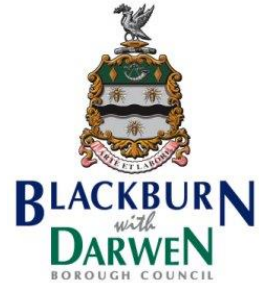


# Blackburn with Darwen Residential and Supported Accommodation- Planning Advice Note

January 2021



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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 residential and supported accommodation ie. any accommodation where care and/or support will be provided, including homeless provision.

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 vulnerable people requiring care and support within 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 residential and supported homes are established in appropriate premises and in suitable locations;
- Establish a priority 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 individual receiving care and support and the interests of local communities by requiring premises to be operated in accordance with a robust Management Plan.

## Adults Social 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 residential and supported accommodation for vulnerable people being submitted to Blackburn with Darwen Borough Council. The availability of relatively large properties within the borough at reasonable prices is 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, care providers for residential and supported accommodation could elect to accommodate adults placed by other authorities. This has two key implications:

- Vulnerable people with complex needs are brought into the borough placing additional strain on already pressurised local public services; and
- The ability of Blackburn with Darwen Borough Council to manage its local accommodation to meet the needs within the borough and ensure quality provision, can be adversely affected.

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 Adults Social Care Services to better understand the nature of 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 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;
- Change in the use of the property to commercial use;
- 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 effectively meet the need/demand across the borough.

By requiring operators to apply for planning permission for the creation of 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 provision in the Blackburn with Darwen area gives priority to local residents, enabling the Council to meet its own needs.

## 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 in the Market Position Statement for Adult Commissioning. The statement specifies the councils commissioning intentions for the next few years.

In the Core 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 directed towards providing support services are 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 residential and supported accommodation for vulnerable people 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 accessible, suitable and sufficiently attractive for use by residents.
- The use of the property shall ensure sufficient privacy and allow 'quiet enjoyment' for both the proposed tenants and their neighbours.

## 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 till 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

### Where can I locate vulnerable peoples' residential and supported accommodation?

Sites should have regard to the effect on neighbours and the availability of local amenities. Detached properties are more suitable in a more secluded situation. The site will need suitable vehicle access and enable emergency vehicles, ie ambulances and fire engines easy access.

## What about car parking?

It is recognised that 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 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 service users 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 Adult Social Care Services Team is consulted on all planning applications for 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 residential and supported accommodation, including homeless provision, applicants are strongly advised to consult the Council's Commissioning Team: [contractsandquality@blackburn.gov.uk](mailto:contractsandquality@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 residential and supported accommodation use.

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

- How many people would be accommodated?
- What are the needs of the individuals who it is proposed to live their – e.g. requirement for quiet accommodation, space, accessibility, complex and or risky behaviours
- What is the ratio of staff to service users that is required, i.e. delivery model?
- What is the likely level of need of the people 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?

- 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 CQC registered?
- Will the property be registered on the relevant Council's Commissioning Framework?
- Under what circumstances are people allowed to leave the property?
- Would staff members be informed/aware if a service user left the property?
- Is there a 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 BwD?

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

It is recognised that many vulnerable people who require accommodation in residential and supported accommodation may have challenging needs and behaviours, and it is important that any risks are effectively managed. It is also important that the amenities of neighbours are appropriately protected, the following measures may be required:

- Installation of sound-proofing to protect party walls;
- Provision of appropriate boundary treatments to garden areas;
- Installation of CCTV

## **How will Blackburn With Darwen Borough Council ensure that new residential and supported accommodation provision will meet local need?**

A crucial aspect of the Council's strategy is the need to ensure that local people 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. The decision regarding whether the provision meets need in BwD should be agreed by the Adult Services Commissioning Team.

In order to ensure that new provision is available to meet the needs of local people, 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 people either placed by Blackburn With Darwen Borough Council or with the written agreement of Blackburn With Darwen Adult Social 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.

## What will happen when the local need is met?

It is acknowledged that the local need for vulnerable peoples' 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 Adult Social 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 or there is an overprovision, 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 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 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](mailto:planning@blackburn.gov.uk)

Commissioning Team - [contractsandquality@blackburn.gov.uk](mailto:contractsandquality@blackburn.gov.uk)

Housing Needs Team – [housingneeds@blackburn.gov.uk](mailto:housingneeds@blackburn.gov.uk)