

PLANNING STATEMENT

Lawful Development Certificate for
Propose Use as Supported Living
Accommodation for a maximum of 6
Adults with Learning Difficulties and
two non-resident carers {Class C3(b)}
at 131 Tweeddale Street, Rochdale
OL11 3TZ.

MPD Built
Environment
Consultants Ltd

Introduction

This Planning Statement has been prepared in support of the accompanying application for a Certificate of Lawfulness for Willow Tree Support Limited to use of 131 Tweedale Street, Rochdale as a dwelling-house to house a maximum of six adults with learning difficulties with a maximum of two non-resident carers present at any time (Class C3(b)).

A learning disability affects the way a person learns new things throughout their lifetime. It can impact people's ability to learn new skills, understand and process information and communicate with others. However, people with a learning disability can still be capable of working and living independently, depending on which type of learning disability they have.

A learning disability affects the way a person understands information and how they communicate. This means they can have difficulty:

- understanding new or complex information
- learning new skills
- coping independently

Around 1.5 million people in the UK have a learning disability. Around 1.13 million of those are adults with a learning disability, which is approximately 2.16% of the total UK population. It's thought up to 350,000 people have a severe learning disability and this figure is increasing.

There are different levels of learning disability these can be mild, moderate or severe. Some people with a mild learning disability can talk easily and look after themselves but may need a bit longer than usual to learn new skills. Other people may not be able to communicate at all and have other disabilities as well.

Some adults with a learning disability can live independently, while others need a little more help with everyday tasks, such as washing and dressing, for their whole lives. It depends on the person's abilities and the level of care and support they receive.

The right support from professionals – such as GPs, speech and language therapists, physiotherapists, educational and clinical psychologists and social care – helps people with a learning disability live as full and independent a life as possible.

Signs of learning disabilities in adults

- Difficulties in understanding information
- Problems with maths, reading or writing
- Learning new skills at a slower pace
- Problems with memory
- Problems with communication, such as speaking slowly or having a small vocabulary
- Difficulties in understanding and following conversation
- Problems with coordination
- Finding it difficult to understand concepts such as time and direction

A learning disability happens when a person's brain development is affected, either before they're born, during their birth or in early childhood.

This can be caused by things such as:

- the mother becoming ill in pregnancy
- problems during the birth that stop enough oxygen getting to the brain
- the unborn baby inheriting certain genes from its parents that make having a learning disability more likely – known as inherited learning disability
- illness, such as meningitis, or injury in early childhood

Sometimes there's no known cause for a learning disability.

Some conditions are associated with having a learning disability because people with these conditions are more likely to have one.

For example, everyone with Down's syndrome has some kind of learning disability, and so do many people with cerebral palsy.

People with autism may also have learning disabilities, and around 30% of people with epilepsy have a learning disability.

With support, many people can learn to communicate in different ways, be involved in decisions about themselves, do things they enjoy and achieve more independence.

Willow Tree Support is a private limited company contracted to provide support services for adults with learning difficulties on behalf of the local authority.

Sadly, at present there are not sufficient facilities to keep up with local demand. 131 Tweedale Street is a desperately needed facility to provide a safe and secure home for these vulnerable adults. Every area has a mix of people including Rochdale who require varying degrees of support. The aim is to provide the residents with a quiet, friendly and supportive environment for them to live as independently as possible as a group and to allow them to develop with appropriate support. The property will be utilised to house suitable adults with learning difficulties from the local area allowing them to live in a supportive environment close to their families and friends.

Willow Tree Support already provide supported living accommodation (Class C3b) at 2 sites within the Borough of Rochdale for adults with learning disabilities with Certificates of Lawfulness being granted under 21/00306/CPL on 28th April 2021 and 22/00848/CPL on 18th August 2022.

Site Description

The property is a three storey 6 bed roomed mid-terrace dwelling house with a paved garden area to the front and a yard area to the rear. The property is situated within a primarily residential area.

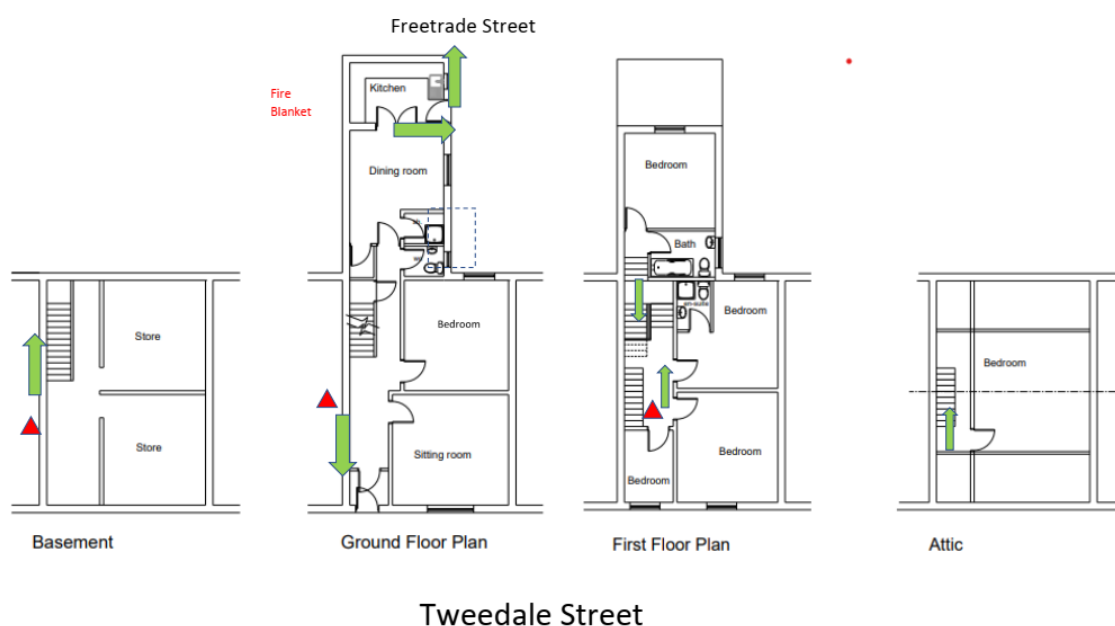
The accommodation within the property consists of an entrance hall which provides access to the communal lounge and a bedroom. There is a downstairs WC and to the rear of the ground floor is a kitchen/dining area. A staircase leads up to the first floor which contains four bedrooms and a bathroom. On the top floor is located a further bedroom. There is also a basement which provides storage facilities.

There are on street parking restrictions on Tweeddale Street in front of the property, but parking is not restricted on the surrounding roads and there is a car parking area on Fretrade Street to the rear of the property.

The property is within easy reach of local shops and amenities, whilst also benefitting from good public transport links. The site is therefore considered to be a highly sustainable location.

No internal or external alterations proposed as part of these proposals.

131 Tweeddale Street Rochdale



The Proposal

The proposal involves the use of a dwelling-house as a supported living unit for a maximum of 6 vulnerable adults with learning difficulties (Class C3b) with a maximum of two carers on site at any time.

Currently, Class C3 Dwelling Houses are defined as follows:

Use as a dwelling-house (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents: or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Within the Communities and Local Government Circular 08/2010 there were additional comments which state:

C3(b) continues to make provision for supported housing schemes, such as those for people with disabilities or mental health problems.

It remains the case that in small residential care homes or nursing homes, staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions class, regardless of the size of the home. Local planning authorities should include any resident care staff in their calculation of the number of people accommodated.

However, what this does not consider is the more modern approach to small care homes whereby there are no resident staff and those living in the house are living together as a single household.

Indeed, to the eye there is no material difference between a Class C3a use (your home) and this home (Class C3b), as it will be operated as a family unit with a supporting model in place to allow the residents to live as independently as possible.

Several appeal decisions have been submitted in support of the application which demonstrate that the Planning Inspectorate has consistently found that supported living accommodation for adults falls with Class C3b and as such is a lawful use of a dwelling house (Class C3). These appeal decisions are submitted

as appendices along with the LDC's granted by the Council to the applicant previously.

Analysis

The site is located in an established residential area. The authorised use of the property as a dwellinghouse (Class C3) falls within the same use class as the proposed use as a supported living facility for vulnerable adults (Class C3b). As both are Classed as Class C3 uses a change of use from one to the other would not amount to development in accordance with section 55 (2) (f) of the Town and Country Planning Act 1990.

Planning Permission is accordingly not required for the proposed use which could lawfully take place within the subject property. Therefore, a Certificate of Lawfulness should be granted.

It is hereby requested that a Certificate of Lawfulness be granted for the use of 131 Tweedale Street as a dwelling house to be occupied as supported living accommodation for a maximum of 6 vulnerable adults with learning difficulties with up to 2 carers providing support to them to enable them to live together as a single household.

The Principle

The characteristics of the use are very similar to that of a single-family dwelling (Class C3a). However, as the carers will not be resident on site the use falls within that of supported living accommodation (Class C3b).

The primary use is still residential (Class C3) with the residents living independently albeit it with a degree of external support from the carers. A supported living unit meets the definition of a household under Class C3 and as such a Class C3b use as proposed is considered a wholly appropriate use in a residential area from a land use policy perspective and does not constitute a material change of use as defined by the Town and Country Planning (Use Classes) Order 1987 (As Amended).

Visual Impact

There are no internal or external alterations proposed as part of this change of use application, as the property was previously occupied as a dwelling (Class C3a). Therefore, from the outside the property will not be discernibly different from any other dwelling located in the road. To all intents and purposes, the property will appear to be a family dwelling house to any passer-by.

Residential Amenity

The property will be occupied by a maximum of six vulnerable adults with a maximum of two carers on site at any single time to provide support. The use

will have the same characteristics of that of a dwelling-house with all occupants living together as a family unit and sharing communal facilities such as a bathroom, kitchen, dining room and lounge. The carers will not be permanent residents at the property and will rotate in accordance with shift patterns as supplied as part of the supporting evidence.

The proposal will not have any greater impact on the residential amenities enjoyed by the neighbours than if a family of six occupied the property (Class C3a) or if it was in use as a single group HMO (Class C3c).

Highway Safety

The nature of the resident's disabilities means that none are unable to hold a driving license by law and as such only visiting carers will use a vehicle. The carers all live locally and therefore most will walk, cycle or use public transport to travel to and from work rather than drive so there will be no significant impact in terms of parking demand in the locality.

There will only be a maximum of two carers on site at any single time and most of the time it will be a single carer, so the traffic generated by the use will be no different to that which might be expected of a single-family dwelling. The use is therefore not envisaged to result in an increase in traffic generation or impact highway safety.

Future Management

Whilst the on-going management of the home is not a material planning consideration as such, this often causes anxiety amongst residents and therefore it is important that this is addressed to reassure neighbours about the operation of the property in the future. The local planning authority is concerned with the impact of the development in land use terms to ensure it does not have any adverse impacts in terms of material planning considerations such as residential amenity, highway safety and parking etc.

To provide a further insight into the operation of the property further details have been provide at Appendix A of this document, along with a staff rota detailing the shift pattern.

Conclusions

The permitted use of the property is as a dwelling-house (Class C3). The characteristics of the proposed use as supported living for six vulnerable adults with learning difficulties (Class C3b) will have no greater impact on the locality than that of a large family dwelling in terms of material planning considerations and as such falls within the same use class. The property will be used to house a maximum of six adults with support needs and will provide a much need facility to allow the residents to lead as independent life as possible in a supported environment.

Having regard to the above and noting that the nature of the development would not result in any greater impacts than the authorised C3 use, it is considered that the proposed development does not constitute a material change of use and as such a Certificate of Lawfulness should be granted for the use of the premises for supported living for a maximum of six adults with support needs (Class C3b).

APPENDIX A

CRITERIA FOR ASSESSMENT OF MATERIAL CHANGE IN RESPECT OF SMALL CARE HOMES

1. The numbers of occupants and numbers of vehicles at the property or as last occupied.

There will be 6 residents who will be residing in the property. The residents will not have cars due to their learning disabilities as they cannot hold driving licenses. On street parking is available on Freehold or Free-trade Street.

2. The number of residents who will be residing at the property and for how long they will live there.

There will be 6 permanent adult residents living at the property.

3. The age the residents who will be residing at the property.

The residents residing at the property will be aged 40+

4. The types of residents who will reside at the property e.g. adults with disabilities, alcohol problems etc.

The adults residing at the property will be registered disabled due to poor mental health or have learning needs. They will have a range of illness' from Schizophrenia to Bipolar affective disorder. They will be classified as vulnerable adults. We will not be supporting individuals with drug or alcohol misuse problems. The applicants do not work with adults with a history of offending or the criminal justice service.

5. The number of carers in total and the number which will be present at the property at any given time and whether there is 24-hour care.

There will be 6 full time support workers employed at the property. During the day there will be 2 staff members and during the night there will be 1 staff member who stays awake. At any given 1 time there will be a

maximum 8 individuals in the property. (6 residents and 2 staff) – however as we encourage our tenants to “live a normal life” we will be engaging them out in the community – so across the course of the day they will be away from the premises working or engaged in some other form of activity.

6. Shift patterns including the duration of each shift and associated vehicular movements and parking details.

12.5-hour shifts x 3 with a 30 minute unpaid break per week. Equating to 36 hours for full time employees. (See Rota attached). There is space for 1 car in the garage. 50% of staff will be commuting to work by walking or getting public transport.

7. Details of social workers and psychologists – numbers, frequency of visits and duration of stay.

Social worker(s) will visit, dependent upon the needs of the resident (similar in number to visits undertaken by relatives, family of a normal dwelling house). We will employ an electronic care record system, which allows family members to keep in touch with their relatives virtually and on a daily basis. (logmycare.co.uk). A monthly report will be sent to parties involved in the resident’s care, e.g social worker, psychiatrist, CPN. The vast majority of meetings these days are completed on Microsoft Teams – which lessens the need for home visits.

8. Details of any staff or contractors visiting the property e.g. gardeners, maintenance, home delivery etc. – numbers, frequency of visits and duration of stay.

Monthly window cleaner. Any contracting work will be pre planned. In respect to emergency this would be like any normal dwelling.

9. Any external changes which may be made to the property e.g. replacing the garden with a drive, erection or signage or cameras.

CCTV was already in situ from its small HMO use. The house is in a good condition and normal cleaning, jetwashing, weeding etc would be completed as and when needed.

10. Will there be any internal alterations to the properties, if so, what?

Installation of fire doors, firefighting equipment, fire alarm system, EML etc.

Addit:

We will have a defibrillator registered with Northwest Ambulance Service for cardiac emergencies in the local area.

APPENDIX B - APP/U1105/X/12/2173513 - Chessington, 50 Marlpit Lane, Seaton, Devon EX12 2HN.

APPENDIX C - APP/U5930/X/19/3229723 - 55 Cecil Road, Walthamstow, London E17 5DH.

APPENDIX D - APP/V2255/X/19/3224363 - Loyterton Farmhouse, Tickham Lane, Lynsted, Sittingbourne, Kent, ME9 OHW.

APPENDIX E - APP/H6955/X/20/3247381 – Croeshowell Cottage, Croeshowell Lane, Burton, LL12 0LB.

APPENDIX F - APP/L5240/X/14/2216851 – 31 Canterbury Road, Croydon, CR0 3PY.

APPENDIX G - APP/Z4310/X/23/3316521 - 3 Measham Way, Liverpool L12 0NL.

APPENDIX H - APP/Z5639/X/23/3318074 - Red Thorns, 98 Westbury Road, Kingston Upon Thames, New Malden, KT3 5AN.

APPENDIX I - APP/K2420/X/11/2155849 - 15 Crownhill Road, Burbage, Hinckley, Leicestershire, LE10 2LD.

APPENDIX K - 21/00306/CPL – 4 Kingsway, Rochdale, OL16 4UU.

APPENDIX L - 22/00848/CPL – 37 Boarshaw Clough, Middleton, Rochdale M24 2NG.