

Blackpool Council - Development Management

Officer Report to Committee

Application ref: 21/0530
Ward: NORBRECK
Application type: FULL
Location: 124 NORBRECK ROAD, BLACKPOOL, FY5 1RT
Proposal: Use of premises as a residential care home for up to two people over the age of 18

Recommendation: Refuse

Case officer: Pippa Greenway

Case officer contact: 01253 476222

Meeting date: 16 November 2021

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 conflicts with the second priority in that it would not increase resilience or improve the lives of vulnerable adults in Blackpool and the lack of need for the facility would bring out of town vulnerable adults into Blackpool and divert resources from local residents.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 There is already a sufficiency of care home use to satisfy the needs of vulnerable Blackpool residents. As such, the scheme would result in the import of vulnerable adults from outside the area and be an additional drain of scarce public resources to the detriment of Blackpool residents.
- 2.2 In terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the social component. No other material planning considerations have been identified that would outweigh this view.

3.0 INTRODUCTION

- 3.1 This application is before Members because it has been requested by the ward councillor, Councillor Maxine Callow, and due to the level of public objection.

4.0 SITE DESCRIPTION

- 4.1 The application site is a semi-detached bungalow, with a bedroom in the roofspace and a dormer window to the front. The main entrance to the property is on the side elevation and in addition to the first floor bedroom there are six rooms on the ground floor including a bathroom, kitchen and dining room, leaving three other rooms for living rooms or bedrooms. The front garden is paved with off-street parking for two or three vehicles and there is a reasonably spacious, enclosed rear garden, accessible from the side, or from the kitchen. Sharing the party wall is 122 Norbreck Road, which appears to be a mirror image of the property, with the addition of a conservatory to the rear along the shared boundary.
- 4.2 The area is predominantly residential in character, with a mixture of two storey houses and bungalows, although this particular section of the road is predominantly bungalows. There is a bus stop directly across Norbreck Road from the property. The property is close to the Promenade and Devonshire Road and within walking distance of local shops, schools and other facilities. The site does not have any formal allocation in the local plan and there are no other constraints that apply.

5.0 DETAILS OF PROPOSAL

- 5.1 The application involves the use of this vacant 2-3 bedroom dormer bungalow (Class C3 dwellinghouse) as a residential care home for adults (Class C2). The proposed home would accommodate two adults over the age of 18, with three teams of carers on site, working 08:00 to 23:00 and 23:00 to 08:00 in a shift pattern. In addition, there would be a manager and deputy manager working 08:00 to 16:00 who would also be on call out of hours.
- 5.2 The application is supported by a covering letter from Outbound Care, in which they state that they proving to be a thriving success in helping people across the country. Their mission is to provide a trusted home environment designed to develop and prepare adults for a successful transition into living independently. The goal is to provide well equipped and comfortable housing to adults who need support from a qualified, skilled and progress-oriented staff team dedicated to both social and professional progression of the adults in their care. The letter also contains a management plan.

6.0 RELEVANT PLANNING HISTORY

- 6.1 **20/0219** Use as residential care home for up to 2 persons aged 8-17 years old: Refused.
- 6.2 **19/0575** Use as residential care home for up to two young persons (CLOPUD): Withdrawn.

7.0 MAIN PLANNING ISSUES

- 7.1 The main planning issues are considered to be:
- the principle of the use and Policy BH24
 - impact on residential amenity and character of the area
 - visual impact
 - highway impact/parking provision/traffic generation

8.0 CONSULTATION RESPONSES

8.1 **Children, Adult and Family Services:** We have a framework of providers of regulated care for adults with additional needs which is sufficient to meet our needs. Outbound care is not on this framework. Outbound care is not, as far as I can see, registered as a provider of social care regulated services with Care Quality Commission, to provide care and support to adults of the intensity described, they would need to be. We do not have a need for the residential care alluded to here— our local market for residential care is very strong. We have a high density of residential homes many of which have vacancies. We also have spaces in homes which support adults with learning difficulties (LD) in small community supported living settings, but it can take time to match people, this does not mean there is insufficient supply.

8.2 **Head of Highways and Traffic Management Services:** I have no objection.

8.3 **Environmental Protection Manager (amenity):** As the property is semi-detached a noise assessment is requested to ensure that the residents of the care home do not have an impact on the adjoining property. If there is a likelihood of this being the case than noise mitigation measures will need to be implemented.

8.4 **Head of Strategic Asset and Estate:** no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

9.0 REPRESENTATIONS

9.1 Site notice published: 11/06/21

9.3 Neighbours notified: 10/06/21

9.4 Objections have been received from Paul Maynard MP and the ward councillors Councillor Maxine Callow and Councillor Julie Sloman.

9.5 Representations have also been received from the following properties:

Norbreck Road: 67, 73, 79, 81, 85, 91, 93, 114, 118, 120 (x 2), 122 (x 2), 126 (x 2), 128, 138 and 166.

9.6 These representations raise the following issues:

- Paul Maynard MP considers the new proposals are substantially unchanged from the previous proposals and the issue remains that there are several similar properties in close proximity and therefore the 4000m rule applies. The proliferation of care homes should be checked as there is sufficient capacity locally to accommodate the borough's needs. The applicants are therefore likely to use the premises to support remote placements, which should not be promoted in our communities. The grant of planning permission would potentially open the door to the applicant to apply for a variation with a risk of achieving the previous stated aim as a children's home and circumventing the planning process. The proposal should be rejected as contrary to policy, detrimental impact on the amenity of neighbours, not compatible with existing uses and does not satisfy local need.

- It is in very close proximity to neighbours who are predominantly elderly and / or disabled who are anxious about the prospect of vulnerable young adults living at the property who may have emotional or behavioural issues with little qualified supervision.
- The property to be rented from a private landlord which would not guarantee long term accommodation for the residents.
- There is the potential for antisocial behaviour and increase in crime.
- Noise and disturbance would be totally unacceptable.
- The property is poorly maintained.
- The property is around 200 meters away from another residential home offering supported independent living for adults.
- The application indicates there may be a need for 1-1 Care so they could be high risk individuals with challenging behaviours, a risk to themselves, staff or those in the neighbourhood.
- The property is totally unsuitable as a 'Care Home', it has only one toilet which is totally unsatisfactory when shared between 2 residents and possibly 3 members of staff on any one shift.
- 88-90 Norbreck Road is run by Abbeyfields and was granted planning permission as a home as far back as 1986. In my opinion and based on the similarities but some differences in children's care homes and semi-independent living for older children, the same applies to the similarities and some differences in care being offered between this proposal and the home at 88-90.
- Outbound Care have no experience in the care of people over 18, the current application seems to be a simple cut and paste of the previous application, but with less details.
- The application should be turned down because it is within 400 metres of a similar facility contained within the block of shops etc. further up Norbreck Road.
- The parking situation would make it more difficult as a disabled wheelchair user to get out of my drive safely.
- It is clear this is not meeting local needs but to attract outside placements.
- There would be more noise due to staff changeovers and such.

10.0 RELEVANT PLANNING POLICY

10.1 National Planning Policy Framework

10.1.1 The National Planning Policy Framework was adopted in February 2019 and updated in 2021. 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 11 - Making effective use of land

10.2 National Planning Practice Guidance

10.2.1 The National Planning Practice Guidance expands upon and offers clarity on the points of policy set out in the National Planning Policy Framework.

10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS12 Sustainable Neighbourhoods

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:

- BH3 Residential and Visitor 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:

- DM3: Supported Accommodation and Housing for Older People

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 impact on the ability of a Local Authority to meet its own needs within its own area is therefore a material consideration.

11.1.2 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.

11.1.3 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.

- 11.1.4 The applicant has not provided evidence setting out the need for the provision required. The Council has a framework of providers of regulated care for adults with additional needs which is sufficient to meet our needs and the applicant is not on the framework of preferred providers. The Children, Adult and Family Services department have confirmed that there is no local need for the type of residential care detailed in the application, the local market for residential care is very strong and there is a high density of residential homes many of which have vacancies. There are also spaces available in homes which support adults with learning difficulties (LD) in small community supported living settings. There is clearly not an identified need that is in accordance with the Local Plan. Blackpool experiences high levels of social deprivation and the placement of young, vulnerable adults from outside the borough would place further strains on social services ability to provide for the needs of the resident population. Permitting a facility in circumstances where need has not been demonstrated and where it is highly likely that placements would be made from outside the borough would be contrary to the Council's strategy with regard to residential institutions and this weighs significantly against the proposal.
- 11.1.5 The Children, Adult and Family Services have also pointed out that Outbound care is not registered as a provider of social care regulated services with Care Quality Commission, to provide care and support to adults of the intensity described, which they would need to be.
- 11.1.6 Another strand of policy BH24 requires that no more than 10% of properties in any one block will be permitted in C2 use. In this instance, although there are other Class C2 uses identified within the vicinity, particularly the Abbeyfield Home at 88/90 Norbreck Road, planning officers are not aware that there is any other Class C2 use within the same block between Guildford Avenue and Mossom Lane.
- 11.1.7 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. Objectors cite the Abbeyfield Home as being within 400m, however this is a home for older adults in the form of assisted living; people rent the flats and get background support, two meals a day, but not one to one personal care. There are a number of children's residential care homes and semi-independent supported living facilities for young people aged 16-17 in the area, one of which is within 400m, but these would fall within the remit of children's residential services and so are seen as a different specialist need than adults aged 18 and over. There is one flat on Norbreck Road which gives care to an 18 year old, however this is not identified as a Class C2 use; the person lives independently but with support being accessed periodically. As such, the site does not fall within 400m of an existing property meeting similar needs and so the locational requirements of Policy BH24 are met.
- 11.1.7 The proposal would result in the loss of a family dwelling. However, the Council can currently demonstrate a five year supply of housing land and the quantitative loss would be negligible. As such, this carries little weight in the planning balance.

11.2 Amenity

- 11.2.1 The application does not seek any alterations to the internal layout and no external works such as additional windows are proposed. Therefore there would not be any impact from overlooking.

11.2.2 Policy BH24 states that in the interests of those living in residential homes and of neighbouring residents, specialist uses require sensitive consideration. Such uses are more likely to normally require detached premises, or alternatively the part to be so used should not directly adjoin other dwellings. It is acknowledged that care homes can generate a significant number of additional visits from care, education and therapeutic professionals, however, 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 also semi-detached and shares a party wall with a single family residence. However, the property is also positioned on a relatively busy through road, which is a bus route. 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, the Environmental Protection Manager has requested a noise assessment to ensure that the residents of the care home do not have an impact on the adjoining property. If there is a likelihood of this being the case than noise mitigation measures will need to be implemented. The assessment and mitigation would be the subject of a condition, if committee consider supporting the proposal.

11.2.3 The applicant in their planning statement/management plan state that up to 3 staff members will be on shift at any time. Shift changeovers are 08:00 to 23:00 and 23:00 to 08:00, with a maximum of 2 staff on a sleep-in shift overnight from 23:00 to 08:00. Given the level of supervision proposed and the presence of staff on site 24/7 it is not considered that an increase in crime or anti-social behaviour is inevitable or a likely consequence of the proposed use. No unacceptable impacts on residential amenity are anticipated.

11.3 Visual Impact

11.3.1 The proposal seeks no exterior alterations to the property. The outward appearance of the property and its curtilage with car parking to the front and an enclosed garden to the rear will not change as a result of the proposal and it will not therefore impact visually on the residential character of the area remaining residential in appearance.

11.4 Access, highway safety and parking

11.4.1 The application property has an existing paved front garden and vehicle access providing 2-3 off street car parking spaces. There is also 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 Devonshire Road and there is a no 4 bus route on Norbreck Road itself. On this basis, the parking provision is considered to be acceptable.

11.4.2 There is no reason to suppose that the use would have an unacceptable impact on highway function or safety, or that the adults accommodated would be at undue risk arising from traffic or the characteristics of the local highway network.

11.5 Other Issues

11.5.1 There are no changes to biodiversity, environmental factors or drainage, therefore there are no adverse impacts on these factors.

11.5.2 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).

11.5.3 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 will create 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. There is already a sufficiency of care home use to satisfy the needs of vulnerable Blackpool residents. As such, the scheme would result in the import of vulnerable adults from outside the area and be an additional drain of scarce public resources to the detriment of Blackpool residents.

11.6.5 In terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the social component. No other material planning considerations have been identified that would outweigh this view.

12.0 FINANCIAL CONSIDERATIONS

13.0 CONCLUSION

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

14.0 RECOMMENDATION

14.1 Refuse for the following reasons:

1 The applicant has failed to demonstrate that the use would appropriately meet an identified local need. Without an adequate demonstration of need, the proposal is contrary to Policies CS12, BH3 and BH24 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Blackpool Local Plan 2001-2016.

2 ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK para 38):
The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.