

PLANNING STATEMENT

113 Blueberry Avenue, Manchester, M40 0GE

1. Introduction



This Planning Statement has been written in support of a Lawful Development Certificate (proposed use) application at 113 Blueberry Avenue, M40 0GE.

The application property is a terraced, two-storey, three-bedroom dwelling house falling under Use Class C3.

The property is located within a densely residential area consisting of similar dwellings.

2. Proposal

The proposal involves the following:

- Change of use from Use Class C3 dwelling to Use Class C2 residential home for childcare.

The residential home would serve two children/young people aged 11–18 years, offering tailored support for adolescents with special needs.

The children/young people will be overseen by two carers working on a shift basis, ensuring 24/7 care. One carer will naturally stay overnight.

A registered manager will also be working on-site during standard office hours (09:00 – 17:00).

Due to this, there may be up to five people within the property at any given time. Staff shift changes will be kept to a minimum.

Visitors will be largely limited to the Responsible Individual overseeing operations, social workers managing the children/young people's cases, healthcare professionals such as therapists or support workers when required, and family and friends of the children, where permitted and appropriate. A Responsible Individual is defined as an individual who represents a care organisation in its dealings with Ofsted.

Any maintenance staff or professionals who visit will all be required to sign into the visitor's book and provide proof of identification. All maintenance staff would also require DBS checks before working at the proposed home.

No visitors will stay overnight.

No external alterations will be made to the application site, thus preserving the external appearance of the application property.

The proposed residential home for childcare will be registered with Ofsted and run by Yani Care Support, an established organisation with experience in this field. Their Statement of Purpose has been submitted with this application; however, please note that the Statement of Purpose only provides information more generally about how Yani Care Support operate their children's homes, including their ethos, approach, and the experience of the organisation.

The more specific details relating to this application and property in particular are within this Planning Statement.

Lawfulness of proposed change of use

It is acknowledged that, as the carers will work in shift patterns with the registered manager working only during office hours, and no staff will reside at the property full time, a change of use from C3 to C2 will occur.

However, it is considered that this change would still not constitute a *material* (i.e. significant) change requiring planning permission as it will not be changing the essence of the house as a dwelling.

The issue of whether the use of a dwelling where 24-hour care is provided falls into C2 or C3 has been subject to case law and planning appeals. In the case of *North Devon District Council v First Secretary of State* [2003], the judge concluded that children could not on their own be considered to constitute a fully functioning household without a resident carer living in the property full-time.

As a consequence, it was decided that a change of use from C3 to C2 had occurred at the property. However, it was also decided that, whilst a change of use had occurred, this was not deemed to be a material change of use and that, as such, planning permission was not required.

This is applicable to the proposal at 113 Blueberry Avenue, where the property would change from C3 to C2 but would still constitute a permanent place of residence for two children/young people, thus preserving the primary function of the dwelling as a dwelling. The property will continue to maintain the appearance and character of a domestic dwelling.

Via *Gravesham Borough Council v Secretary of State for the Environment* (1982) 47 P&CR 142, it is established in case law that a key characteristic of a dwelling is its ability to afford to those who use it the facilities required for day to day private domestic existence. The Gravesham case establishes that a dwelling would not cease to be a dwelling even if it were used only for a part or parts of the year or at infrequent or irregular intervals or by a series of different persons.

In relation to 113 Blueberry Avenue, the application property would not lose its ability to provide facilities for day to day private domestic existence for the children/young people that it would serve. Additionally, the dwelling's function as a dwelling will not be lost as a result of the children/young people not being related or by a series of children/young people being served by the proposed home during the course of its operation.

The carers working on a shift basis and the registered manager are part of the provision of care for the children/young people, but had they been also included as permanent occupants in the property, this would only bring the number of permanent occupants to five at maximum and the household

would still fall within the planning definition of a dwelling. Planning permission would still not be required as the number of occupants would not exceed six.

Furthermore, although the carers are not permanent residents, their presence and function is similar to live-in guardianship and ensures that the dwelling operates similar to a stable, family-like unit for the benefit of the children.

As the proposed occupancy level (up to five people at any one time) does not exceed that of the existing dwelling, the proposal will not lead to any intensification at the site and will not generate any substantial increase in comings and goings, noise, or disturbance.

The level of occupancy and lack of external alterations to the property will enable the proposal to reflect a normal household with the property being situated within an established residential street. The proposed use and level of occupancy will be similar to that of a conventional residential dwelling. The carers' shift patterns and manager's presence during office hours would be no different to activities of people who travel to and from work.

The travel movements of the staff members and visitors would also not be different from the travel movements of occupants of a typical C3 dwelling house and would not give rise to any greater level of disturbance or amenity effects than would be generated by a typical C3 dwelling house.

For these reasons, it is considered that, whilst the proposed use falls within Use Class C2 and therefore a change of use will occur, the proposal will not constitute a material change in the use of the property and does not require planning permission.

Proposed level of care

As the proposed residential home for childcare will accommodate two children/young people with special needs, key provisions will include:

- Individual care plans designed to meet specific needs.
- Trained staff to provide therapeutic and emotional support.
- Access to specialist equipment or resources where required.

The children/young people will be supported and nurtured to:

- Pursue education, employment or training opportunities and develop core life skills.

- Be equipped with the knowledge, skill set and ability to take as much control of their life as independently as possible, therefore enabling them to grow, thrive and reach their full potential.
- Be involved in decision making regarding their life and given a level of autonomy, for example with their keys, personal allowance, food shopping, bedroom decoration etc.
- Ensure that they are supported to enjoy their experiences and develop their self-confidence and to be prepared for their future independent living.

Whatever their age at the time they begin residing at the property, the children/young people are anticipated to stay until they have turned 18 years old.

The children/young people will be supervised by staff members at all times, including overnight to ensure their safety and wellbeing and to prevent antisocial behaviour.

Unless they already have a successful educational placement that can be maintained, the children/young people will attend suitable specialist schools. Below is a list of such schools:

- Ashgate Specialist Support Primary School, which provides support for children aged 4 - 11 with complex needs.
- Camberwell Park Specialist Support School, which caters to children aged 3 to 11 with significant learning difficulties.
- Lancasterian School, which serves children aged 3-16 with physical disabilities and complex needs.
- Piper Hill High School, which supports young people aged 11 to 19 with severe and complex learning needs.
- Manchester Communication Academy SEND Hub, which offers a hybrid model for children needing both mainstream and specialised education.

Additional schools can also be found based on the specific requirements of the children.

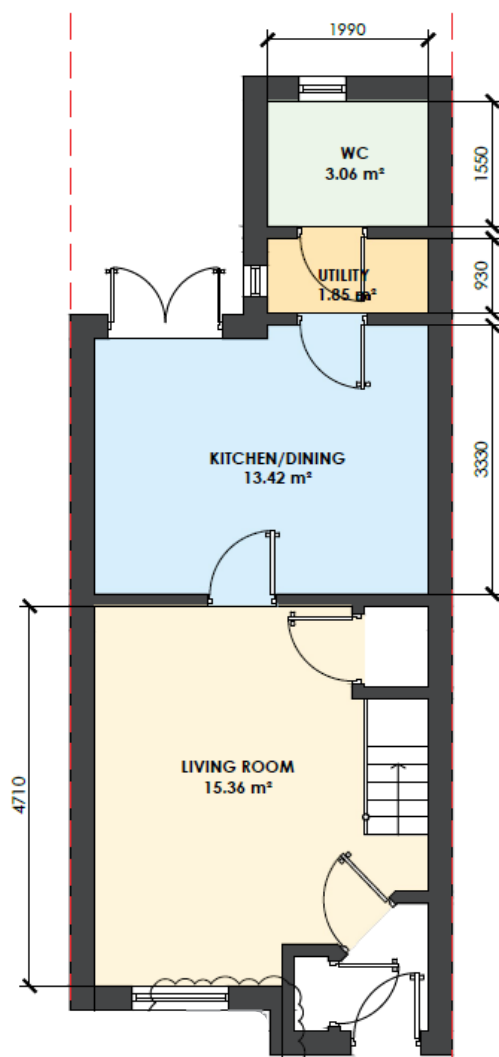
Staff number

There will be only three staff members on-site – these will be the two carers working on a shift basis and the registered manager working office hours (09:00 to 17:00).

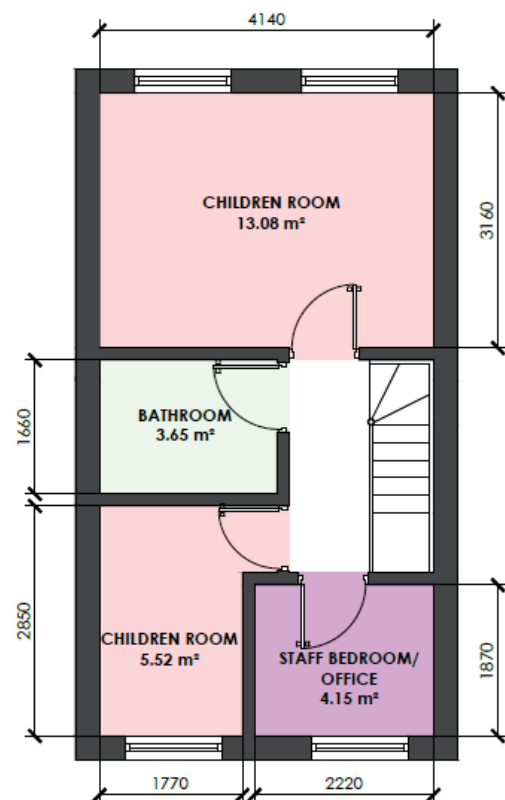
Staff shift changes will be kept to a minimum, minimizing comings and goings and preserving the residential character of the property.

Regular visits will be made to the property by a Responsible Individual.

Internal Layout



Proposed ground floor



Proposed first floor

Due the application property already being a residential dwelling, its internal layout is fully sufficient to accommodate the proposed use.

On the ground floor, the layout consists of a living room measuring 15.36 sqm, a kitchen/dining room measuring 13.42 sqm, a utility room, and a WC. The private external amenity space can be accessed via the kitchen/dining room.

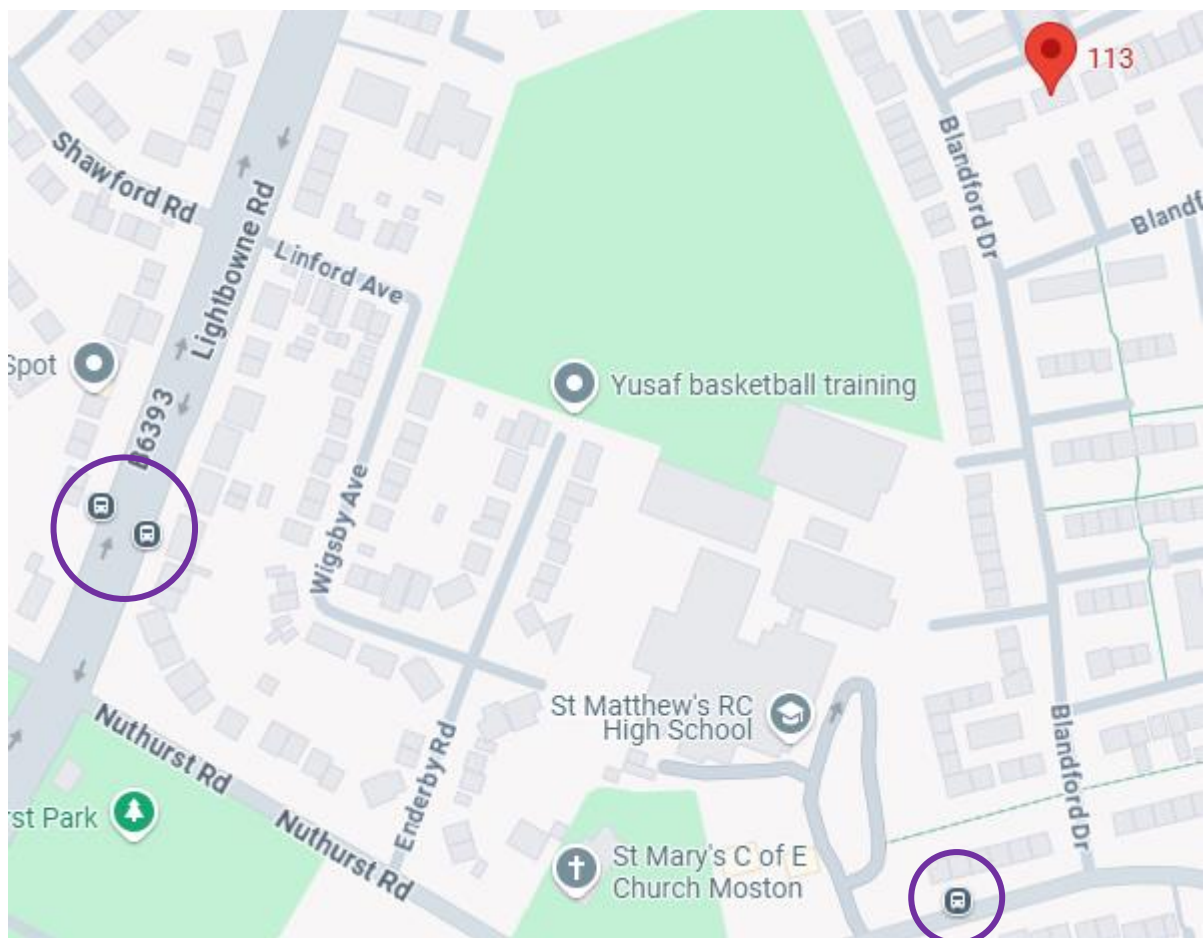
The first floor layout includes the two bedrooms for the children/young people, one bedroom measuring 13.08 sqm and the other measuring 5.52 sqm. The staff office/bedroom is also located on this floor, measuring 4.15 sqm. A bathroom completes the first floor layout.

The children to be served by the proposal will enjoy the comfort, convenience, and amenities of a typical dwelling house.

Transport

To promote a sustainable mode of transport, two cycle parking spaces have been provided utilising a Sheffield stand.

The local bus network can also serve as another mode of sustainable travel as St Matthew's High School bus stop is a 5-minute walk away from the application site. Bus stops on Lightbowne Road are also within a walking distance of 7 minutes from the site.



Nevertheless, as mentioned previously, the travel movements of the staff members and visitors would not be different from the travel movements of occupants of a typical C3 dwelling house and would not give rise to any greater level of disturbance or amenity effects than would be generated by a typical C3 dwelling house.

Refuse/Recycling Bins

Existing refuse and recycling bins with a capacity of 240L each are already located at the front of the site.

These will be retained and will serve the proposed residential home for childcare.

3. Conclusion

The proposed use of the property will not constitute a material change of use and will not amount to development as defined within Section 55 of the Town and Country Planning Act 1990 (as amended).

The proposed use will not remove the application property's function as a dwelling; its residential character will be retained and the intensity of use would be entirely consistent with typical family homes.

It is therefore respectfully requested that a Lawful Development Certificate be granted.