

**Planning Committee:**

9 February 2021

**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:
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"> <li>• Inadequate notice has been provided of the Committee meeting</li> <li>• The application has been submitted on the advice of the Council</li> <li>• As an outstanding established provider we were confident of support</li> <li>• The application was made to protect the children accommodated and the operation from the (SISL) use established in the neighbouring property</li> <li>• 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</li> <li>• Can an exception be made based on the quality of provision or the fact that the operation is existing?</li> <li>• Planning advice was given in 2016 to state that planning permission was not required.</li> <li>• An application was made as soon as it was understood to be necessary</li> <li>• 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</li> <li>• What support will be provided if the right to operate is lost?</li> </ul> <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</p>

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		<p>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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