



Report to Health and Social Care Scrutiny & Performance Panel

Date: 6th December 2005

Report title: The Development of a New Build Short Breaks Unit for Adults with Learning Disabilities

Portfolio:

Social Care and Supported Housing – Councillor Paul
Resources Performance Management – Councillor O'Hare

Service Area:

Adults – Learning Disability
Finance, Law and Performance

Wards:

New Build – Short Heath, Willenhall North, Willenhall South
Short Breaks Service – Borough Wide

Forward Plan:

Yes – Report to Cabinet in December

Summary of report:

The report outlines the development of a Short Breaks Unit and decisions reached by Cabinet to work with the Norman Laud Association to develop the unit on a vacant site in Coltham Road, Short Heath, Willenhall.

Though the Cabinet decision was not called in for Scrutiny, concerns about the suitability of the site compared to others were raised by Ward Members and Willenhall LNP.

As a result of the concerns it was agreed to explore a number of alternative sites: Local Councillors suggested the Allen's Centre. Subsequently Allen's Centre and Coltham Road were subject to full evaluation.

This report identifies the process and outcomes of the evaluation which included an objective evaluation of the Planning issues by an external Consultancy.

Recommendations:

- (1) That Scrutiny Committee review the decisions and actions to date
- (2) That Scrutiny Committee make recommendations on the development of the Short Breaks Unit for submission in a report back to Cabinet on 21st December 2005.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Signed:

Executive Director: David Martin

Date: 28 November 2005

EXECUTIVE SUMMARY

Walsall Integrated Learning Disability Services identified an urgent need to develop a Short Breaks Unit in Walsall. They have identified a partner, Norman Laud Association and have Cabinet approval to develop the Coltham Road site in Willenhall.

Following concerns raised by local Councillors and the Willenhall LNP, about the suitability of this site relative to others that they believed not to have been considered, a range of alternative sites to Coltham Road were explored.

Evaluation of these sites indicated that Coltham Road and the Allens Centre were the options that met the needs in terms of location and practicality, but that the Allen's Centre had distinct disadvantages from a planning perspective that would delay delivery of the project within the required timescale.

To ensure objectivity, an external Consultancy with planning expertise, was asked to evaluate these two options and this indicated that in terms of practicality and location both sites met the need of the Council and service users. However significant planning issues concerning the Allens Centre site distinguished it from Coltham Road and its former status as a school playing field means that any development on that site could be subject to major delays as its development could be counter to a range of policy issues

If there is a substantial delay in the development of the Short Breaks Unit there is a risk that the Council's partner (Norman Laud Association) could withdraw. Norman Laud have completed applications to grant-making trusts for £450,000 capital and the council has an agreed capital allocation of £200,000 all of which is at risk if there is substantial delay. There is no other identified partner willing to work with Walsall MBC in the same way. The implications of this is that Walsall will lose the opportunity to develop a short breaks service for its residents, as the Norman Laud Association will undoubtedly seek to develop its unit in another local authority.

Delays will also affect the service delivery to family carers and service users who regard Short Breaks as their highest priority service issue.

Consequently Coltham Road remains the preferred site as it meets the needs in terms of practicality, location, speed and greater certainty of outcome, with less risk of loss of capital and grants. Furthermore service users, family carers and the Council's care partner (Norman Laud Association) support the development on the Coltham Road site.

Due to the concerns of the Willenhall L.N.P the Scrutiny Panel is asked to review actions to date and make recommendations on the way forward which will be included in a report to Cabinet in December 2005 when they will be asked to review their decision taken in March 2005.

INTRODUCTION

The development of Short Breaks in Walsall was identified as the highest priority by carers of adults with learning disabilities.

It allows carers to take a well earned rest or deal with important family issues without the pressures of caring.

The development of short breaks and support to family carers is also important to the government and the people who inspect our services and decide how well Walsall is performing. They want to see us develop a Short Breaks Unit and will be checking to see if we have done it.

Short Breaks are currently provided from a local authority home on a temporary basis, adult placements and out of borough at Emscote House (Sutton Coldfield).

Adults with learning disabilities are living longer and more adults with severe learning disabilities are surviving into adult life. All these factors place pressure on carers and increase the demand for high quality short breaks.

In 2002 the Walsall Learning Disability Partnership Board issued its plan 'Getting Away From It all'. The future development of 'Short Breaks' Services' for adults with Learning Disabilities and their families. This plan linking to the Walsall Learning Disability Strategy and Joint Investment Plan outlined a range of developments including a partnership with the Norman Laud Association to build a new short breaks unit in Walsall. The rest of this report outlines the progress and the implications that have arisen

DEVELOPMENT OF THE SHORT BREAKS UNIT.

The Walsall Learning Disability Partnership Board undertook a review of Walsall's Short Breaks Services in 2003. The full report on the findings of the review and proposals were included in a report to Cabinet on 12th March 2003. Cabinet agreed the following recommendations:-

- To approve the use of Norman Laud Association on a spot purchase basis as a provider of this service as a priority item
- That members approved the proposal that future provision will be jointly commissioned with the NHS via the Local Authority thus ensuring greater equity on charging.
- That members approve a policy to ensure more equitable access to services (The policy was detailed in the March 2003 Cabinet Report)

Following these recommendations work began on developing a range of choices to deliver a flexible service to meet the needs of carers and adults with learning disabilities in Walsall.

The partnership with Norman Laud was developed and plans produced for a new unit. Consultation was carried out with carers who were satisfied that this was a positive way forward. Criteria for the new service were formulated.

A site in the North West of the Borough was identified as meeting most people's needs and offer the best local service by reducing travel to the service.

Liaising with colleagues in estates a suitable site was sought and Coltham Road, Willenhall was identified. A review of the Disposal Projections Schedule did not reveal any other suitable sites that met the criteria.

A further report to Cabinet in March 2005 led to the approval of working with the Norman Laud Association, a registered charity, to develop the vacant Coltham Road site in Short Heath and build the new unit.

A Business Case was included within the Cabinet Report showing the net 'saving' to Walsall MBC of this investment as opposed to providing breaks out of the Borough. Norman Laud have completed applications to grant-making trusts in the region of £450,000 and the Council has submitted a capital bid for £200,000 subject to planning permission

SUBSEQUENT DEVELOPMENTS

There was no challenge to the Cabinet decision and work commenced on the planning application. Early indications from planning did not suggest any problems with an application for the Coltham Road site.

Concerns about the suitability of site compared to others were, however, raised by the Willenhall LNP and local Councillors.

We have acknowledged the concerns of local people and wish to work together to ensure the success of the Short Breaks Unit in delivering an essential service to the people of Walsall. We identified seven other sites including sites put forward by the Local Councillors.

The local Councillors in Willenhall North and Short Heath indicated that there would be strong local protest if Coltham Road was developed. During the initial planning stage 6 letters of objection were received. In the spirit of working together in an open fashion, an independent evaluation process was commissioned from nationally recognised specialist planning consultants R.P.S Planning.

OUTCOMES OF R.P.S. REPORT.

Following initial site consideration, five sites were discounted at an early stage due to their unsuitable nature for the required use of a Short Breaks Unit.

The two sites that emerged for potential development were Allens Centre, Hilton Road and Coltham Road. These sites were then evaluated and compared in depth.

The evaluations looked at the criteria and concluded that by using an acknowledged benchmark that both sites reflected different strengths. Against all of the criteria relating to community facilities, location, quality of the environment, access and conformity to registered care standards, they were broadly equally balanced.

The sites however, can be distinguished by their meeting requirements of timescales, current land use and development plan policy, whereby Coltham Road is the only site that meets these parameters. In planning terms the development of Coltham Road has preference to the Allens Centre, principally because this would avoid development of playing fields and that Coltham Road relates better to the surrounding land uses.

The evaluation assessed the two sites and considered that Coltham Road had the greatest opportunity for planning permission to be granted without foreseeable risk of delay, allowing development to commence and therefore for the unit to be operational by the end of 2006. (for detailed planning consideration see Appendix 1).

Further advice from Sport England indicated that development on the Allen's Centre site would be against Government Policy and would require extensive approval processes including the development of a compensating project.

COUNCIL VISION - IMPACT ON PERFORMANCE

The development of the Short Breaks Unit links to the vision objectives and If the Unit is not developed it will impact upon the Councils performance.

PARTNERSHIPS - IMPACT ON NORMAN LAUD

The Norman Laud Association are concerned at the delays and there is a possibility they could lose the grant funding and/or withdraw their offer to site the new service within Walsall.

Also some of their Grant sources to build the unit are time limited in terms of allocation. Norman Laud are unique in that they are offering a spot purchase contract for Short Breaks (we only pay for the beds when we use them) as opposed to a block contract. We have not found any other local resource in Walsall willing to carry this level of risk. The organisation are also held in high regard by local carers and service users for their quality of care.

LEARNING DISABILITY SERVICES IMPACT ON SERVICES

If there is further delay on developing the Short Breaks Unit it will have a major affect on carers both in terms of breaks and confidence.

The service would need to approach CSCI and renegotiate the respite care beds continuing at Narrow Lane for an extended period, this would not be viewed in a positive light by CSCI.

Costs would remain high with other out of borough short breaks including taxi/transport costs. The reprovision of local authority homes and the Learning Disability Housing Strategy would be affected.

IMPACT ON PERFORMANCE CRITERIA

Short Break Services links to ten performance indicators which would be adversely affected by delays in providing the service.

In addition the SSI inspection of Walsall's services for people with Learning Disabilities in January 2004 stated that overall, the inspection team thought that Walsall Council was serving some people with a learning disability well and that its capacity for improvement was excellent. Walsall's prospects for improvement would be affected by the delay in development of the Short Breaks Unit.

WAY FORWARD

Scrutiny Panel are asked to review the work to date and make recommendations to be included in a report back to Cabinet asking Cabinet to review their decision in response to concerns raised.

Substantial further investigation and review of the proposals for the Coltham Road site have not revealed any grounds to revise the original Cabinet decision.

BACKGROUND PAPERS

Valuing People: A new Strategy for Learning Disability for the 21st Century. D.O.H 2001.

'Getting away from it all' – The Future Development of 'Short Breaks' Services for Adults with Learning Disabilities and their Families. Walsall Learning Disability Partnership Board 2003

Walsall Learning Disability Strategy WILDS 2003
Walsall Joint Investment Plan WILDS 2003

Cabinet 12.03.05 'Provision of Residential Short Breaks (Respite Care) for Adults with Learning Disabilities'

Cabinet 23.03.05 'Lease of Land for the Development of New Residential Short Breaks (Respite Care) Unit for Adults with Learning Disabilities in Walsall'

Learning Disability Short Breaks Development WILDS July 2005

Site Evaluation Regarding the Provision of a Short Breaks Unit for Walsall MBC. RPS Planning September 2005

CONTACT OFFICERS

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APPENDIX 1

Detailed Planning Guidance

Development Plan Policy

To put this into context the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004 states at sections 54A and 38 respectively that in making a planning decision regard must be had to the development plan and other material considerations.

For the purpose of these Acts, the Development Plan for the evaluation sites is the,

Walsall Unitary Development Plan – March 2005

RSS11 – West Midlands Regional Spatial Strategy – June 2004

The Allen centre site is part of the potential development area is covered by Unitary Development Plan policy LCI: Urban Open Spaces. This policy seeks to retain and enhance existing urban spaces. When considering proposals which would result in the loss of, or otherwise adversely affect, urban open spaces, the Council may take into account any compensatory provision that is proposed. This might take the form of replacement area(s) of open space or the improvement of existing open spaces in the area.

Policy LC6: Sports Pitches conforms with national policy guidance, in that proposals which would result in the loss or reduction of sports pitches, public or private, will only be permitted if it can be demonstrated that a carefully quantified and documented assessment of current and future needs has been demonstrated, that there is an excess of sports provision and the site is not of good quality or importance to the development of sport. An alternative would be that at least equal compensatory provision will be made regarding sports pitches, in respect of quality, quantity, and suitability of location, and subject to equivalent or better management arrangements being put in place prior to the commencement of development.

Policy ENV32 Design and Development Policy, is the generic development control which applies to both Site 3 and Site 6. this policy emphasis the need for good design.

Regional Planning Guidance for the West Midlands was adopted in June 2004 and provides the strategic context for development in the region up until 2021. Following the implementation of the Planning and Compulsory Purchase Act 2004, the Regional Planning Guidance for the West Midlands is now known as the Regional Spatial Strategy (RSS). RSS now forms part of the Development Plan for Local Authorities within the region.

Due to the more strategic emphasis of the RSS, it does not contain any significant policies in terms of the development of a Short Breaks Unit. The RSS does echo national policy and seeks to retain the use of playing fields for sport and recreation purposes.

Government policy guidance is a material consideration in the determination of applications for planning permission. Relevant policy guidance is contained in Planning Policy Guidance Notes (PPG) and Policy Planning Statements (PPS) and is described below.

Site 3 consists of playing fields and allocated urban open space, Site 6 is un-allocated open space. With regard to the development of playing fields paragraph 15 of PPG17 Planning for Open Space, Sport and Recreation (July 2002) states,

“In advance of an assessment of need, local authorities should give very careful consideration to any planning applications involving development on playing fields. Where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such should not be allowed.”

Circular No. 09/098: Town and Country Planning (Playing Fields) (England) Direction 1998

This circular contains a direction given by the Secretary of State under the Town and Country Planning (General Development Procedure) Order 1995. It requires that before any local planning authority in England proposes to grant planning permission for development of any playing field against the advice of the Sports Council, they must also consult the Secretary of State. He may then, if so minded, call-in the application for determination by him.

Should a planning application for a Short Breaks Unit be called in by the Secretary of State for determination as it requires the development of a playing field, the timescale as to the completion and opening of the Unit will be seriously impeded. With the likely conclusion being that the Unit is not operational by the end of 2006. One of the core requirements in the evaluation criteria.

Sport England Overview on Proposed Site at Allens Centre

Sport England would have difficulty supporting development of the school site where it will include the loss of playing fields associated with the school. This is against government policy, therefore PPG17 (in particular par,15) UDP/LDF policies and any Playing Pitch Strategy will be important documents which should be referred to in site selection. Given that Walsall do not have a PSS an assessment will have to be prepared in the context of the site catchment in

accordance with PPG17 if the loss of the site is to be argued as surplus to requirements. The fact that it is not used at present is not a robust argument.

If compensatory provision is to be offered the PPS should be designed to back up any proposed compensatory package offered through development. Section 77 of the School Standards and Framework Act 1998 provides a general presumption against disposal or change of use of school playing fields and that all proceeds from their sale should be reinvested into improving outdoor sport (see DfES guidance, "The Protection of School Playing Fields and Land for City Academies").