

Officer Report to Committee

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

1.0 BACKGROUND

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

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

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

2.0 RECOMMENDATION

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

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

3.0 APPENDICES

3.1 Appendix 4A:
Report to Committee in respect of application ref. 20/0219 at 124 Norbreck Road presented to the meeting on 1 September 2020.

Appendix 4B:
124 Norbreck Road plans