Planning Management Statement

Bolster Group Limited.
07824469409
info@bolstergroup.co.uk

Regarding a proposed 'change of use' / 'certificate of lawfulness' / 'C3b' at:

9 Victory Street, Manchester, M14 5AE

For use as a residential children's home, for up to two children.

On behalf of 'Tulip Mental Health and Community Care Limited'.

Date: **14.05.2025.**

1. Introduction:

Bolster Group Limited have been appointed to submit a supporting statement to establish that the use of the dwelling house for the proposed use as an Ofsted regulated residential children's home, for up to two children, is a lawful use.

We endeavour to seek confirmation that the care and accommodation provided to up to two children, with up to four carers (staff) falls within a Lawful Development Certificate.

2. Location and Context:

The existing site falls within four new build dwellings; previously granted planning permission (application reference 127053/FO/2020).

The dwelling, 9 Victory Street, is a three bedroomed new build semi-detached property, it has parking for up to cars on its own driveway.

No material changes to the current dwelling are being proposed.

3. Our Vision:

Our vision is to be recognised for taking an integrated approach to the provision of first-class care services, which support, empower, and create opportunities for change for our children in a safe, nurturing, and welcoming environment that is a 'home from home'.

The company will specialise in working with vulnerable and disadvantaged children, particularly those that have previously suffered with mental health difficulties.

The company are vastly experienced, and operate several services, and have a team of highly skilled social care professionals, and also a multi-disciplinary team of health care professionals.

We intend to work closely with Manchester City Council, and potentially other local, local authorities and will help to provide more options for the commissioning teams to allow local children to be accommodated locally.

This will be in the spirit of '*Keeping children safe, helping families thrive*' (Department of Education – November 2014); available at:

https://www.gov.uk/government/publications/keeping-children-safe-helping-families-thrive

Tulip Mental health and Community Care Limited already operate numerous services, two of which already fall within Manchester City Council.

Certificate Of Lawful Use or Development Certificates have been provided for these two dwellings; both are similar in size, layout, and the use of these dwellings is similar:

Application reference - 134186/LP/2022

Application reference - 137669/LP/2023

Both current services within Manchester City Council have operated extremely effectively, and both currently hold a 'Good' grading with the services regulator, Ofsted.

Our Ethos:
To empower and equip our children with the skills they need to manage the impact of their experiences.
To support them to realise their potential and achieve their individual goals and ambitions.
To help them build a sense of self-worth and envision for themselves a safe and healthy future, for their personal relationships and future lives.

Our Values:
- To commit to placing children at the centre of everything we do.
- To create a caring and compassionate environment where children feel safe and valued.
- To consistently take a partnership approach to the psychological and physical needs of our children.
- To provide outstanding care for every child we look after, working together with a shared culture of empathy, humanity, and compassion.

Our Mission Statement:
Supporting our children to find their path:
- We will provide our children with the tools to ensure they are able to excel and thrive in their future endeavours.
- We support them by instilling confidence and ensuring they can move aside from hurdles and aim for a bright future.

Development of modern and welcoming homes:
- We aim to provide all our children with a warm and welcoming home.
- Refurbishment, and ensuring our homes are regularly updated and maintained to the highest standards is vital to our mission statement.
- Our managers and children will have direct input in decoration and furniture selection to ensure we provide a personal touch to the homes.
- We want all our children to be proud to say our properties are home.
- Ensuring we raise the standard of children's homes.
- We aim to raise the standard by ensuring that we are always aiming above and beyond the given standards.
- Being proactive, using reflective learning and, implementing innovative ideas in the constant attainment of the best possible outcomes is paramount in our aim to raise the standard.

4. Details:

4.1 The Applicant, Tulip Mental Health and Community Care Limited intends to use the property to provide permanent residence for a maximum of 2 vulnerable children; these children will be cared for by a team of qualified and competent staff who will work in 'the property' on a shift / rota basis. The total people in the property will not exceed 6.

4.2 Pre-admission assessments will be carried out to determine the suitability of all children seeking placement in the home. Careful matching of needs is a critical factor in supporting children in the community. Part of this assessment will ensure that children are able to live in a residential home within the community.

To be clear, the company holds absolute decision-making powers over whether a placement is offered, or not, to a child seeking our services, depending on the outcome of our assessment.

4.3 It is expected that some children will be on medication, their medication will be managed and administered by staff; much like a parent administers and looks after medication for their own children. All medication will be administered orally. There will be no sharps in the property other than items that would be found in any normal household such as scissors, kitchen knives etc. Such items will be kept in lockable cupboards in the office room and will only be allowed to be used by the children if safe to do so, under supervision of staff members on duty.

4.4 Children in the placement will be supported to attend appointments with medical professionals, attend school every day etc. This will be the same as it is in the case of any normal household, where the staff members on duty assumes the parenting role. Staff members on duty will ensure that the children are safe, comply within set rules and follow a daily routine without impacting the wider community no more than it would be in a normal family home with children.

Staff members will be supporting children to go out under supervision, and they will be supported in the authorised staff cars, or via public transport. Such outings will include routine activities such as school runs, attendance of after school activities, accessing universal service appointments, shopping trips etc, as it would be in any other household with children.

We will encourage children to use public transport where appropriate and as part of their growing and learning process in a household.

Essentially, we will be designed to replicate a 'normal' family home environment as much as is physically possible.

Children will be encouraged and supported to access activities in the community rather than spending all day at home when not in school. We will offer a number of such activities outside of the home to help children to spend their energy creatively and support children to improve their skills and talents while growing up.

4.5 There will be a set of house rules that all children are expected to abide by, in line with their understanding, and any children in breach of these rules will be addressed through specific strategies and methods as acceptable within the case of any safe parenting environment.

4.6 We follow a zero-tolerance policy towards all intoxicating and illegal substances. Keeping or using any intoxicating substances are not permitted in the premises, given the age of children residing at the property, anyone - including members of staff – who are found in possession or usage of such substances will be immediately removed and a report will be made to police and children's services where appropriate.

4.7 Should it become evident that a child is deemed unsuitable for the accommodation their placement will be terminated, and the relevant local authority will be asked to find a more appropriate placement for the child to move on. In such cases alternative arrangements can take up to 28 days however, for extreme cases where there is ongoing disruption to other children, staff members or neighbouring residents, we have the ability to remove children quicker.

4.8 The facts of the matter are that the provision in this case will be a household. The children will reside in the home permanently. Whilst the carers / staff may change from time to time, the principle remains that there will be constant and permanent adult supervision / caring provision for the children whose home this will provide. Accordingly, its use is considered C3(b) and capable of being accepted as a permitted change of use from C3 dwellinghouse.

4.9 For confirmation, there is no operational development, or other works, proposed in order to facilitate the 'change' of use'. For all intents and purposes there will be no apparent change in the residential use of the property. This application is made to acknowledge that it is possible for the use to be considered a change within the C3 Use Class; from C3(a) to C3(b) and in recognition of the need to demonstrate authorised use of the property for associated Ofsted registration purposes.

4.10 The property is a 3-bedroom semi-detached house within a residential area. The property has already undergone all relevant health and safety checks and certification, specifically, gas safety, electrical safety and fire risk assessing have already been undertaken. The property is fully health and safety and fire safety compliant.

4.11 The property may also have CCTV installed externally, for safety and security purposes only, but also a deterrent for any undue behaviours and / or crime; much like in any normal family home.

4.12 The property will be the main or sole residence of the children (medium to long term placements – the children will live in the home as their permanent place of residence). It will operate as a single household with all communal spaces shared.

4.13 The property will run like any other home, acknowledging that today's home life is often quite different from that which was the 'standard' and traditional view of a home; 2 adults, 2 children all blood related.

4.14 For the sake of completeness, the site upon which the property is situated can accommodate parking on the local street and adjoining streets, and we have two car parking spaces on our own driveway. Additionally, the surrounding streets provides ample space for on-street parking.

Furthermore, as a company, in order to minimise any environmental impact, adults / staff / carers will be encouraged to utilise public transport and or cycling / walking as their method of travel to access the property, this will further reduce any traffic or parking concerns.

4.15 Noise from the property would be similar to those residential premises surrounding it and nothing out of the ordinary or unexpected for the residential area.

4.16 We also intend to recruit almost all of our staff from the local area, and almost certainly all of our staff from within the Manchester Council borders, thus providing good employment opportunities locally, and also ensuring that we have good, localised knowledge within our staff team – we feel that this will be essential in helping to develop positive local links with our community.

5. Proposal:

5.1 Tulip mental health and Community Care Limited intends to register this property with Ofsted as per regulations, Ofsted will then routinely inspect the home according to regulatory standards.

Ofsted Registration Guidance, available at:

https://www.gov.uk/government/publications/guide-to-registration-for-childrens-social-care-services/registration-guide-for-childrens-social-care-services

Ofsted Inspection Guidance (SCCIF), available at:

https://www.gov.uk/government/publications/social-care-common-inspection-framework-sccif-childrens-homes/9ec27bfd-62d8-443a-9cd3-3fffe6d65669

This proposed service is designed to be a positive addition to the community, and certainly to the children that our care is intended for - there is a severe shortage of homes to look after vulnerable children across the country, and also within our county.

Regulation with Ofsted will provide quality for our services; to comply with regulations (namely 'The Children's Homes Regulations (England) 2015)
https://www.legislation.gov.uk/uksi/2015/541/contents/made

All staff are required by Regulation, to be skilled and experienced to undertake their roles.

The management of the service is required to skilled and experienced in their role, indeed the service / the property will have in place a designated 'Registered Manager' and 'Responsible Individual' who will ensure that effective oversight of the service is provided, and that the care provided to the children is both safe, and of an extremely high quality.

Furthermore, an independent person will also inspect the service / the property, in accordance with Regulation 44, at least monthly.

5.2 The maximum number of people will be no more than six at any given time, generally consisting of a maximum of two children and up to four carers / staff, depending on the nature and scale of care needed by the child(ren) at any given time. During night times, one staff member will sleep in at the property, and one staff member will potentially remain awake (waking watch) if required.

5.3 An important feature to consider is also that the carers will be the same carers, so whilst there will be a change of carers on occasion; to accommodate working patterns / rotas, the children will be looked after by the same carers who will essentially 'live in', just like a traditional homestead. It is rare that a child has 100% care from one adult. For example, during a traditional day, a child may be cared for by a grandparent whilst the parent / guardian goes to work or on an errand, then to nursery for an hour or two, then later that day another parent / guardian might takeover. No one would suggest that these shift patterns result in a use that is not a home, or a dwellinghouse. This is how the proposed use will function within the home setting.

5.4 There may be visitors to the home, the family, social workers, health care workers etc. of the children who live in the property – we do not expect this to be excessive, nor do we expect this to have any impact upon traffic and parking; visitors will be expected to pre arrange their visits to ensure that we can appropriately plan.

5.5 The specifics of the use will depend on the children; whether they are of school age, they have any medical or other care needs, but it will be difficult for anyone to suggest that this is not a family home.

Indeed, we are encouraged, via registration with, and via inspection form Ofsted to create a '*stable home built on love*' as per: https://socialcareinspection.blog.gov.uk/2023/07/06/ofsteds-response-to-stable-homes-built-on-love/

5.6 It is anticipated that staff will stay overnight and potentially work 1 days on and 2 days off but shift patterns will vary to accommodate individual care needs of the children who will be homed here. Each child will be cared for and supervised by at least one responsible, trained and upskilled carer at all times.

However, in general, a carer / staff rota pattern may likely look like the following:

- Day 1 - Start time 10:00 – end time 23:00 (staff sleep over in the property).
- Day 2 – Start time 07:30 – end time 10:00.

The long nature of the shifts also ensure that there is consistency for the children, and there is not a huge changeover of staff, i.e., the comings and goings of adults / staff is reduced.
The homes Registsred Manager will also be ever present in the property, but will generally work 'office' type hours, i.e., 09:00 – 17:00, although this will be required to be flexible dependent upon the needs of the children.
An on-call manager will also be available 24/7 to manage any concerns that may arise.

6. Conclusion

6.1 This proposal seeks to provide a permanent medium to long-term residential home for children. A chance to provide a normal / traditional home environment to those who have not had that previously. The ability to live in a traditional home, within a residential area best fits this proposal.

6.2 There is no material difference in the way this property will operate from its previous use. It will remain a dwellinghouse. It will retain the appearance of a dwellinghouse. There will be no external alterations to the property that would not be acceptable within a residential area. The character of use will remain the same, and there will be no greater level of disturbance or amenity impact.

6.3 Children's care homes have been the subject of notable case law with various cases and appeal decisions indicating that they can either fall within Class C2 (residential institutions) or Class C3(b) (dwelling houses) of the Town and Country Planning (Use Classes) Order 1987 (SI 1987/764) (UCO 1987). Residential institutions for people in need of care fall within Class C2 of the UCO 1987 while Class C3(b) refers to "use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents)." Whether or not a proposed care home falls within Class C2 or Class C3(b) is generally dependent on the nature of the care provided, the permanent residency or lack thereof of the carers employed on site and the children themselves.

The North Devon District Council v the Secretary of State (2003) case considered whether a dwelling house, used as a residential home for two children, with care provided by two non-resident carers, falls within Class C2 or Class C3(b) of the Use Classes Order 1987. It found that staff must live permanently at the property in order to constitute as being part of the household, and that children cannot, as a matter of law, form a household themselves. Notwithstanding the above, the North Devon judgement concluded that the transition from one use class to another was not in itself enough to indicate that a material change of use had occurred. In particular, it was noted that "a change is not material if it is 'de minimis' or merely a change in the person conducting the use. The correct approach… is to judge materiality in land use consequences". On this basis, a change of use must be material in order for planning permission to be required.

This application seeks for a ‘Certificate of Lawfulness’ for the proposed change of use from a dwelling house (Class C3(a)) to a residential care home for three children (Class C3(b)), given that Class C3(b) can include ‘up to six residents living together as a single family’.

The use of the property for up to children would be similar to that of a typical family. The number of movements associated with the proposed use would also reflect that of a Class C3(b) use. With no external alterations proposed, this further ensures that the care home would operate without any disturbance to neighbouring properties. Therefore, it is considered that no ‘land use consequence’ will occur, it would constitute no material change of use.

Therefore, the proposed change of use should be considered lawful for planning purposes under section 192 of the Town and Country Planning Act 1990 and thus would not require planning permission.