

PLANNING STATEMENT

APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED USE OR DEVELOPMENT

***'Use of Dwellinghouse (Use Class C3) as a Children's Home for up to 3
Children with Carer Accommodation (Use Class C2).'***

1A Meldon Road Longsight Manchester M13 0TZ

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1.0 INTRODUCTION

This planning statement has been prepared by LCA on behalf of the applicant 'A2Z Estates' in support of an application at:
No.1A Meldon Road Longsight Manchester M13 0TZ

1.1 Overview of Application

The applicant is seeking a certificate of lawfulness of proposed use to allow the use of dwellinghouse (Use Class C3) as a children's home for up to three children with carer accommodation (Use Class C2).

The home will typically be for children that have been diagnosed with learning disabilities (LD) and/or emotional and/or behavioural difficulties, (EBD) looked after by carers. The home will be registered with Ofsted as a children's care home. The registration process involves stringent scrutiny by Ofsted's to ensure the premises and care providers are fit for purpose and homes are striving for excellence in all aspects of care.

It is acknowledged that the proposed use falls within Use Class C2 and change of use from C3 is not automatically classified as permitted change. However, it is argued that there is little or no '*material difference*' between the existing and proposed use in this instance, therefore planning permission is deemed to be not required.

The planning system should not be a barrier to providing homes for the most vulnerable children in society as expressed in a ministerial statement from Rachel Maclean, Former Minister of State for Housing and Planning in May 2023; below are key excerpts from this statement:

"I, with the support of my Rt Hon colleague the Secretary of State for Education, wish to set out the Government's commitment to support the development of accommodation for looked after children, and its delivery through the planning system."

"Planning permission will not be required in all cases of development of children's homes, including for changes of use from dwelling houses in Class C3 of the Use Classes Order 1987 where the children's home remains within Class C3 or there is no material change of use to Class C2. An application to the local planning authority can be made for a lawful development certificate to confirm whether, on the facts of the case, the specific use is or would be lawful. Where a Certificate is issued, a planning application would not be required for the matters specified in the certificate".

2.0 RELEVANT PLANNING LEGISLATIONS

2.1 Sections 191 and 192 of the Town and Country Planning Act 1990

Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

(1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or

(2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

2.2 Application Type

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use or operations would be lawful for planning purposes.

The Town and Country Planning (General Permitted Development) Order provides that, where no more than six residents will live together as a single household where care is provided, the lawful use is Use Class C3 (b). The word "Care" equally applies that of Class C2 which is defined as follows:

Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwellinghouses)).

Use as a hospital or nursing home,

Use as a residential school, college or training centre.

This application seeks a Certificate of Lawful Proposed Development (CLOPUD) for the use of the property as Use Class C2. As the existing lawful use is a dwellinghouse that falls within the C3(a) Use Class.

under normal circumstances there would be no permitted change to a C2 Use Class. Therefore, it is necessary to make an assessment based on a 'fact and degree' as to whether there is a 'material change of use'.

3.0 EXISTING SITE/ BUILDING

3.1 Location

The application site is located within a predominantly residential area. However, there is a short parade of commercial premises to both the north and south side of Meldon Road close to the junction with Birchfields Road.

3.2 Application Property

For clarity and purposes of this document, the term 'application property' refers to No.1A, which is a separate residential dwelling located on the upper floors above No.1 Meldon Road. It has its own separate entrance approached and accessed from Birchfields Road via a staircase.

The application property has been used as a dwellinghouse, from circa. 2010. The entrance level and main accommodation is at first floor level comprising 3 bedrooms, living/dining room and a bathroom. A further bedroom is located at the loft level. All the habitable rooms are of adequate size and have windows providing good levels of daylight and ventilation. There is also a modern space heating system with new energy efficient appliances.

3.3 Existing Lawful Use

The existing use of the application property falls into the use C3 Dwellinghouse as categorised in *Town and Country Planning (Use Classes) Order 1987 (as amended)*

3.4 Relevant Planning History

Below are planning applications that are deemed relevant:

Planning app ref: 087870/FO/2008/N2

Address

Meldon Road Rusholme Manchester M13 0TZ

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Proposal

"Erection of two storey rear extension to existing outrigger, new staircase to the first floor rear extension and access ramps to doorways to front and side elevations in connection with use existing ground floor shop as office (Class A2) and first floor living accommodation".

Decision/ Date

Approved / December 2008

4.0 PROPOSED DEVELOPMENT

4.1 Proposal Summary

The proposed children's home seeks to replicate as closely as possible a normal family environment. This type of provision, which government policy is promoting, is to help children that have had adverse childhood experiences. These are not children with special or additional needs, who would come under Use Class C2a.

4.2 Alterations to Existing Property

The proposal for use as a care home will not entail any external alterations to the building elevations or entrance arrangements. There will also be no Internal structural alterations.

The existing dwelling has four bedrooms, the proposal will allocate one bedroom for staff rest/ sleeping. The remaining three bedrooms will be designated for children with each child having their own bedroom.

The physical adjustments required by OFSTED are minimal, these include emergency lighting and locks on bedroom doors to ensure each child's privacy, none of these changes are material planning considerations.

4.3 Proposed Use & Activity

Approval is sought for the application property to house three children, on medium to long term placements, care will be provided by no more than 2 care staff supported by one manager. Although an element of care will be provided, it is not the assigned carers that would live there permanently. In principle the use and nature of the property would still be that of a family home.

Furthermore, the property is to be registered with OFSTED and a requirement of OFSTED is that the home is run as closely as possible to a family home.

The coming and goings to the property including vehicular activity would be no greater than at present. In fact vehicular access to site is likely to be less as most of the occupants will be children with no access to vehicles.

Considering typical use and activity, it should be accepted that the proposed use would not be materially different to that of a dwelling house and therefore would not result in a development requiring planning permission.

5.0 CONCLUSION

It is anticipated that the local planning authority having reviewed this planning statement and submitted drawings will agree with the below conclusions:

- The proposed use is to provide a stable home environment for the occupants as their main and sole residence. The length of stay will generally be long term rather than a 'half way' house or temporary shelter.
- The proposal will have same number of bedrooms. The goings including vehicular activity would be no greater than at present, hence there would be no undue disturbance to any neighbour.
- Comings and goings would be no greater than occur at present, hence there would be no undue disturbance to any neighbour.
- 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 occupant and associated activities for the proposed use would not be materially different from the current use as a family dwelling.

In conclusion, the nature of the proposed use is not materially different from the current use as a dwelling; for this reason, planning permission for a change of use from C3 to C2 is deemed not necessary. The applicant therefore requests the local authority to positively receive and process this application for lawful development to allow this much needed care home to be established.