Dated 04/06/2022

SUPPORTING STATEMENT

in relation to the property on 33 Greenvale, Rochdale, OL11 5QJ

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1. **Background**

1.1. This supporting statement in relation to the property located at 33 Greenvale, Rochdale OL11 5QJ

1.2. It has previously been used as a family residential home people. The property will be leased on a long term lease with a view to being operated as a children's residential home by Castle Care Homes Ltd.

1.3. Castle Care Homes Ltd works in partnership with Local Authorities in order to deliver quality accommodation and facilities for young people requiring care. This development meets the present and future needs of those young people who are in need of care.

1.4. This proposed use is ideal in this location and will provide an excellent home for the young people in our care, offering a lifestyle that ensures independence whilst offering care to those in need of care.

2. **Our Proposed Use**

2.1. We are looking to open a Children's Residential Care Home (as defined in the Care Standards Act 2000) to provide full time care for up to three mixed-gender young people aged between 10 and 17. Our young people can sometimes have emotional difficulties or have come out of foster care.

2.2. There are no proposed structural changes to the exterior of the building.

2.3. Our aim is to have young people stay with us for medium to long term (we look to have young people stay with us for a number of years). Turnover of young people will be minimal as this allows for a stable, healthy environment growing up. It will be the young people's primary and exclusive residential dwelling – our aim is to make it feel like their home as much as we can.

2.4. We will have a Manager working there during business hours (Mon-Fri). Otherwise, we will have a staff team working on a rota system. It will not be their primary residence. There will be two to three care staff members in the property during the day and two staff members sleeping overnight. Staff usually work 2 to 3 days in a row – shift changes are minimal.

2.5. This exact issue has recently been considered by Trafford Planning Department, who consulted with their legal counsel and agreed with the below judgement (*96180/CPL/18*). See separate document attached to this application for the Trafford Planning Officer Report for the aforementioned issue.

2.6. Trafford Planning noted the following:

"Having regard to the nature of the property, and on the basis of the submitted statement, it is therefore considered that the occupation of the property by up to 5 young people with a maximum of 2 non-resident carers staying overnight on a rota basis, operating in accordance with the details set out in the submitted statement, is unlikely to result in a material increase in noise, movements or people over and above the use of the property as a dwellinghouse. Furthermore, the premises will have the look and character of a conventional residential

***dwelling. It is therefore considered that the proposed use would not constitute a material change of use from a dwellinghouse i.e. would not give rise to land use changes that could be regarded as material therefore triggering the requirement to obtain planning permission.*"**

2.7. Further details are provided in *Schedule 1*.

3. Grounds for Application

3.1. Material Change in Use

3.1.1. When change of use from a C3 to a C2 classification is being considered, we note that the 2003 judgement in *North Devon District Council v. Secretary of State [2003]* stated that planning permission would only be required if there had been a *material change of use* from a dwelling house.

3.1.2. Should Rochdale Planning disagree with our view that the proposed use will fall within Use Class C3 (b), we ask you to consider the extent to which, if the use fell within Class C2, there would actually be a "material change of use" that required planning permission.

3.1.3. We note that what constitutes a material change of use will depend on the circumstances of a particular case and will be determined in the first instance by the local planning authority for the area concerned, however we would assert that there are strong reasons to make this argument:

3.1.3.1. The home is a four bed home (7 rooms) arranged over two levels

3.1.3.2. The proposed use would have 3 people living there with the addition of staff (usually two on a rota) – this is not materially different to the use of such a property by a residential family.

3.1.3.3. The proposed use would generate traffic movements similar to the daily variations expected with a large family home which we believe is suitable for this location, and the safety and freeflow of highway movements would not be prejudice by this development (see *Schedule 1* for further details).

3.1.3.4. There is a driveway with additional paring to the front and side of the property.

3.1.4. Mr Justice Collins in *North Devon District Council v. Secretary of State [2003]* concluded:

"*Nevertheless, I consider on current evidence that the proposed use would be unlikely to constitute a "material change of use" and therefore constitute development. The change from a conventional dwellinghouse to the limited care provision that is referred to for up to 4 children and non-resident carers operating a rota at the property* ***would not give rise to the land use changes that could be regarded as "material" therefore triggering the requirement to obtain planning permission***."

3.1.5. It is important to note that we are legally obligated from a regulatory perspective to maintain the character of a conventional residential dwelling. OFSTED Guidance (which guides our regular inspections) states:

"*For children's homes to be nurturing and supportive environments that meet the needs of their children, they will be* ***homely, domestic environments****. Children's homes must comply with relevant health and safety legislations (alarms, food hygiene etc.); however in doing so, homes should seek as far as possible to* ***maintain a domestic rather than 'institutional' impression***"[1]

3.1.6. The premises will have the look and character of a conventional residential dwelling. It will consist of bedrooms, all of which are lockable, shared kitchen, dining room, living room, games room and bathrooms.

3.1.7. The proposed use gives rise to no greater level of disturbance than may be regarded as reasonable during conventional family living for a property as substantial as this.

4. Application of Case Law to our Proposed Use

4.1. If the proposed use is deemed to fall within C2, *North Devon [2003]* states that there must be a *material change of use*. With no exterior structural changes and no material increase in noise, movements or people, there is very little evidence to suggest it is a material change of use (see *Schedule 1* for further information).

4.2. OFSTED clearly require us to maintain a homely domestic environment. We are simply unable to run a children's home without doing so – OFSTED would take enforcement action against us if we lose the look and character of a conventional residential dwelling. The character of the building must remain as a normal family home.

5. Conclusion

5.1. In light of the above submitted evidence, the balance of probability is in favour of the issuance of a Lawful Development Certificate.

5.2. It is therefore respectfully requested that a Lawful Development Certificate be granted for the use of 33 Greenvale, Rochdale, OL11 5QJ as a residential home for up to three young people requiring an element of care.

[1] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/463220/Guide_to_Children_s_Home_Standards_inc_quality_standards_Version__1.17_FINAL.pdf

Schedule 1
Planning Considerations and Further Details

1. **Regulatory Framework and Local Need**

1.1. The care home would be registered with OFSTED and will comply with all the necessary legislative requirements.

1.2. As part of our required OFSTED registration process, we must demonstrate that we meet certain legal requirements set out within the Care Standards Act 2000, Care Standards Act 2000 (Registration) (England) Regulations 2010 and the Children's Homes (England) Regulations 2015.

1.3. OFSTED inspect newly opened care homes, and carry out at least one full inspection and one interim inspection per year. OFSTED can take enforcement action, where care homes have been shown to not meet the legal requirements set out within the Regulations.

2. **Noise and Movement**

2.1. We understand local residents will prefer to have movement around the property to be non-disruptive. Activity levels arising from the proposed use will be very low key. With this in mind we would note the following:

2.1.1. Staff will work 15.5 hour shifts during the day, so staff turnover during the day will be minimal. Staff work multiple (2 to 3) days in a row.

2.1.2. Noise is not going to materially increase as the area already contains a high level of noise generated by children during the days.

2.1.3. During the day residents would attend school and, therefore daytime activity levels at the site would normally be limited.

2.1.4. The property is in a block of terraced houses and we would therefore assert that existing movement on the road is high and the road should not be considered a quiet road.

2.1.5. Staff will be encouraged to join a car sharing scheme and the number of visitors to the property will be minimal (it will likely include social workers every 4 to 6 weeks and occasionally members of the local authority).

3. **Children's Behaviour**

3.1. With children's care homes, we understand that local residents can sometimes be concerned about antisocial behaviour from the children. We would note the following:

3.1.1. It cannot be assumed that children living in care would be more likely to behave antisocially or create levels of noise over and above children living in a 'traditional' family unit.

3.1.2. The children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise – our vast experience in the industry ensures we house young people who we are comfortably able to safeguard and look after. We do not take on high risk children.

3.1.3. All children need a sense of belonging and someone who is 'in their corner'. We believe that young people in care have every right to be included and welcomed into a local area. The unfounded[2] and unfair[3] perception surrounding these young people should not ostracise them from society.

3.2. In land-use terms we believe this will appear as very much like a large family home, but what makes it different is the perceived personalities of the young people that would occupy the site. We would like to stress that these perceptions do not reflect the realities of children in care, and any isolated instances of poor behaviour will be countered by effective and responsible management.

3.3. We understand that fear and perception of crime is a planning consideration, however we very firmly believe that there is zero reasonable evidence base for any fear in this instance and would vehemently oppose any unfair perceptions surrounding young people who have often already had to overcome a lot in their lives.

[2] https://www.celcis.org/files/4614/4308/5144/Homes-from-Hell-Media-Perceptions-Clackson-5.1.pdf
[3] https://coramvoice.org.uk/sites/default/files/Children's%20views%20lit%20review%20FINAL.pdf