

Statement to support a Lawful Development Certificate application

Heaven House

1 Radelan Grove

Radcliffe

Greater Manchester

M26 3NG

Introduction

Please accept this letter in support of our application, for a Lawful Development Certificate for Heaven House, 1 Radelan Grove M26 3NG

We are submitting our application in relation to our proposal to initiate a Residential Children's Home.

The intention is to use the current property, which falls under the C3 use, as a residential children's home that will fall within class C2 use, of the Use Classes Order. While the proposal involves a move from Class C3 to Class C2, it is our position that this does not constitute a 'material change of use' in this specific instance. The property, a 3 bedroom semi detached house, possesses the scale and layout to accommodate the proposed 2 residents without altering the residential character of the neighbourhood. The children will live together as a single integrated household, sharing communal living, dining, and kitchen facilities, mirroring the daily life of a small family.

Furthermore, the level of care provided is intended to be domestic in nature rather than clinical. We anticipate that the associated movements of staff and visitors will not exceed the intensity of use that could reasonably be expected from a Class C3 dwelling. Consequently, as the land use remains fundamentally residential in character and impact, we submit that planning permission is not required.

Our organisation

Heaven Childcare Ltd provides residential care and support for young people, who are referred to as Looked after Children by the social services. The organisation is proposing to establish a residential children's home to accommodate up to 2 Looked after Children.

Heaven Childcare Ltd intend to operate an OFSTED registered residential children's home. Young people will be placed with us under the care order of their individual local authorities. The home will be fully compliant with the required quality care standards as instructed by the government and regulators, and also current health and safety regulations.

Heaven Childcare Ltd is committed to providing young people referred, with the highest levels of accommodation, care and support. Our aim is to give them the best possible opportunities, so they are in good stead to achieve positive results and excellent outcomes in their development. We work closely with a number of external agencies, to ensure that the package of care provided is a child centred one.

Heaven Childcare Ltd will provide an experienced care team who will be based in the home 24 hours a day. An intensive child management service and a multi agency approach will be essential to achieve the outcomes we strive for. The organisation will seek to develop key relationships with social services, local police authority, local neighbours and other relevant professionals in order to provide the best possible care and support.

Heaven Childcare Ltd will implement a structured home living environment for the young people in our Care, in terms of education, activities, family contact and recreational trips. The home will be fully compliant with OFSTED, and will be a safe and secure premises for the protection of the young people and the local neighbourhood.

Household

It is necessary to confirm that the nature of Heaven Childcare's service, will be to ensure that the use falls within class C2. The carers will live provide 24 hour onsite care. Facilities such as the kitchen, dining room, games room, living room and bathrooms will be shared. The active movements associated with the use, will not be materially different from a typical residential household.

Staff duties will include preparation of breakfast, lunch and dinner, cleaning duties, food shopping, transporting young people to school if external education is sought, and to outdoor activities. Other duties will be attending appointments and family contact, dealing with any safeguarding concerns and to liaise with key stakeholders and agencies. Our staff will be providing 24 hour care to all of our young people with a key emphasis on family routines.

A daily routine would comprise of onsite or offsite education from 09:00 to 15:30, snacks, tea and recreational activities from 17:00 until 19:00, an evening meal around 19:30, in house activities and educational studies from 20:00 until 21:30 ,at which point it will be settling time for all the young people. Weekends would consist of family contacts, activities and other such purposeful use of time for our young people.

Parking

1. Maximum Number of Staff on Site at Any One Time

The proposed development will operate with a controlled staffing structure to ensure efficient and safe management of the premises. The maximum number of staff will be no more than of 2 at any time.

There will not be any other non residential staff unless they are covering an absent member of staff. Additional visits will be no more than once a month. Visits and contact take place off site.

Staffing levels are governed by the operational requirements of the provision and health and safety considerations. Shift patterns are arranged so that there is no significant overlap between shifts, which keeps the peak number of staff on-site at a minimum.

Additional visitors will be minimal and will be scheduled outside peak operational times. The site will remain at or below the declared maximum staff occupancy at all times.

2. Management of Potential Oversubscription of On-Street Car Parking

The applicant recognises the importance of preventing any adverse impact on the surrounding highway network, relating to the oversubscription of on-street parking. The following mitigation and management measures will be implemented:

A. On-Site Parking Provision and Allocation

The home will utilise 2 unallocated off street parking spaces, which is sufficient to meet the forecast operational demand.

B. Staff Travel Plan and Sustainable Travel Measures

A Staff Travel Plan will be prepared and implemented, including:

- Encouragement and incentives for public transport use, with route and timetable information provided to staff, and bus fares paid for.
- Provision of secure and covered cycle parking, and shower/changing facilities to support cycling and walking.
- Promotion and incentives for car-sharing schemes among staff.
- Limiting staff car use through a rota system.

These measures are designed to reduce single-occupancy car travel and minimise reliance on on-street parking.

C. Operational Controls

Staff will be instructed not to park on nearby residential streets, and this requirement will be incorporated into internal HR policies and induction procedures.

D. Monitoring and Enforcement

Parking demand will be monitored annually as part of the Travel Plan. If oversubscription or local parking pressures are identified, additional measures (e.g.,

increased car-sharing incentives, revised shift arrangements) will be introduced. Compliance with the parking and travel policies will be monitored by management, with appropriate interventions applied where necessary.

E. Engagement with Local Residents and the Local Authority

The applicant is committed to ongoing dialogue with neighbouring residents should any parking concerns arise. Where appropriate, the management team will collaborate with the local authority to explore further parking controls or restrictions that support local amenity.

Housing

Our organisation will be providing an important service in terms of accommodating young people, who are deemed at risk in their family setting. We will be placing young people from within the town of Bury, as well as nationwide. The residential care system is in need of such homes to cater for the increasing demand. As well as meeting housing needs for these young people, the organisation will also employ local people and will assist in increasing the town's employment.

Neighbourhood impact

We employ staff that are fully trained and experienced, and have the required expertise to manage and deal with challenging behaviour. The organisation has consistent, effective and proven strategies in place to contain and reduce anti social behaviour. The home will encourage occupational and recreational activities, for beneficial engagement and to support young people in their ambitions and wishes. We will also have in house entertainment provisions such as games consoles, table tennis table, study room, internet, computers, and themed evening activities.

Heaven Childcare Ltd will proactively seek to develop positive relations with the local neighbours. We will also encourage neighbours to meet with our management team on a regular basis, and also to discuss any issues or concerns they may have.

Planning use

Heaven Childcare Ltd identified this property as suitable for use as a residential children's home. Our intention is to provide the best possible accommodation for young people.

Under the Town and Country Planning (Use Classes) Order 1987 (England) (As amended), C2 is defined as C2 (Residential Institutions) **Residential accommodation and care to people in need of care**, residential schools, colleges or training centres, hospitals, nursing homes State funded school or nursery*.

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs, and all parties in the development

process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country.

On this basis it is maintained that the proposed use as detailed in this supporting statement would not be materially different from a typical household. This is supported by the Egerton Appeal (Appeal Ref. 3161037) where the Inspector concluded a similar use would not result in significantly more movements to give rise to planning concerns.

A similar conclusion is drawn in the Dale Road appeal (Appeal ref. 3263178): 'The number of these movements is unlikely to be significantly more than the number that would be undertaken by a family and certainly not enough to result in a level of intensification in the use of the site that gives rise to concerns from a planning point of view. There is insufficient evidence before me to show that the use would be likely to result in greater levels of noise and disturbance than the existing authorised residential use.'

Appeal (Ref. 32993519) also provides a useful assessment of a similar care home. In paragraph 12 it states:

'Whilst there will be some additional comings and goings associated with the use as a residential care home, there is no evidence before me to dispute the appellant's case that the use will not give rise to a greater level of disturbance than could be generated by the lawful use as a C3 dwellinghouse. The additional comings and goings identified by the appellant and Council are at a sufficiently low level so as to remain within the parameters of what could be usually expected of a family home and not therefore materially different so as to change the character of the property. Similarly, the number of people who will be typically present at the property, and therefore the associated waste generated, is not significantly higher than could be expected with its current lawful use'.

Conclusion

It is maintained that there is no material difference in planning terms between the proposed use and the current use as a dwelling. The carers, working on a rota basis, would effectively live at the dwelling house to provide 24-hour care, as a single household. Facilities such as the bathroom/WC, kitchen and living rooms would be shared and the living mode would be communal. The comings and goings associated with the use would not be materially different from the current use as a family dwelling.

Following *Gravesham BC v Secretary of State for the Environment* [1982], the court accepted that the distinctive characteristic of a dwelling house was its ability to afford to those who used it the facilities required for day-day private domestic existence. It did not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons, or if it was under commercial management.

The lawful use of a dwelling house, included in Class C3 of 'the UCO 1987', is broad in scope and could in association bring with it considerable activity, associated and ancillary use, or vehicular movement. The prevailing character of the proposed use would be that of a small group of children living together and using the property in a way similar to that of a family home where they would be supervised and cared for by adult guardians. While there might be identifiable differences, between proposed and existing uses, these would not be 'material' or easily measurable and quantifiable against the rather flexible characteristics and impacts of a lawful dwelling house.

It is maintained that the nature of the use is not materially different from the current use as a family dwelling. Comings and goings would be no greater than occur at present, hence there would be no undue disturbance to any neighbours.

The local authority is therefore respectfully requested to support the application to allow this much needed facility to be established.