

Planning Application Reports – Update Note

Listed below are changes to the planning reports made as a result of additional information received since the publication of the agenda for this meeting.

Case:	Address:	Update:
<p>This update relates to the Residential Care and Semi-Independent Supported-Living Accommodation for Children and Young People Advice Note</p>		<p>An objection has been received from the agent acting on behalf of the applicant of application ref. 20/0267 at 77 Lancaster Road. This objection raises the following points:</p> <ul style="list-style-type: none"> • The advice note fails to consider the individual merits of a proposal when considering whether or not a change of use is material in planning terms. The objection asserts that it is wrong as a matter of principal to consider that all proposals for a children’s care home would be materially different to use as a dwellinghouse, and it is accordingly wrong to take the view that there will always be a material difference. The advice note should be amended accordingly. • Policy BH24 does not permit community residential uses meeting specialist needs from being located within 400m of existing properties meeting similar needs. The Council appears to take the view that children’s residential care homes and semi-independent supported-living facilities will always meet similar needs. This is a change in approach. However, even if it were accepted to be the case, the planning balance must still be applied and any other material planning considerations taken into account. <p>The applicant requests a deferral to allow for further consideration and representations to be made.</p> <p>Officer response:</p> <p>The Council has nowhere stated that its approach in relation to this matter is universal, or that the</p>

	<p>individual circumstances of a case will not be taken into account as required by law. On page 4, the advice note clearly states that</p> <p><i>“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...”</i></p> <p>The text states that such changes of use will generally be material and this is judged to be reasonable because the considerations relating to the nature and impact of the use relate to the majority of proposals submitted to the Council. It is justified by the commonality of schemes and the experience of officers to date. Nevertheless, the individual merits of a proposal will always be taken into account. No changes to the advice note are considered necessary. As the advice note is intended to explain the Council’s position and approach with regard to the implementation of Policy BH24, no dedicated consultation is considered to be necessary. The advice note, whilst a material planning consideration, will not form part of the Development Plan, and will be accorded weight at the discretion of the decision-maker with due regard to its status, purpose and nature.</p> <p>With regard to the application of Policy BH24 and an assessment of wider planning balance, no benefits of the scheme have been identified that would be sufficient to outweigh the harm arising from the conflict with policy. Policy BH24 itself gives consideration to local need, appropriate management to mitigate potential impact on amenity, and locational requirements. The policy makes no provision for local need or proper management to be afforded greater weight in the planning balance than the locational consideration. Whilst it is accepted that the use would generate some employment and support an existing business, this is not judged to weigh sufficiently in favour of the scheme to justify the grant of planning permission. No other benefits of material weight are identified.</p>
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20/0267	77 Lancaster Road	<p>An objection has been received from the agent acting on behalf of the applicant. This objection raises the following points:</p> <ul style="list-style-type: none">• The conflict with Policy BH24 must be applied specifically to the properties in question and it must be demonstrated that they meet similar needs.• The conflict with Policy BH24 must also be weighed as part of a wider consideration of planning balance. <p>The applicant requests a deferral to allow for further consideration and representations to be made in light of the changed recommendation.</p> <p>Officer response:</p> <p>It is acknowledged that children’s residential care homes and semi-independent supported-living facilities for young people are different, both in their nature and their purpose. The materiality of this difference has been the subject of extensive consideration and resulted in the Council seeking specialist legal advice. This advice relates to the properties in question with regard to this application.</p> <p>In the context of planning law, children and young people up to the age of 18 years are not adults and, as such, they require care and cannot form a household in their own right. No. 77 Lancaster Road is proposed for use, and is indeed understood to be operating in advance of the grant of planning permission, as a care home for young people up to the age of 18yrs. The semi-independent supported living facility is also used to accommodate young people up to the age of 18yrs. As such, both premises seek to provide care, albeit to differing extents, for minors under the age of 18yrs. In planning terms, therefore, they are considered to meet similar needs.</p> <p>As set out above, and with regard to the application of Policy BH24 and an assessment of wider planning balance, no benefits of the scheme have been identified that would be sufficient to outweigh the</p>
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20/0407	7 Holmfield Road	<p>An objection has been received from the applicant raising the following issues:</p> <ul style="list-style-type: none"> • Inadequate notice has been provided of the Committee meeting • The application has been submitted on the advice of the Council • As an outstanding established provider we were confident of support • The application was made to protect the children accommodated and the operation from the (SISL) use established in the neighbouring property • The operation has existed for 3yrs and has delivered consistently outstanding service, as evidenced in the latest report produced by the Council in late 2020 • Can an exception be made based on the quality of provision or the fact that the operation is existing? • Planning advice was given in 2016 to state that planning permission was not required. • An application was made as soon as it was understood to be necessary • Although there is a children's residential care home within 400m, there is mutual acceptance (between the applicant and that care home) that the uses are different and meet different needs, and that they pose no threat to one another • What support will be provided if the right to operate is lost? <p>The applicant has requested that the application be deferred to a future meeting.</p>

		<p>Officer response:</p> <p>The application was invited because the use was considered to require planning permission. The applicant was advised that the application may be refused and that he would have the right to appeal.</p> <p>The operator's excellent working relationship with the Council's Children's Services team is recognised. However, the planning system is primarily considered with matters of land use. As such, the identity and quality of the operator are not material planning considerations.</p> <p>The potential impact of a refusal on the young people in care is a material consideration. Officers would work with the applicant to minimise this as far as is possible. As is set out in the report, any enforcement action would be held in abeyance until the young people currently accommodated have left the premises.</p> <p>The matter of the '400m rule' is addressed above, the legal advice to the Council is that the two uses are similar in planning terms as they both care for minors under the age of 18yrs.</p> <p>The applicant would have the right of appeal to the independent Planning Inspectorate.</p>
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