

Blackburn with Darwen Children's Residential and Supported Accommodation- Planning Advice Note

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BLACKBURN
with
DARWEN
BOROUGH COUNCIL



Contents

Purpose of the advice note.....	3....
Aims and Objectives.....	3....
Children’s care in Blackburn With Darwen – a planning perspective.....	3...
Relevant planning policy, guidance and information.....	4...
Specific advice.....	7.....
Further information.....	11...

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Purpose of the advice note

This advice note is intended to inform and assist applicants seeking planning permission for the development of or change of use of an existing building to a children's residential and supported accommodation.

The advice note is intended to offer clarification and information and so will not be taken through a formal consultation process. Nevertheless, it will be a material planning consideration in the assessment of planning applications.

Aims and Objectives

The Council's **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 Blackburn with Darwen Borough Council, without causing undue harm to the character and amenities of local neighbourhoods.

In light of the specific issues in Blackburn with Darwen as set out above, the Council has identified the following principal **objectives**:

- 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 the local character and amenity;
- Safeguard the children in care and the interests of local communities by requiring premises to be operated in accordance with a robust Management Plan.

Children's care in Blackburn with Darwen – a planning perspective

Within the past 3 years, there has been an increasing number of Certificate of Lawfulness for the proposed use of dwelling houses as children's residential and supported accommodation -for children and young people being submitted to Blackburn With Darwen Borough Council. The availability of relatively large properties within the borough at reasonable prices are understood to be a key driver behind this trend.

As uses established through a Certificate of Lawfulness are not subject to Council controls in terms of occupancy, so these children's residential and supported accommodation could elect to accommodate children and young people placed by other authorities. This has two key implications:

- Vulnerable children with complex needs are brought into the borough placing additional strain on already pressurised local public services; and
- Blackburn With Darwen Borough Council needs to manage its local accommodation to meet the needs within the borough.

A Certificate of Lawfulness for a Proposed Use is granted when the Council judges that the proposed use is not materially different in planning terms from the existing lawful use of a building. Many factors must be taken into account when considering materiality.

Officers from the Council's Planning (Development Management) Service have worked closely with colleagues in Public Protection, Public Health and Children's Services to better understand the nature of children's residential and supported accommodation and the issues that exist within the sector.

As a result of these discussions, notwithstanding the fact that 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 residential or supported accommodation will generally be material for the following reasons:

- Change in the character of the use as a result of increased day-to-day activity;
- Change in the character of the use as a result of the necessary form of operation of the premises;
- Change in the character of the use as a result of typical physical alterations to the property;
- Impact of the proposal in terms of the loss of family dwellings;
- Impact of the proposal on local public service delivery;
- Impact of the proposal on the Council's ability to meet its own housing needs for looked-after children.

By requiring operators to apply for planning permission for the creation of children's residential and supported accommodation, the Council is able to ensure that such provision is established in appropriate properties in suitable locations. It also gives the Council the ability to ensure that children's home provision in the Blackburn With Darwen area gives priority to local children, enabling the Council to meet our own needs in our own borough.

Relevant planning policy, guidance and information

National Planning Policy Framework (NPPF) (published February 2019):

Paragraphs 59, 60 and 61 relate to the delivery of a sufficient supply of homes.

Paragraph 59 makes it clear that in order to support the Government's objective of significantly boosting the supply of homes.....the needs of groups with specific housing requirements are addressed.

Paragraph 60 explains how housing need in an area should be assessed and

understood, and paragraph 61 advocates planning policies that reflect the needs of particular groups in the community.

Blackburn With Darwen Borough Council Core Strategy Part 1 (adopted January 2011)

This document sets out the spatial strategy for Blackburn With Darwen setting out the priorities for the future planning and development of the borough, in terms of how much and what types of development there should be, where it should be focused, when it is likely to take place, and how it will be delivered. A number of strategic objectives are identified, and notwithstanding the fact there are no specific policies relating to children's residential and supported accommodation provision in the Strategy, the vision for Blackburn With Darwen includes the aim to promote the development of mixed communities, together with increasing the levels of demand both for existing housing stock and for new development in inner urban areas.

With this vision in mind, the Core Strategy sets out a number of objectives, including the need to create sustainable neighbourhoods, increasing the local environmental quality, whilst at the same time increasing the number of houses with access to local jobs and services. Policy CS9 "Existing Housing Stock" is fundamental towards this objective, aiming to support strong communities by ensuring the overall stock of existing and new housing will provide a balanced quantity and mix to meet the needs of existing resident, and attract new residents to the borough.

Retention and repair of traditional housing will form part of the approach to transforming neighbourhoods, whilst focusing regeneration and improvement in a number of neighbourhoods. Policy CS20 "Cleaner, Safer, Greener", is also relevant in general terms, as it focusses on a better quality of life for existing and future residents by prioritising community cohesion, improving the economic performance of neighbourhoods, supporting a more cleaner, healthy and safer environment, which will improve the quality of life for all the local communities.

Blackburn With Darwen Borough Local Plan Part 2 "Site Allocations and Development Management Policies" (adopted December 2015)

Policy 47 relates managing development in line with the following objectives:

- To ensure that planning decisions as far as possible support the commissioning strategy for facilities and services;
- To assist in managing demand for support services so as to ensure that appropriate levels of service to existing users within Blackburn With Darwen can be maintained; and
- To assist in improving Blackburn With Darwen's overall offer, and perceptions of its offer, by reducing levels crime, anti-social behaviour and the perceived threat of these.

Policy 47. The Effect of Development on Public Services

1. Development will be granted planning permission provided that infrastructure, facilities and services exist, or can be provided via the development, which will allow the development to proceed without an unacceptable adverse impact on existing provision.
2. Development likely to cater or provide accommodation for users of publicly-provided support services, including but not limited to mental health services, substance misuse treatment and adult social care, will only be permitted where it is clearly demonstrated that:
 - i) a need for the development exists arising from the requirements of people already ordinarily resident in Blackburn with Darwen or of Blackburn with Darwen service users currently receiving service outside the authority area;
 - ii) where the development consists of a facility directly providing a support service, the nature and scale of the facility is in line with the Council's commissioning strategies, such that resources are likely to be available to refer individuals to the facility and it can be reasonably expected that people already ordinarily resident in Blackburn with Darwen, or Blackburn with Darwen service users currently receiving service outside the authority area will be the principal users of the facility; and
 - iii) the development will not lead to an increase in the level of demand for any publicly-provided support service, to an extent that is likely to result in a deterioration of the level of service available to existing users.

The Council and its partners are keen to focus on meeting local needs in the first instance, and to ensure that the proportion of their overall resources that need to be directed towards providing support service is kept under control.

Supplementary Planning Guidance Note – Residential Institutions

Further guidance on planning policies and proposals that expand upon or provide further detail to higher-level policy documents such as the core strategy and the saved local plan. The development of specialist need children's residential and supported accommodation including children's will be in appropriate premises and locations subject to:

- The proposal should be located within a Primary Residential Area or other appropriate locality offering an acceptable level of residential amenity;
- The design of any building, extension or alterations will be expected to be in character with and complement existing neighbouring development and/or the existing building;
- The property should be large enough to provide the facilities required by

the registration authorities (cooking facilities, bathrooms, dining and communal facilities) without the need for any substantial extensions which would have a detrimental effect on the area, the amenity or neighbouring properties or the character of the property or locality;

- The conversion of a terraced house or one of a pair of semi-detached houses or a detached property closely abutting or linked to its neighbours will be considered unsuitable;
- The premises should be located near to , or enjoy safe and convenient access to facilities such as shops and public transport; There should be adequate, convenient and accessible parking space within the curtilage to comply with the Council's adopted parking standards without adverse effect on neighbouring properties or the character of the locality;
- The property must have open garden areas (or areas capable of conversion to garden or open space use) which are suitable and sufficiently attractive for use by residents.

Local Plan Review

Blackburn With Darwen Borough Council is reviewing their current adopted local plans, specifically, the Core Strategy (adopted 2011) and the Site Allocations and Development Management policies (adopted 2015). The Local Plan review will lead to a new local plan to replace the existing adopted plans, and will cover the period 2018 to 2037.

A draft Local Plan is scheduled to be consulted on under Regulation 18 in January 2021 with further subsequent consultation on the plan at Publication stage (Regulation 19) with a view to submitting the plan for examination in January 2022.

Specific Advice

What kind of property should I look for?

In general, the following types of property are considered to be appropriate as follows:

- Terraced properties – are generally only suitable for accommodating one child;
- Semi-detached properties – are typically only suitable for accommodating up to two children;
- Detached properties – can be used to accommodate one or two children but become necessary for proposals seeking to accommodate three children or more, subject to the material planning considerations.

What about car parking?

It is recognised that children's residential and supported accommodation require more car parking than dwelling houses of a comparable size. This is because of the number of staff members who are likely to be working at the property at any one time, but also because of the potential for visits from other professional support workers.

On this basis, proposals for children's residential and supported accommodation will only be supported where adequate car parking provision is available to meet the needs of the use. On-street parking provision will be taken into consideration where it is available and not subject to excessive pressure.

When considering parking availability, due regard will be given to the care ratio, the needs of the children accommodated, the operational model of the home, the nature of the surrounding area and the presence of any parking restrictions on-street. In essence, each proposal will be considered on its own particular merits.

How do I demonstrate a local need?

The Council's Children's Services Team is consulted on all planning applications for children's residential and supported accommodation. The team monitors demand and provision on a regular basis and so is able to advise on levels of local need. Before applying for planning permission for a children's residential and supported accommodation, applicants are strongly advised to consult the Council's Children's Commissioning Team: commissioning.team@blackburn.gov.uk for further information with regard to need.

What do I need to include in my Management Plan?

A Management Plan must be submitted with all applications for planning permission for a children's residential and supported accommodation use.

The following questions can be used as a guide to help prepare your management plan:

- How many children would be accommodated?
- What is the ratio of staff to children that is required, i.e. delivery model?
- What is the likely level of need of the children accommodated, i.e. is there a focus on complex needs?
- What is the likely shift pattern of staff, i.e. how many staff (management and care staff) would likely be at the premises at any one time and when would shift changes occur?
- What support officers would be likely to visit the property?

- How would visits be scheduled and would staff/support-worker meetings take place at the property?
- If residents are unable to participate in full-time, mainstream education, what educational support would be offered on-site?
- Would therapeutic care be offered on site?
- Would case reviews take place on or off-site?
- Are friends and relatives of residents able to visit at any one time?
- Will the property be OFSTED registered?
- Will the property be CQC registered?
- Will the property be registered on the relevant Council's Commissioning Framework?
- Are children ever left alone at the property?
- Under what circumstances are children allowed to leave the property?
- Would staff members be informed/aware if a child left the property?
- Is there a curfew?
- What would happen in the event of a breach of the curfew?
- What security provisions are proposed e.g. security and access controls on doors?
- Would CCTV be installed?
- How would local residents know how to raise a concern in the event of an issue?
- How will the service work with other professional and voluntary services in Blackburn With Darwen?

What other changes might I be expected to make to a property?

It is recognised that many children who require accommodation in a children's residential and supported accommodation may have suffered trauma or neglect of some kind. This can result in behavioural problems. Whilst such children undoubtedly deserve to live in a pleasant, caring and supporting residential environment, it is also important that the amenities of neighbours are appropriately protected. As such, the following measures may be required:

- Installation of sound-proofing to protect party walls;
- Prevent children from having access to balconies and any flat-roof areas;
- Provision of appropriate boundary treatments to garden areas;
- Installation of CCTV

How will Blackburn With Darwen Borough Council ensure that new children's residential and supported accommodation provision will meet local need?

A crucial aspect of the Council's Blackburn With Darwen Children's Sufficiency Statement strategy is the need to ensure that local children can be accommodated in the local area. This is important to enable them to maintain links with family and

friends, retain medical and other support services referrals as necessary, and to continue attending school wherever possible.

In order to ensure that new provision is available to meet the needs of local children, the Council will expect all applicants to enter into a Section 106 Legal Agreement before planning permission is granted.

What is a Section 106 Legal Agreement?

A legal agreement under the 1990 Town and Country Planning Act is between the applicant and the Council, however it also relates to the property in question i.e. it is the same as when planning permission is granted which relates to the land or property rather than a person. This means that any successors in title would be equally bound by the requirements of the agreement. The agreement would specify that the property in question can only be occupied on a residential basis by children either placed by Blackburn With Darwen Borough Council or with the written agreement of Blackburn With Darwen Children's Services Department.

The rationale behind this is to ensure that sufficient provision exists locally to meet the Council's needs, but also to provide enough flexibility for applicants to operate on a viable basis.

In considering placements from outside of the Blackburn With Darwen borough, the Council's Children's Services team will be mindful of the particular needs of the child and the nature of the service offered at the property in question. At all times the Council's decision making will be driven by the best interests of the child.

Blackburn With Darwen must be notified by the placing authority of any children placed in children's homes

The Council would be unlikely to support the placement of a child from a remote authority unless exceptional circumstances can be demonstrated. For example, a placement may be accepted where the child needs to be removed from their local area for their own safeguarding and they have relatives in Blackburn With Darwen.

What will happen when the local need is met?

It is acknowledged that the local need for children's residential and supported accommodation within the borough is dynamic, and will change over time. However, the local planning authority will be guided by colleagues in Children's Services who will monitor the level of provision locally against the level of need that is emerging. If the Council reaches a point where the new provision does not meet the strategic needs of the authority, applications for planning permission are likely to be refused in accordance with the relevant local planning policy. As such, applicants are strongly recommended to contact the Council for pre-application advice prior to submitting a formal planning application.

Further Information

Pre-Application Advisory Service

The Council offers a formal pre-application advisory service. Applicant's wishing to open a new children's residential and supported accommodation are strongly advised to take advantage of this service to establish the likelihood of obtaining planning permission for their proposal and to understand any specific requirements that may be necessary.

Details of this service can be found on this link:

<https://www.blackburn.gov.uk/planning/planning-permission-applications/planning-permission-application-advice/pre-application>

Public Consultation

As this document is not a supplementary planning document, and only an advice note, to provide clarification and information on the Council's approach to dealing with applications for children's residential and supported accommodation, no public consultation has been undertaken on its content.

Sustainability Appraisal

The adopted Core Strategy and Local Plan Part 2, have been subject to a sustainability appraisal. In addition, the emerging new local plan, will be subject to a sustainability appraisal prior to adoption. As such, no separate sustainability appraisal has been carried out for this advice note.

Habitat Regulations Assessment

Given the purpose, content and scope of this advice note, it is not considered to trigger a requirement for a Habitats Regulation Assessment (HRA).

Useful contacts

Planning Service (Development Management) – planning@blackburn.gov.uk
Children's Services - Commissioning.team@blackburn.gov.uk