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

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

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

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