

MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 FEBRUARY 2021

Present:

Councillor Owen (in the Chair)

Councillors

Baker	Farrell	Jackson	Robertson BEM
D Coleman	Hugo	O'Hara	Stansfield

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager

Carl Carrington, Head of Planning, Quality and Control

Ian Curtis, Legal Officer

Susan Parker, Head of Development Management

1 DECLARATIONS OF INTEREST

Councillor D Coleman declared a prejudicial interest in the following Agenda Items:

Agenda Item 3 - Publication and Use of Residential Care and Semi-Independent Supported Living Accommodation for Children and Young People Advice Note;

Agenda Item 4 - Planning application 20/0219 124 Norbreck Road;

Agenda Item 5 - Planning application 20/0267 77 Lancaster Road;

Agenda Item 6 - Planning application 20/0407 7 Holmfield Road.

The nature of the interest on all Items being that she worked within the industry sector.

2 MINUTES OF THE MEETING HELD ON 20 JANUARY 2021

The Committee considered the minutes of the last meeting held on 20 January 2021.

Resolved:

That the minutes of the meeting of the Planning Committee be approved and signed by the Chairman as a correct record.

3 PUBLICATION AND USE OF RESIDENTIAL CARE AND SEMI-INDEPENDENT SUPPORTED-LIVING ACCOMMODATION FOR CHILDREN AND YOUNG PEOPLE ADVICE NOTE

The Planning Committee considered the Residential Care and Semi-Independent Supported Living Accommodation for Children and Young People Advice Note.

Miss Susan Parker, Head of Development Management, introduced the Item and reminded Members that that previous versions of the Advice Note had been presented to the Committee in August and October 2020. The Advice Note had been further amended to clarify that, following legal advice, it was considered that there was no material difference between Children's Residential Care Homes and Semi-Independent Supported-Living facilities in planning terms, and as such a planning application for a Children's Residential Care Home would not be supported within 400 metres of a Semi-Independent Supported-Living facility and vice versa.

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Members' attentions were drawn to an objection received as presented in the update note but Miss Parker's view was that no amendments to the Advice Note were required as a result of the comments received. She concluded her report by advising that if approved the Advice Note would be published on the Council's website to guide prospective developers as to the Council's expectations and to explain how applications would be considered.

The Committee acknowledged the concise nature of the Advice Note and the benefit of the guidance to applicants and agreed to approve the Advice Note for use.

Resolved: To approve the Advice Note for publication on the Council's website and use as a material consideration in the determination of planning applications.

NOTE: Councillor D Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this item.

4 PLANNING APPLICATION 20/0219 - 124 NORBRECK ROAD

The Planning Committee considered application 20/0219 for use of bungalow as a residential care home for up to two persons aged 8-17 years old at 124 Norbreck Road.

Miss Susan Parker, Head of Development Management, provided an overview of the history of the application and reminded Members that the Committee had previously resolved to approve the proposal in September 2020, however no planning permission had yet been granted due to the requirement for a Section 106 legal agreement to be completed. Subsequent legal advice had concluded that Children's Residential Care Homes, such as that proposed at 124 Norbreck Road, and Semi-Independent Supported-Living facilities both classified as similar specialist use in planning terms, and should not be located within 400 metres of an existing such use.

Miss Parker explained that as the property was within 400 metres of an existing specialist care facility it had been deemed appropriate to refer the matter back before Members for reconsideration as a result of the legal advice received due to the material change in circumstances. She recommended the Committee now refuse the application as it was contrary to Policy BH24 of the Blackpool Local Plan 2001-2016.

Mr Daniel Lee, applicant, spoke in support and asked the Committee to take account of the lengthy application process that had begun in September 2019 during which time all requirements were followed and the application resubmitted as changes to policy became apparent. Members' attentions were drawn to a similar specialist use facility at 66A Norbreck Road, the existing provision of which had resulted in the Officer's recommendation to refuse this application. Mr Lee understood that 66A Norbreck Road had not followed a similar process of application for planning permission and considered that the Committee should grant the application for 124 Norbreck Road based on Mr Lee's adherence to the advice received.

In response, Miss Parker noted Mr Lee's co-operation and patience during what had been a lengthy and challenging process and confirmed that no planning application had been submitted for 66A Norbreck Road. She explained to the Committee that the property had

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been subject to an enforcement investigation which found that the use had existed for sufficient time for it to be lawful in planning terms and there was no obligation by the operators to submit a planning application.

Members acknowledged the disappointment caused to the applicant as a result of the updated understanding of the policy position set out in the Advice Note. The Committee discussed the impact on the effectiveness of the policy as so understood if approval were to be granted, and concerns were raised that a precedent would be set should the application be approved in contravention of that policy. Mr Ian Curtis, Legal Advisor, reminded Members that should the application be approved the Committee would need to provide justification in planning terms as to why a departure from that policy had been made.

The Committee concluded that on balance there were insufficient reasons to depart from the policy and agreed to refuse the application.

Resolved: To refuse planning application 20/0219 due to the property being 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.

NOTE: Councillor D Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this item.

5 MOTION MOVED, SECONDED, VOTED UPON AND LOST

During deliberation of the preceding Item, planning application 20/0219 124 Norbreck Road, the following motion was proposed, seconded, voted upon and lost:

“That the application be approved subject to the same conditions as agreed at the 1 September 2020 meeting. “

6 PLANNING APPLICATION 20/0267 - 77 LANCASTER ROAD

The Planning Committee considered planning application 20/0267 for use of premises as a residential care home for up to two young persons aged 11 - 17 with non-resident carers (Use Class C2) at 77 Lancaster Road.

Miss Susan Parker, Head of Development Management, provided an overview of the history of the application and reminded Members that the Committee had previously resolved to approve the proposal in September 2020, however no planning permission had yet been granted due to the requirement for a Section 106 legal agreement to be completed. Subsequent legal advice had concluded that Children’s Residential Care Homes and Semi-Independent Supported-Living facilities both classified as similar specialist use in planning terms, and should not be located within 400 metres of such an existing use.

Miss Parker explained that as the property was within 400 metres of an existing specialist care facility it was deemed appropriate to refer the matter back before Members for

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reconsideration as a result of the legal advice received due to the material change in circumstances. She recommended the Committee now refuse the application as it was contrary to Policy BH24 of the Blackpool Local Plan 2001-2016.

The Committee's attention was drawn to the objection received from the applicant's agent as circulated to Members on the update note. With regards to the request for deferral, Miss Parker reported that the applicant was notified on 22 December 2020 that the matter would be heard at the February meeting of the Planning Committee and Members agreed with her view that adequate time had been given to make representations.

Concerns were raised that young persons were already being accommodated in the property and the potential disruption that would be caused if they were asked to leave. In response, Miss Parker advised Members that should the application be refused, the applicant could appeal and any enforcement action would be held in abeyance until the appeal was heard. She added that the Inspector would be mindful of any vulnerable young persons residing at the property and any enforcement action would be managed to take into account the effect on their wellbeing.

The Committee considered the information provided and agreed to refuse the application.

Resolved: To refuse planning application 20/0267 at 77 Lancaster Road due to the property being 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.

NOTE: Councillor D Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this item.

7 PLANNING APPLICATION 20/0407 - 7 HOLMFIELD ROAD

The Committee considered planning application 20/0407 for use of premises as a Semi-Independent Supported-Living accommodation facility for four young persons aged 16- 17 with non-resident carers (retrospective application) at 7 Holmfield Road.

Miss Susan Parker, Head of Development Management, provided an overview of the application and explained that the property had been used as a Semi-Independent Supported-Living facility for the last three years, and that the application was to permit continued use of the premises.

Members were advised that the applicant had requested the item be deferred to a future meeting to allow additional information to be submitted for consideration by the Committee. The applicant had also requested that comments from the Council's Children's Services Team, which had been removed from the report as they contained confidential content, be included as it was felt they offered some support for the proposal.

Miss Parker stated that she therefore wished to change the Officer recommendation to

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one of deferral in order that the additional information could be published and properly considered, and Children's Services re-consulted in order that any decision made was robust and transparent.

The applicant, Mr Patrick Meehan, appeared before the Committee and confirmed his request for a deferral.

The Committee agree to defer the application to a future meeting to enable the additional information submitted to be circulated with the agenda report for a forthcoming meeting.

Resolved: To defer application 20/0407 for 7 Holmfield Road to a future meeting.

NOTE: Councillor D Coleman, having declared a prejudicial interest, left the meeting and took no part in the discussion on this item.

8 DATE OF NEXT MEETING

To note the date of the next meeting as 16 March 2021.

Chairman

(The meeting ended 6.57 pm)

Any queries regarding these minutes, please contact:
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