

Appendix 6a Report to 9 February 2021 Planning Committee

Officer Report to Committee

Application ref: 20/0407
Ward: WARBRECK
Application type: FULL
Location: 7 HOLMFIELD ROAD
Proposal: USE OF PREMISES AS A SEMI-INDEPENDENT SUPPORTED LIVING ACCOMMODATION FACILITY FOR FOUR YOUNG PERSONS AGED 16-17 WITH NON RESIDENT CARERS (retrospective application).
Recommendation: REFUSE
Case officer: MS. PIPPA GREENWAY
Case officer contact: 01253 477222

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 to some extent as it would support vulnerable children in Blackpool, however there would also be a degree of conflict as it would contribute to an over-concentration of such uses in the immediate area of the site.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 The application relates to a mid-terraced property that falls within both the Defined Inner Area and within 400 metres of existing similar specialist uses (3 x Semi-independent supported living [SISL]'s and a children's home). As such, the recommendation is for refusal.

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 proposals involving the establishment of a children's residential care home (CRCH) / semi-independent supported living facility (SISL) and is therefore of wider public interest.
- 3.2 The operators Coastal Key Housing (CKH) state that 7 Holmfield Road has been used since it opened in 2018 as a semi-independent supported facility for children/young

adults between 16-17 years old, in the care of the local authority, ensuring they are prepared for independence in the build up to turning 18. Support includes cooking, budgeting, personal hygiene and finding employment or college opportunities, as well as keeping the residents safe and secure. The premises currently has 4 young people in residence and are due to remain until they turn 18 next year. The level of supervision is what one would expect for older teenagers in a domestic setting and there is a curfew of 23:00 from Sunday to Thursday and midnight on Friday / Saturday and this is supported by CCTV. There is a support worker on the premises most of the time, including overnight. The level of support and supervision and the activity on-site is different to what would be found in a regulated children's care home. The layout of the accommodation is similar in nature to a house in multiple occupation, where residents have their own rooms but share communal spaces. However, because persons under the age of 18 years cannot legally form a household, and because a degree of care is provided (albeit not to the level of requiring regulation under the Care Act), the use is considered to fall within Use Class C2.

- 3.3 There is no requirement for the premises to be regulated by Ofsted. Placement within this and other similar facilities is done via the North West Placement Framework (NWPf) based within Bolton but is undertaken by local authorities on a rota basis. CKH have been informed by officers that planning permission is required for its use within class C2. As such, the 400m restrictive zone applied under Local Plan Policy BH24 and discussed in more detail below applies as well as the Inner Area restriction.

4.0 SITE DESCRIPTION

- 4.1 The application is a mid-terraced, two storey property, with roof space accommodation behind an original pike dormer. On the ground floor there is a communal lounge, staff room/office and to the rear a W.C. and a kitchen/dining room giving access to a small rear yard. The first floor comprises three bedrooms, a bathroom and a W.C. The second floor comprises two bedrooms (including a staff bedroom) and above this is a smaller loft in the roof space used for storage. The front area is a garden behind a low residential wall; and there is no off street car parking available, although vehicles can park on-street immediately outside the property.
- 4.2 The character of the area is one of dense, Victorian residential terraced houses, close to the Promenade and behind an area of hotels and guesthouses. The property is within walking distance of Gynn Gardens, local shops on Dickson Road, schools and other facilities. The application property is located within North Shore Conservation Area (NSCA), within the Defined Inner Area and within flood risk zone 1 (low flood risk).

5.0 DETAILS OF PROPOSAL

- 5.1 The application is retrospective and is for the continued use of the premises (previously Class C3 dwelling house) as a semi-independent supported living facility (SISL) which is considered to be within Use Class C2. The facility accommodates four young people of ages 16 – 17 with three teams of up to two carers on site working 10:00 until 17:00; 17:00 – 23:00; and 23:00 to 10:00 in a shift pattern.
- 5.2 The applicants, CKH, bought the property in 2016 and were accepted by NWPF in June 2018 and opened in 2018. The application is accompanied by a supporting statement/ management plan. In their supporting submission they state that the safety, well-being and progression of their residents and staff is at the heart of their ethos. If the residents feel safe, they are likely to be settled within their placement. They conduct an annual locality risk assessment which is influenced by the crime figures in Warbreck ward. They acknowledge that the property is located in a ‘high crime’ area compared with national statistics, and have taken extra precautions to secure the building and safeguard their residents. The staff are all DBS checked, are employed in line with their company policy and processes. All staff are local to Blackpool and understand local issues and the needs of the residents. They ensure the building is safe and secure each day and have a staff member who is in the house at all times. The property is secured externally by CCTV which allows staff to see who is coming and going, and also serves as a deterrent against crime. The residents have a curfew of 23:00 from Sunday – Thursday, and midnight from Friday – Saturday and, although the residents can come and go, staff ensure that they know their whereabouts.
- 5.3 With regard to the fact that the premises are already established as a SISL, the supporting statement says that they will continue to react robustly to any threat to their business. Their biggest concern is their current residents, who would certainly suffer if the facility ceased to operate. It is widely recognised that young people who have multiple placement breakdowns have worse outcomes than young people who are in long-term placements. All four of the current residents have been in the property since last year and are due to remain until they turn 18 next year. They consider that these are all successful placements with a clear plan to support them into independence. Their further concerns include potential unemployment of staff members and financial losses due to the uncertainty in the property market.
- 5.4 Coastal Key Housing state that they are dedicated to improving the lives of vulnerable local young people, providing a platform for young people to have access to the opportunities that every young person deserves, and to support them as they approach adulthood and beyond. Moving forward, they strive to continue to build on their successes over the last two years, whilst remaining a small, close knit provision with no short term plans to expand their number of properties.

6.0 RELEVANT PLANNING HISTORY

6.1 **14/0885** Use as a single private dwelling house GTD (was previously holiday flats). It is worth noting that a condition was attached to this permission to prevent any change of use from C3 to a C4 HMO. Part of the justification for this condition was the need to safeguard the Council's ongoing efforts to establish more balanced and healthy communities within the Inner Areas of the borough by safeguarding family dwelling-houses.

7.0 MAIN PLANNING ISSUES

7.1 The main planning issues are considered to be:

- Acceptability of the Use in Principle and Policy BH24
- Impact on Residential Amenity and the Residential Character of the Area
- Impact on Visual Amenity
- Car parking provision/ Traffic Generation/ Highway Safety

8.0 CONSULTATION RESPONSES

8.1 **Police Architectural Liaison Officer:** No comment. As this is a retrospective application it is too late to affect any changes.

8.2 **Blackpool Civic Trust:** We do not feel this type of facility should be located in a holiday/residential area. It is also not an appropriate development for the conservation area. The views of the local residents must be considered when making the final decision.

8.3 **Conservation Officer:** No objection

8.4 **Community and Environmental Services, Highways and Traffic Division:** No objection.

9.0 REPRESENTATIONS

9.1 Site notice posted: 20 July 2020

9.2 Neighbours notified: 20 July 2020

9.3 Objections have been received from Paul Maynard MP (appended to this report), Cllr. Michele Scott and from the following properties:

King Edward Avenue: 5, 7, 12, 14, 18 and 20

Shaftesbury Avenue: 33

Holmfield Road: 22

Empress Drive: 9

9.4 Two letters of support have been received.

9.5 These representations raise the following issues:

- There is already a high concentration of such uses in the area and these cause criminal damage and anti-social behaviour.
- It is in close proximity to hotels that cater for older people who are intimidated by the young adults living at the property.
- Fear of crime and intimidation of local residents.
- Inadequate supervision.
- This is a holiday area and not an appropriate location, businesses are suffering.
- Damage to vacant properties (broken windows, fires etc) has been caused by occupants of this property and a nearby SISL.
- Paul Maynard MP has raised the issue in the House of Commons of Blackpool being in danger of becoming a 'dumping ground' and the lack of communication between different agencies.
- The Police in consultation with Mr. Paul Maynard M.P. have warned about the propensity of the 'County Lines' operating in our resort, and this is why close proximities of these types of accommodations have to be avoided.

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.

- CS7 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 was presented to the Council's Planning Committee at the meeting on 4 August 2020. Committee agreed with the 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 The Advice Note was revised to address the issue with SISL's "Residential care and semi-independent supported-living accommodation for children and young people Advice Note" and published in September 2020. This revision was presented to and agreed by Planning Committee in October 2020.

10.6.3 Following legal advice, further amendments to the Advice Note have been made and a third revision is on this agenda.

10.6.4 In light of specific Blackpool issues, the principal objectives of this guidance are to:

- 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 ability of a Local Authority to meet its own needs within its own area is therefore a material consideration.
- 11.1.2 The Council's Children's Services department consider that there is a local need for this facility. More particularly, the requirement is for the need for a facility such as this within the wider area, rather than this particular location. Children's Services would work with this particular provider wherever they were located in Blackpool. As such, the precise location is not a function of need.
- 11.1.3 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.
- 11.1.4 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.
- 11.1.5 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 residential care homes (CRCH) and semi-independent supported-living facilities (SISL)

and also the boundary of a 400m radius buffer around each. This allows officers to easily assess whether or not a proposed use would be within 400m of an existing use. The site falls within 400m of an existing CRCH and three SISLs so the locational requirements of Policy BH24 are not met. In addition, the property falls inside the defined Inner Area, where the high levels of deprivation makes the placement of vulnerable children undesirable.

- 11.1.6 Notwithstanding the locational issue set out above, were the Council to support the scheme, the applicant would be expected to enter into a S106 legal agreement to give priority to local young people. This agreement would specify that all placements must either be made by or with the written agreement of Blackpool Council. This would mean that young people from outside of Blackpool could only be accommodated at the property if the Council's Children's Services team confirmed that the place was not required at that time to meet a local need, or that the placement was the most appropriate given the particular needs of the young person.
- 11.1.7 Blackpool is a hugely deprived Local Authority area. Out of 317 Local Authority areas the 2019 Indices of Multiple Deprivation ranked Blackpool as the most deprived nationwide in terms of average rank, average score, and local concentration. In terms of deprivation particularly affecting children, Blackpool ranks second in the list. The town's average scores in respect of crime and education rank it as eighth and ninth respectively. Blackpool is the most deprived authority area for health and employment. As such, Blackpool suffers from acute social problems that the Council is working hard to address.
- 11.1.8 The town's ranking as the most deprived in terms of local concentration reflects the extremely high levels of deprivation experienced within the defined Inner Area of the borough. The application property falls within the defined Inner Area, where deprivation rates are highest, and this particular property is within the 1% most deprived out of 32,844 such areas (LSOAs) nationwide. It falls within the first decile of deprivation with regard to income, employment, health, crime, living environment and IDACI (The Income Deprivation Affecting Children Index measures the proportion of all children aged 0 to 15 living in income deprived families).
- 11.1.9 The proposal would result in the loss of a family dwelling. The Council can currently demonstrate a five year supply of housing land and the quantitative loss would be negligible. However, it must be noted that a key element of the Council's regeneration strategy is the provision of good family homes within the Inner Area to encourage the development of more stable, balanced and healthy communities. Traditionally this area has suffered from extremely high levels of transience which has prevented this. It must be acknowledged that the residents of the use would necessarily be relatively transient as they would only be able to stay for a maximum of two years. In addition the staff would view the property as a place of work rather than a home. As such, the use of the property as proposed would not contribute to improved social cohesion in the neighbourhood and would therefore undermine the Council's strategy to some extent. Nevertheless, in relation to housing need itself, the loss of the property as a dwelling carries little weight in the planning balance.

11.2 Residential Amenity

- 11.2.1 The Residential Care and Semi-independent Supported-living Accommodation for Children and Young People Advice Note presented to Committee at the meeting on 20 October 2020 considers detached properties to be preferable for SISL uses but acknowledges the use of terraced properties to be acceptable. In this case four young people would be resident, however the property is of substantial size and so is physically capable of accommodating the number applied for. There would be eleven members of staff in total, with two members of staff present during the daytime (10:00 – 17:00) one or two during the evening (17:00 – 23:00) and one during the night time (23:00 – 10:00) with a shift handover at 10:00 am. These change overs of staff may be noticeable and there may be some limited impact on adjoining property but given it involves up to two staff leaving the home and being replaced by two new members of staff this is not considered sufficient to warrant a refusal of the application.
- 11.2.2 It is acknowledged that care uses can generate a significant number of additional visits from care, education and therapeutic professionals, although this would be expected to be less for a SISL than a CRCH. The existing use of the property as a traditional family home would also be expected to generate visits from friends and relatives. The property is terraced and shares a party wall with a currently unauthorised SISL at 9 Holmfield Road and with three flats at 5 Holmfield Road. However, the property is also positioned on a relatively busy through road. As such, activities taking place within the property and any increase in vehicle movements would not be expected to unacceptably impact upon amenity through noise. Nevertheless, in order to avoid direct impact upon the adjoining properties, if permission was to be forthcoming, the imposition of a condition requiring sound insulation would be appropriate.
- 11.2.3 The application property is located within a residential area where there are some elderly residents and visitors. It is noted that local residents have raised a number of concerns regarding behaviour. Children have a right to be cared for in good-quality accommodation within their local area. As any planning permission would be subject to an agreement requiring all placements to be made by or with the agreement of the Council, if any unacceptable 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.
- 11.2.4 Policy BH24 requires the applicant to submit a Management Plan and this has now been submitted and includes details maximum number of staff on site and explains how change-over periods will be handled and on balance, subject to the implementation and compliance with the Management Plan, no unacceptable impacts on residential amenity arising from noise or activity are anticipated.

11.3 Visual amenity

11.3.1 The outward appearance of the property would not change as a result of the proposal and it will not therefore impact visually on the character of the area remaining residential in appearance.

11.4 Access, highway safety and parking

11.4.1 The application property has a small front garden behind a residential boundary wall and no space for off street car parking. There is unrestricted parking available on street on what is a fairly wide and busy local through road if required. The property is within a sustainable location within walking distance of local schools, shops and other facilities and is located close to the Promenade and The Gynn/Dickson Road and there are bus routes and a tramway in near proximity. As such, and although pressure on local on-street parking can be significant, it is not felt that the proposal could reasonably be resisted on parking grounds.

11.4.2 As stated previously, there is no requirement to be registered with OFSTED, however the operator works within the NWPF. 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 It is acknowledged that the property currently accommodates young people who are in need of care. The fact that these young people are in Local Authority care makes it far more likely that they have experienced some degree of trauma, neglect or instability in their lives. This makes them more vulnerable and therefore any further disruption to them should be avoided if at all possible. It is understood that the four young people currently resident will all turn 18 years of age within the next 12 months. Whilst the recommendation is for refusal of this application, it should be noted that no enforcement action would be taken that would require cessation of the use until all of the current residents have turned 18 and vacated the property.

11.5.2 There are understandable local concerns regarding potential impact of a children's home, particularly amongst elderly residents. However, many such premises locate within residential areas without any undue impact on the residential character or amenity of an area. The needs of the children also requires due consideration in order to provide appropriate opportunities to develop successfully into adulthood within an appropriate residential environment. Whilst 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. Although these premises are not OFSTED registered, they do work within an acknowledged framework and so the same conclusion must prevail in this instance.

- 11.5.3 The scheme would not impact adversely upon drainage, flood risk or biodiversity. Air, land and water quality would be also be unaffected.
- 11.5.4 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).
- 11.5.5 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 create some 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, the proposal would result in the loss of a family dwelling within the defined Inner Area where the focus is on the establishment of less transient and more balanced and healthy local communities. Although the use would meet an identified local need, in this location it would be within 400m of four other facilities meeting similar specialist needs (one of which is unauthorised and subject to separate enforcement investigation). As such it would contribute to an over-concentration of such uses in this area to the detriment of its character, function and general amenity.
- 11.6.5 In light of the above and in terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the economic, environmental and social components. No other material planning considerations have been identified that would outweigh this view.

12.0 CONCLUSION

- 12.1 As set out above, the scheme is not judged to represent sustainable development and no other material planning considerations have been identified that would outweigh this assessment. On this basis, planning permission should be refused.

13.0 RECOMMENDATION

- 13.1 It is recommended that Members resolve to refuse the application for the following reason:
- 13.2 The property is within 400 metres of existing children's residential care home and semi-independent supported living homes falling within Use Class C2. 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.