PLANNING STATEMENT ATTACHED TO PROPOSED USE OF THE DWELLING HOUSE (USE CLASS C3(a)) TO PROVIDE RESIDENTIAL CARE ACCOMMODATION (USE CLASS C3(b)) FOR 3 YOUNG PEOPLE AT 38 RATHBOURNE AVENUE, MANCHESTER M9 6PN.

STATEMENT PREPARED BY:- Arnold Robinson

STATEMENT DATE: JULY 2024

• INTRODUCTION

This planning statement has been prepared to support a Lawful Development Certificate application that proposes a non-material change in the use of 38 Rathbourne Avenue, from its current use as a C3(a) single dwelling house, to a use falling under Use Class C3(b), so as to allow for the care of 3 No. children.

We would highlight that the age range of children would be between 7 & 18 years old, and 38 Rathbourne Avenue would provide a stable home environment for the children, as their main and sole residence. The length of stay would be medium to long term and look to provide a continuity of care, along with attendance in mainstream education.

In terms the children who would be cared for, they would be placed at 38 Rathbourne Avenue following a referral from Local Authorities anywhere in the country, who are looking for a placement for a looked after child. At the point of referral, a pen picture of the child is sent out to potential providers, which provides the carer with information on the level of care that is required and from that, the staffing levels needed for the child.

The proposed use of 38 Rathbourne Avenue by Youth Haven, only intend to offer a

placement to a child that has an assessed level of a maximum of one/two staff member

to 3 children , thereby meaning that 38 Rathbourne Avenue would only be used to house a maximum of 3 children on a residential basis, with a member of staff on shift at all times. This would be a maximum of 1/2 staff during the day (depending on the child level of need) and 1 during the night with 6 weekly statutory visits being undertaken by a Social Worker.

• 38 Rathbourne Avenue

38 Rathbourne Avenue is a traditional semi detached house that is situated at the end of cul de sac. The surrounding area is primarily residential area within Higher Blackley The built configuration of 38 Rathbourne Avenue provides a lounge, dining room and kitchen to the ground floor. The staff office is also on the ground floor and WC. There are 3 bedrooms and a bathroom to the first floor, one of the bedrooms is an ensuite. Externally, there is a substantial rear garden area along with parking for 3 cars at the side of the property.

These details are shown on existing and proposed floor plans for 38 Rathbourne Avenue.

In terms of the location of 38 Rathbourne Avenue within the locality, the dwelling is sustainably located and is close to local services, shopping and medical, whilst there are a range of public transport routes within easy walking distance of the site. Parking is available at the side of the property and on street parking on the street which serves the surrounding dwellings

• SITE LAND USE ALLOCATION

The application site is located in a Primarily Residential Area, as denoted on the

Manchester Core Strategy and extant Unitary Development Plan Proposals Map. There are no other planning constraints that we are aware of that would prevent the development from taking place.

• DAY TO DAY ACTIVITES AT 38 Rathbourne Avenue

• Car borne journeys would be limited to care staff only and would be limited to the 3:1 care of the children; only in specific circumstance would this increase to 2 members of staff to 3 children and would be time limited.

• The children and care staff would eat breakfast, lunch and dinner in the house, meaning there are no requirements for any specialist catering;
• The children would attend Education/Training/Employment as part of their care;

• Sleeping arrangements would be in the bedrooms as per the proposed floor plans;

• There would be no business activities on site or any commercial activities that would change the character of the dwelling house;
• The use of the garden area would remain incidental to the enjoyment of the property and;

• There would be no more than 5 people living together as a single household and receiving care at any one time.

• THE RESIDENTIAL CHARACTER OF 38 Rathbourne Avenue

The proposed use of 38 Rathbourne Avenue Under Use Class C3(b) would mean that the dwelling house operated in the same way as the existing family home, and as it has done since it was constructed. In addition, we would highlight that there are no changes to the buildings character nor would there any anti- social uses or activities proposed or associated with the proposed use.

Whilst there is a minor change within the general Use Class C3 category, we do not consider that there is any sort of material change that would alter the residential character and use of 38 Rathbourne Avenue.

• CAR PARKING AND HIGHWAY SAFETY AT 38 Rathbourne Avenue

Manchester's Core Strategy Development Plan Document requires new development to provide adequate on-site parking and safe and adequate vehicular access to/from t he site. The property has parking available for 3 cars to support the C3(a) Use Class. As such, and given that the residential character of the dwelling would not change and that car borne journeys would be no greater that they are now, we do not consider that there would be any demonstrable changes or harm towards highway or pedestrian safety.

Further to the above, the 2023 National Planning Policy Framework (the Framework provides the most up to date planning guidance in relation to highway matters. In particular, paragraph 111 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.

In this case, and in terms of traffic movement and car parking, the proposed use of 38 Rathbourne Avenue is fundamentally the same and would not would cause unacceptable level of harm to highway safetyor have a severe impact on the

surrounding highway network.

• LEGISLATIVE BACKGROUND FOR THE LAWFUL DEVELOPMENT CERTIFCATE APPLICATION

The current Use Classes were last updated on 1 September 2020

Amongst all of the other Use Classes, the Order lists Use Class C, which is then broken down into 5 separate categories – C1, C2, C2A, C3 (a) (b) and (c), along with C4.

For purposes attached to the consideration of this Lawful Development Certificate application, Use Class C3 (a) and (b) are applicable to this applciation and are described as follows:-

• Use Class C3(a) covers the use of the dwelling by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child;

• C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

• THE LAWFUL DEVELOPMENT PROPOSALS FOR 38 Rathbourne Avenue

Current planning legislation and the Use Classes Order confirms that it is permitted development (not requiring planning permission) to lawfully alternate or swap between Use Class C3(a) and Use Class C3(b), so long as there are no material changes to the use

of the dwelling and that the proposed use comfortably fits within the descriptive framework that is set out in the Use Classes Order (C3(a) & C3(b) - see section 2).
In this particular case, and based on the submitted plans and written evidence that describes the proposed use, we consider that there is no material change of use to 38 Rathbourne Avenue and that the Local Planning Authority can issue the requested certificate based on the evidence submitted.
We also consider that the LPA can be confident that the submissions would be lawfully carried out in line with the evidence presented, given that any Lawful Development Certificate (Proposed) that is issued by the LPA, can be withdrawn if there were ever any material changes to the use of 38 Rathbourne Avenue by the applicant/owners.
PLANNING CONCLUSIONS
Based on the use of 38 Rathbourne Avenue that we have described throughout this statement, we do not consider that this development would involve a material change of use, and that the provision of care for 3 looked after children comfortably sits within the descriptive framework of Use Class C3(b) of the current se Classes Order
Overall, and based on the plans and descriptive evidence we have provided, the proposed use of 38 Rathbourne Avenue would be fundamentally the same. As such, we do not consider that there are any material planning reasons as to why the Local Planning Authority should not issue the requested certificate.