

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

INTERIM PLANNING POLICY FOR RESIDENTIAL CARE HOMES/INSTITUTIONS

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 The provision of residential care homes/institutions is a key planning issue for North Lincolnshire.
- 1.2 The Interim Planning Policy for Residential Care Homes/Institutions has been drawn up to provide clear guidance for officers, elected Members and applicants with regard to the provision of residential care homes/institutions.
- 1.3 To adopt Interim Planning Policy for Residential Care Homes/Institutions for development management purposes.

2. BACKGROUND INFORMATION

- 2.1 The provision of residential care homes/institutions is a key planning issue. Officers have therefore prepared an Interim Planning Policy to provide clear guidance for officers, elected members and applicants on the provision of residential care homes/institutions (see attached).
- 2.2 This policy includes definitions of what constitutes a Residential Care Home/Institution. They cover a range of uses. These include; nursing and convalescent homes; children's homes; community care and care homes for the elderly; centres for those with severe disabilities; and residential schools.
- 2.3 The document clearly sets out the planning policies and other criteria that will need consideration by officers, and applicants when dealing with proposals for residential care homes/institutions. It identifies the relevant national planning policy set out in the National Planning Policy Framework (NPPF), as well as the local planning policies derived from the Core Strategy DPD (June 2011) and the saved policies of the North Lincolnshire Local Plan (May 2003).

3. OPTIONS FOR CONSIDERATION

- 3.1 There are two options for consideration
 - 3.1.1 **Option 1** – Adopt the Interim Planning Policy for Residential Care Homes/Institutions.
 - 3.1.2 **Option 2** – Do not adopt the Interim Planning Policy for Residential Care Homes/Institutions.

4. ANALYSIS OF OPTIONS

- 4.1 **Option 1** will allow the council to operate a concise, clear policy towards the provision of residential care homes/institutions. This will be beneficial for officers, elected Members and potential applicants in considering future planning applications and putting together proposals. **Option 2** would not achieve these benefits.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 There are no resource implications requiring consideration by the Committee.

6. OUTCOME OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 An integrated impact assessment was completed. It raised no significant issues of concern.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED

- 7.1 Consultation has taken place with relevant officers within the council. Any comments received were taken into account in preparing the policy.

8. RECOMMENDATIONS

- 8.1 That the Planning Committee approves the Interim Policy Statement for Residential Care Homes/Institutions as attached.

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Background papers used in the preparation of this report

National Planning Policy Framework (DCLG, March 2012)
North Lincolnshire Local Development Framework – Core Strategy DPD (June, 2011)
North Lincolnshire Local Plan – Saved Policies (May 2003)

APPENDIX 1

INTERIM PLANNING POLICY FOR RESIDENTIAL CARE HOMES/INSTITUTIONS

1 INTRODUCTION

- 1.1 This document has been prepared to clearly set out the planning policies that will need to be considered when assessing proposals for residential care homes/institutions in North Lincolnshire. It identifies the relevant national planning policy set out in the National Planning Policy Framework (NPPF), as well as the local planning policies derived from the Core Strategy DPD (June 2011) and the saved policies of the North Lincolnshire Local Plan (May 2003). An interim policy has also been prepared drawing together key criteria that officers and applicants should consider.
- 1.2 Residential care homes/institutions take a number of different forms. They are, depending on circumstances, likely to fall into one of two use classes as set out in the Town & Country Planning (Use Classes) Order 1987 (as amended) – C2: Residential Institutions or C3: Dwelling Houses. Hostel accommodation is considered to be “sui generis” under the Order.
- 1.3 Residential Institutions are defined in Use Class C2 of the Order. This definition covers residential institutions and other non-custodial institutions where a significant element of care is provided for the residents. This can cover a range of uses such as nursing and convalescent homes; children’s homes; community care and care homes for the elderly; centres for those with severe disabilities; and residential schools.
- 1.4 In relation to Use Class C3b Dwelling Houses, this is defined as up to six people living together as a single household and receiving care. For example, this could include supported housing schemes such as those for people with learning disabilities or mental health problems.
- 1.5 However, if this is not the case, i.e. over 6 residents or a substantial level of care being provided by non-resident carers, it may be considered to fall outside use class C3b. This would also be the case if the residential care home was run on shift patterns involving substantial turnover of staff that materially changed the character of the use of the dwelling and its surrounds.
- 1.6 Based on this, the policy set out below can only be applied to those proposals that fall under Use Class C2, whether it is a new development or a change of use.
- 1.7 Residential care and nursing homes are provided by a range of providers including local authorities, the private sector, charities and voluntary bodies. The current trend is to ensure that older people remain in their homes and communities. Residential care is viewed as being the last resort. There are currently 65 residential care homes in North Lincolnshire. Of these 17 provide residential and nursing care, whilst 48 provide residential care. The number of beds provided range from 4 to 84.
- 1.8 The council’s Adult Service has published a Market Position Statement. Its purpose is to set out North Lincolnshire Council’s indicative commissioning activity planned for 2013/14 to enable current and future providers to understand and identify potential opportunities. Providers are encouraged to use this intelligence to develop new and innovative services and solutions, ultimately contributing to the development of a diverse market and improved outcomes for local people. It contains a range of information on policy drivers, intelligence on the existing provision and supply, future needs projections, commissioning/procurement and developing the market for adult social care.
- 1.9 North Lincolnshire Council provides residential children’s homes in order to give a positive option for young people who require an alternative to foster care or who find a family setting challenging and choose residential care as their favoured alternative. Care within a children’s home is for planned periods of time. In some cases, young people may stay in the home until they move into independence. The council does not advertise the location of these homes to protect the young people who live there.
- 1.10 The council’s approach to looked after children is set out in the North Lincolnshire Children in Care and Care Leavers Strategy (2012 to 2015). It sets out the principles and values that govern the council’s approach to these children and young people, including the Corporate Parenting approach, and gives details of how the council intends to develop the service.
- 1.11 The Placement Sufficiency Strategy forms part of the Children in Care and Care Leaver Strategy. This sets out how the council’s Children’s Service will fulfil their sufficiency duty under the Children Act 1989 towards children in care. The overall aim is to ensure that all children who require accommodation are provided with a permanent

placement within the quickest timescales to maximise stability and success. The council aims to increase in-house fostering, supported lodgings and adoption. This is part of a wider aim to prevent the need for children to be accommodated within a children's home. As part of this the number of homes has already been reduced. Given this direction of travel it is unlikely that further children's home will be required.

2 PLANNING POLICY

National Planning Policy

- 2.1 The National Planning Policy Framework (NPPF) set out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in formulating local planning policies and taking decisions on planning applications. It does not provide any detailed planning policy in relation to residential care homes/institutions. Nonetheless it is relevant.
- 2.2 The NPPF views the planning system's purpose as contributing to achieving sustainable development. It notes that there are three dimensions to sustainable development – economic, social and environmental – and that planning performs a role in addressing all three.
- 2.3 The NPPF established the presumption in favour of sustainable development. This is viewed as a “golden thread” running through the plan making and decision taking.
- 2.4 Paragraphs 7 and 50 seek to ensure sustainable, inclusive and mixed communities are created and a mix of housing is provided to meet the needs of different groups in the community. The NPPF sections on design (paragraphs 56 to 68), promoting healthy communities (paragraph 69), meeting the challenge of climate change, flooding and coastal change (paragraphs 100 to 104), and conserving the natural environment (paragraphs 120 to 123) as also relevant. It should also be noted that paragraph 162 requires, as part of the plan making process, planning authorities to work with other authorities and providers to assess the quality and capacity of infrastructure and its ability to meet forecast demands. This includes social care infrastructure.
- 2.5 At the national level, the policy and regulatory framework for residential care and nursing homes is the responsibility of the Department of Health and the Care Quality Commission (CQC). The CQC is the independent regulator for health and social care in England. They are responsible for the making sure that health and social care services provide people with safe, effective, compassionate, high-quality care and encourage care services to improve. They monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and publish their findings, including performance ratings to help people choose care. Details of the National Standards for residential care homes can be found on the CQC website - www.cqc.org.uk/content/care-homes.
- 2.6 Responsibility for the policy and regulatory framework for the operation and management of residential children's homes lies with the Department for Education. This has its legislative basis in the Children Act 1989 and the Children's Homes Regulations 2001 (as amended). The Children's Homes: National Minimum Standards (NMS) is also important. The NMS provides a brief overview of the wider context for the standards, and acknowledges that other legislation and guidance may be relevant, including planning requirements.
- 2.7 The NMS standards seek to ensure that children live in well designed, safe and pleasant homes with adequate space in a suitable location where there is access to the necessary facilities for a range of activities which will promote their development.
- 2.8 Recent changes to legislation introduced a requirement for managers of existing children's homes and prospective providers to undertake a location assessment in order to ensure that premises used for the purposes of a children's home are appropriately and suitably located so that children cared for by the home are effectively safeguarded and able to access services to meet the needs identified in their care or placement plans. Non-statutory advice is issued to assist with this process. It should be noted that this process is separate from the land use planning system.

Local Planning Policy

- 2.9 Local planning policy in North Lincolnshire consists of the policies and proposals of the Core Strategy Development Plan Document and the saved policies of the North Lincolnshire Local Plan.
- 2.10 The Core Strategy DPD, which was adopted in June 2011, sets out the long term vision for North Lincolnshire and provides a blueprint for managing growth and development in the area up to 2026. It does not contain any specific policies relating to residential care homes/institutions, but there are several more broad-brush policies that would be applied to any proposals for these facilities.
- 2.11 **Policy CS1** sets out the overall development strategy for North Lincolnshire and broadly identifies the key locations for future growth and development. This is further amplified in **policy CS2**, which seeks to ensure that development takes place in sustainable locations. It adopts a sequential approach to the location of development by encouraging development on existing sites within settlements and taking account of flood risk. Furthermore it sets out series of

sustainable development principles against which proposals can be judged. These relate to accessibility, reducing the need to travel, creating locally distinctive communities, economic growth, access to services and facilities, and service provision. **Policy CS5** seeks to raise the quality of design in North Lincolnshire and ensure that it contributes to creating a sense of place. It sets out the key design principles for all new development in the area. Its aim is to ensure that development supports the creation of a high quality, attractive built environment.

- 2.12 **Policy CS19** relates to flood risk. It seeks to ensure that no development takes place in areas at risk of flooding and which would not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. It is noted that the Planning Practice Guidance for flood risk highlights that residential care homes/institutions are classed as being a more vulnerable use.
- 2.13 **Policy CS22** supports the provision, improvement and retention of community facilities and services in North Lincolnshire to ensure a good quality of life for local residents. The policy identifies where community facilities and services could be provided.
- 2.14 The North Lincolnshire Local Plan was adopted in May 2003 and established a detail planning policy framework to assessing proposals for development. It is, over time, being replaced by new policies set out in the various documents that make up the North Lincolnshire Local Development Framework. The majority of the Local Plan's policies have been "saved" and still used to make planning decisions. In respect of residential care homes/institutions the most relevant policies are set out below.
- 2.15 **Policies H5** and **H8** apply primarily to new housing developments, but contain a number of principles regarding location and design of development. It is considered that these principles can be applied to proposals for residential care homes/institutions.
- 2.16 **Policy H16** sets out the circumstances under which the development of new and converted properties for residential, nursing and rest homes and similar establishments would be permitted. These relate to the location (should be within Scunthorpe, Barton or Brigg, or a medium growth settlement), development has no adverse effects on amenity of neighbours and character of the area, adequate parking should be provided (no on-street), private amenity space, location of fire escapes, and appropriate refuse facilities.
- 2.17 **Policy C3** requires the provision of appropriate access for all people, in particular those with disabilities and restricted mobility to be included in proposals for new facilities, establishments and buildings, that the public are likely to use or access.
- 2.18 **Policy T1** seeks to ensure that developments which generate significant volumes of traffic are located within the Scunthorpe urban area or the key settlements of Barton upon Humber and Brigg, or where there is good access to the transport network including where there is good foot, cycle and public transport provision, or where there are opportunities for this to be provided. **Policy T2** requires development to be provided with a suitable access. **Policy T19** relates to car parking provision and standards. It sets out the circumstances under which parking provision will be made in new developments. The council's highway service should be contacted regarding access arrangements, parking standards and servicing layouts for residential care homes/institutions.
- 2.19 **Policy DS1** is applied to all proposals for development in North Lincolnshire. It expects a high standard of design in all new developments irrespective of location. It establishes a series of criteria for assessing proposals. These criteria relate to the quality of design, amenity, conservation, resources and provision of utilities/services. **Policy DS16** relates to flood risk. It seeks to ensure that development does not increase the number of people or buildings at risk, impede water flow of flood water, impede access for maintenance of water courses, reduce storage capacity or undermine integrity of defences.

3 POLICY – RESIDENTIAL CARE HOMES/INSTITUTIONS

- 3.1 Proposals for the change of use of existing properties to residential care homes/institutions, or for the construction of new buildings, will have to take account of the possible impact that they may have upon adjoining residents. The council will not normally permit large scale extensions to existing houses to create such homes where this would result in an intensification of use, a change of character, and loss of amenities for adjoining residents. Wherever possible, residential care homes/institutions should be located close to schools, leisure/community facilities and other local services such as shops, healthcare and public transport, all of which are needed to meet the day-to-day needs of residents and staff. The council's Adult and Children's Services will need to be consulted about all proposals for residential care homes/institutions to ensure that they conform to the necessary standards for licensing.
- 3.2 Those seeking to establish residential care homes/institutions should hold early discussions with the council in order outline their proposals and obtain relevant advice. Discussions should be held with planning (development

management), highways (parking, access and servicing layout), Adult & Children's Services, Building Control (building regulations, fire escapes/fire hazards) and Environmental Health (noise, land contamination, odour).

- 3.3 Based on the above, it is suggested that the following policy could be adopted to assess proposals requiring planning permission for residential care homes in North Lincolnshire.

Policy - Residential Care Homes/Institutions

Proposals for the conversion of properties to residential care homes/institutions or the erection of new ones will not be permitted unless they comply with all the following criteria:

- a) they are situated in sustainable locations with good access to local schools, leisure/community facilities and other local services such as shops, healthcare and public transport *(to meet the requirements of policies CS1, CS2, CS22, H16 & T1);*
- b) they are located in areas at lower risk of flooding *(to meet the requirements of policies CS2, CS19 & DS16)*
- c) consideration has been given to compatibility with surrounding land uses. Proposals should not have a detrimental effect on the character of surrounding residential areas or result in a concentration of similar developments in close proximity to one another. All developments should be integrated into the surrounding residential community *(to meet the requirements of policy DS1).*
- d) consideration has been given to the impact of the development on the street scene and the public realm. Design should respect the character of the surrounding area *(to meet the requirements of policies CS2, CS5, H5 & H8)*
- e) properties are capable of being converted to providing suitable accommodation without significant alteration *(to meet the requirements of policy H16);*
- f) appropriate access provision is made to meet the needs of all people, in particular those with disabilities and restricted mobility *(to meet the requirements of policy C3);*
- g) they do not require large scale extensions or alterations which would alter the character of the property *(to meet the requirements of policy H16);*
- h) a satisfactory access, parking and servicing layout can be achieved. For larger developments or those which are likely to generate significant traffic movement a Travel Plan should be provided *(to meet the requirements of policies H16, T2 & T19);*
- i) there is retention of sufficient open and defensible amenity space around the property for use by residents, staff and visitors *(to meet the requirements of policy H16);*
- j) fire escape provision that meets the relevant standards is provided which should be located away from the frontage of the development and/or where they are unobtrusive to the street scene. Discussion should take place at early stages with Building Control regarding fire safety *(to meet the requirements of policy H16);*
- k) there will be no adverse impact on neighbouring residential properties particularly as a result of increased noise, odour from kitchens or disturbance and the development would not create or give rise to a significant material adverse impact on public safety *(to meet the requirements of policies CS5, H16 & DS1);*

The council's Adult and Children's Services should be consulted on all proposals for new residential care homes/institutions in North Lincolnshire to ensure that they meet the required standards for licensing. Proposals should also comply with relevant legislation and regulations issued by the Government Departments and their associated regulatory bodies.