

Burnett, James

From: planning@staffmoorlands.gov.uk
Sent: Monday, September 05, 2016 10:23 PM
To: Planning (SMDC)
Subject: Comment Received from Public Access

Application Reference No. : SMD/2016/0420 Site Address: Ivy House Freehay Road Mobberley Cheadle Staffordshire
ST10 1TP Cheadle Comments by: Mr Nick Bentley

From:

Hillrise
Freehay Road
Mobberley
Stoke on Trent
Staffordshire
ST10 1TP

Phone:

Email:

Submission: Objection

Comments: Hillrise

Freehay Road

Mobberley

Stoke on Trent

Staffordshire

ST10 1TP

1 September, 2016

Mr B Hurst

Planning Officer

SMDC

Moorlands House

Stockwell Street

Leek

Staffordshire

ST13 6HQ

Dear Sirs,

Case Number: SMD/2016/0420

Certificate of Lawful Development for an existing use to accommodate residential care of young persons (re-submission of SMD/2015/0614)

I am writing to object to the current re-submission from Horizon for a Certificate of Lawful Use for them to continue to run their business from this location.

Firstly, I must remind the SMDC that the reasons for refusing this application the first time around was the pure fact that this company could not in GREAT DETAIL provide the local authority the clinical information to determine how this home has been operating over the period of time since opening.

This in itself is a worrying scenario when you think what has gone on at this home over the last 5 years. This speaks volumes of what this company have done and still continue to do. They have submitted a document, [Ivy House Statement Of Purpose], which is a document that states the protocol of how they operate at this home. The Ofsted reports alone tell the true story of how this home is operating and their statement doesn't state the real issues of what really happens there.

What it fails to mention is:

1. The number of serious incidents which have happened there over the period from opening
2. The number of Police visits at this home
3. The number of staff at any one time at the home
4. The inappropriate location and lack of space for the children to play safely
5. The lack of proper parking on site and their constant use of using the highways to park their cars which goes against the Road Traffic Act 1984
6. No mention of them endangering the children they are supposed to be keeping safe by these ill practices, i.e. reversing out into the path of HGV fully loaded lorries
7. No mention of the duty of care to local residents
8. No mention of how they deal with serious incidents which involve or affect residents directly
9. No mention of the good neighbour policy

10. No mention of the inappropriate documentation submitted with regards to the Ofsted Registration Document in which they claimed that the home was registered in 2002. [this document needs to be looked at].
11. No mention that they have had to re-register with Ofsted because it wasn't registered at all over the time since opening
12. No mention of the number of movements at this home on any one day
13. No mention of the Police visiting the home in the daytime and the early hours of the morning
14. No mention of the ratio of carers per child

Questions of all the above and the already previously submitted documentation provided with regards to Ivy House need to be seriously looked at before someone is killed or seriously injured at this location. This responsibility would rest on all the relevant authorities and agencies concerned with this home if that was the case, but it shouldn't be under estimated with what we have witnessed and continue to do so.

I would just like again to comment on the application form that has been re-submitted. It's again had to change from the previous one which was presented which I cannot understand. This again highlights how wrong and misleading the first one was if you have to change a basic application form to persuade the authorities that all is well with this re-submission to the SMDC. I have compared both and this second one again is even worse than the last one and not detailed enough with regards to the number of persons resident /non- resident, no mention of the shift patterns (in detail) and Registration of the home, i.e. the date from opening. I also noticed it is a carbon copy of the one submitted for another care home at Windy Arbour which is a category C2 care home. This near exact statement in itself would highlight that Ivy House would adhere to the same planning category that is C2, not C3b.

I must reiterate that this latest attempt to fool the SMDC into granting this Certificate is no better, but even less clinical for detail than the first which was rejected.

I would also like the SMDC to take a log of the parking numbers which was asked for by Ben Hurst in December 2012, and given in person by myself in March 2013, which was used in a meeting between the SMDC and SCC as a possible change of use as part of this objection. This needs to be seriously considered. (attached)

I would also like the Case Officer to take an earlier letter which indicates points of a material change of use to be considered in this objection also (attached).

So therefore I would again urge the SMDC to refuse this re-submission on the grounds of material change of use (which I have already submitted to Ben Hurst) the lack of in-depth and clinical detail of what the current case officer would require and on the same basis as what the previous case officer requested (that of Robert Wilshaw, Urban Vision).

I conclude, I would like to object to the application and ask for this care home to be closed or re-located and enforcement action used.

Yours faithfully,

Nick Bentley

on behalf of the Freehay Road Action Group

Hillrise

Freehay Road

Mobberley

Stoke on Trent

ST10 1TP

9 March, 2013

Mr. Benjamin Hurst

Senior Planning Enforcement Officer

Staffordshire Moorlands District Council

Moorlands House

Stockwell Street

Leek

Staffordshire

Dear Mr. Hurst

I am writing to you regarding the investigation into the parking situation at the premises of Ivy House, Freehay Road, Mobberley which I agreed to monitor over a two month period. My evidence throughout this period is below.

The results show that there is an average of between 5 and 6 cars at any given time parking at this residential house. On some days there can be as many as 8 cars parked on the driveway and pavement. With the restriction of parking facilities, cars arriving on the first shift need to vacate for those on the next [shift] and therefore need to reverse out of the premises, onto a busy road causing disruption and a potential hazard to passing traffic. Employees revert to parking in any available space which includes a steep grass verge (non hard standing) underneath which their septic tank is sited. I have spoken to one of the carers who told me that their pool vehicle had a serious defect on the handbrake which is why she could not move the vehicle off the pavement when I asked her to. She had obviously thought about the consequences what may have happened on her drive but had no regard for her neighbours at all.

Educare, the care provider, have an obligation under the Health and Safety at Work Act 1974 to provide adequate parking bays for employees and visitors instead of using the pavement as an overspill car park. Parking vehicles on the pavement outside our house blocks our vision and impedes our exit from our own property.

Freehay Road has two active quarries which constantly use the highway. A 38 tonne lorry is unable to stop in a short distance particularly when full and should a car be reversing out at the same time then the consequence of a crash would be disastrous.

I have recently had a sight visit from Staffordshire highways and after a lengthy discussion, was told that they were not happy at all with the location of this care home and are seriously doubting the decision to allow this facility to be used in such a dangerous location. I am sure you will be hearing their point of view in the near future.

2/...

I would also like to mention the lack of a designated smoking area at the premises. The residents smoke at the end of their driveway and I have witnessed them throwing their cigarette ends into our garden or leaving their discarded cigarette ends on our drive. I have reported this to the manager of the home but it continues to happen.

I hope that the information attached is satisfactory for your investigation however should you require any further details, please do not hesitate to contact me.

Yours sincerely,

Nick Bentley

Date	Total Cars	Maximum	Parked on Pavement
23/11/12	6	7	
24/11/12	5	5	
25/11/12	6	6	
26/11/12	6	7	
27/11/12	6	6	
29/11/12	7	7	
30/11/12	6	6	
01/12/12	6	6	
02/12/12	5	6	
03/12/12	7	7	
04/12/12	5	5	
05/12/12	6	6	

06/12/12	5	5	
07/12/12	6	6	
08/12/12	5	5	
09/12/12	6	6	
10/12/12	6	6	
11/12/12	6	6	
12/12/12	7	7	
13/12/12	5	6	
14/12/12	5	6	
15/12/12	6	5	
16/12/12	4	5	
17/12/12	5	5	
18/12/12	5	5	
19/12/12	6	6	
20/12/12	4	4	
21/12/12	5	5	
22/12/12	5	5	
23/12/12	5	5	1
24/12/12	4	4	
25/12/12	4	4	
26/12/12	4	4	
27/12/12	4	4	
28/12/12	5	6	1
29/12/12	5	6	1
30/12/12	4	5	
31/12/12	5	5	
01/01/13	6	5	
02/01/13	4	5	

03/01/13	5	5	
04/01/13	5	5	
05/01/13	6	5	
06/01/13	6	5	
07/01/13	5	5	
08/01/13	6	5	
09/01/13	5	5	
10/01/13	4	5	
11/01/13	5	5	
12/01/13	4	5	
13/01/13	7	6	
14/01/13	8	4	
15/01/13	6	6	2
16/01/13	6	6	1
16/01/13	6	6	1
17/01/13	5	5	1
18/01/13	5	5	
19/01/13	5	5	1
20/01/13	6	6	
21/02/13	6	6	
22/01/13	7	7	

Dear Mr B Hurst

Following our telephone conversation on 21-3-16, I was not convinced by the conversation that this case of the Ivy House Care Home, [Application no SMDC/2015/0614], wasn't properly addressed and scrutinised by the SMDC Planning Department. In the conversation, you stated that you had not looked at this case for three months and that the case was closed. Then on the following day your department had to apologise because you didn't reply to my solicitor's letter within the mandatory 20 days, and also you never even looked or acknowledged the actual reply that your name is on the bottom of and signed! You also stated that there was no evidence that there was a change of material use at this home and that no enforcement action was necessary. This statement contradicts what the SMDC have stated to the Leek Post and Times Newspaper in that the care provider is currently in the process of re-registering for a Certificate of Lawfulness. Also you couldn't provide me with the date when you visited this home to ensure that the home was adhering to the current planning regulations and to ensure a material change of use had not occurred, to satisfy the planning officer overlooking this case and most importantly, to ensure that the children in care at this residential home, and the residents alike are safe and secure at this location. More worrying is that you made it quite clear that you hadn't seen any of the objections that were part of this planning application and also that when you visited the location that you couldn't find any problems or indications that would indicate a change of material use. If you had observed the application, it indicated that there were a number of facts that stated that there was a material change of use, the main one being was submitted in the application by the care provider that stated that the carers were non-residential, which goes against the category of a C3(b) under the Use Of Classes Order 1987, requiring staff to live on the premises with the children as a single household, which is not the case and never was, and this was highlighted to the SMDC which should have provoked the enforcement team to act on this immediately. Also you should have noticed at the site visit of the care home that:

1. A designated smoking area [as stated to Sir Bill Cash], by the Regional Director of Ofsted on the 28th January 2014, which was installed after complaints by the residents of antisocial behaviour regarding littering and smoking!
2. Electronic surveillance system used inside the home, to ensure that the children are kept safe, and to reduce absconding in the night, [this also indicates a secured environment, i.e. secure unit]. Refer to Ofsted report, Inspection dated 17/9/2014.
3. Iron bars installed around the windows, after a child tried to jump out of the top window!
4. Fire doors installed, with fire extinguishers located throughout!

5. Designated fire exits, [as stated by SMDC].
6. Additional telephone lines installed in 2013 [recommended by Ofsted], which indicate that the phones are not shared and also an office! [Refer to Ofsted Report].
7. A lockable office at the rear of the home! [on show at the rear of the home, also used as a mess room for the staff and for governing bodies to meet, i.e. the Police].
8. Regular meetings are held at the home between psychologists and social workers, SCC Reg 33 Designated Officers and the Police [Refer to Ofsted Report].
9. High volumes of cars [reversing in and out] of the premises which was highlighted in my 2 month log required by yourselves as evidence of the on-going problems regarding cars and the inappropriate lack of parking at the premises resulting in the care providers staff and cars parking on the pavement endangering ourselves from exiting our home, but most importantly, endangering the children they are supposed to be caring for, which I have witnessed near fatalities at this location which seem to be ignored! An average of 5-6 cars parked there regularly and at times 8-10 cars, [Refer to my 2 month log].
10. Not providing the Council Tax Bills for the period of 2011-2015, clearly indicates that a possible change of use would be on show here, or covering up this fact by not presenting the relevant information? [Stated by the SMDC].
11. By referring to the requirements that have to be met by Ofsted would also indicate a material change of use by these regulations, [Refer to the Ofsted's Children's Social Care Application Requirements to register a premises!].
12. Also refer to all the objections submitted to this case, [objections] for material evidence!

With you stating in our conversation that you found no evidence of a material change of use from your visit and also the SMDC indicating this in the newspapers, are you seriously saying that all the above doesn't exist? This will clearly indicate that either you are wrong or the Ofsted reports are wrong! Either your organisation or Ofsted are deceptive.

All the above reinforce the contention that there is no way that Ivy House Care Home located at Mobberley can reasonably be confused with a residential dwelling[C3b].

The above is more akin to a [C2], which requires full planning permission.

This should have been addressed at the time of the application being refused on the 16th December 2015, and enforcement action, just on the basis of the application submitted by the provider, which indicated a material change of use, i.e. non-residential staff and a 24 hour rota system which indicates a business like operation at the premises, far from a normal residential home! Then also Educare submitted a false Registration Document which indicated that the date in which the home was registered in was 5/6/2011, which totally contradicts the application registration form which stated that Ivy House was registered in 2002. Also the only statement that was made to the SMDC by Educare was a Statutory Declaration duly sworn by the Residential Care Manager at the property which stated that the property has been used for residential child care for over four years since 5.6.11. This also could be a fraudulent claim as the current manager has not been employed at this home throughout this period; she started in August 2014 which deems this claim void!

My analysis from these statements draws me to the conclusion that there is a possibility that false documentation could have been submitted, which could indicate that the care provider's application is fraudulent. With that in mind and their refusal to submit the relevant information and material asked of them by the SMDC, which resulted in the planning application being refused, brings me to the point that the home was never registered from the opening date of this care home. Also the Registration document from 2002 has never been highlighted or submitted as evidence on the Planning Portal Website as evidence to this application. We can only assume at this moment that fraudulent activity on the care providers part could have adhered to both Ivy House and Windy Arbour homes applications being refused on the basis that the registration part of the application was submitted on the back of the existing 2002 Windy Arbour Registration document with Ofsted, which was used fraudulently to register Ivy House, therefore avoiding the possible planning implications if the home had to apply in full to the SMDC for permission for a Certificate of Lawfulness and also possibly for a [C2], planning application?

We need to know if the Registration Document submitted in the application by Educare was lawful or fraudulent.

We need to see the relevant documentation that states that the home was registered in 2002 and that it was legitimate.

We also need to know whether this has resulted in the care provider having to have to register with Ofsted in the approved manner as a result of the refusal of the application and the lack of evidence to show what has been going on for the past 4 to 5 years.

Also in our conversation you indicated that this case was closed, [which contradicts the statement made by the SMDC to the Leek Post and Times 16-3-16 issue], then you went on to say that it was a consultancy officer, contracted in to work on behalf of the SMDC, [Richard Wilshaw, Urban Vision], who dealt with this case and you had no detail or in-depth knowledge of it. I hope this wasn't a case of plausible deniability on show here by your willingness to overlook these important facts and complaints forwarded to your planning department of which you have apologised for and have accepted. You also indicated to me that the application was still on-going and that the care provider was in the process of re-applying. You stated you hadn't looked at it in 3 months yet I reminded you about the reply letter submitted to my solicitor on 11.2.16 signed by yourself which contradicts and highlights to me that you and the SMDC haven't taken this case or issue seriously and you have not even bothered to respond to Ian Johnston to highlight your findings with regards to what he has asked from you. It clearly indicates to me a lack of responsibility and professionalism on your part and that of the SMDC to reply within the mandatory 20 days of the complaint date which expires on the 2-3-16 as stated in your reply. The judgement of the above statements were correct by an apology from yourself and Helen Walker on the 23-3-16 to myself stating in the telephone conversation that you overlooked this important document at the expense of 3 months lost in this application process which sought immediate enforcement action and to close this home for good, but more importantly give the care provider time to register the home quickly as to clear up this mess and forget what really has occurred in this dreadful application of none existent lawful documentation which was submitted.

I cannot describe how upset and angry my family feel about this out of control failing care home next door. We have suffered throughout the period of this home opening under a cloud of conspiracy but from the evidence and the approach taken by all the bodies who are responsible to monitor this home, I can only conclude that somewhere down the line departments have avoided to address the probability. To my mind which I think is correct, this facility wasn't opened from the start with the relevant and lawful documentation in place and have opened with full knowledge that the home wasn't registered. On top of that the failing of the care provider to state these material changes to the local authority highlights the incompetence and arrogance not to do so, but most importantly forgetting who they are working on behalf of and putting the children in care at risk by upholding the regulations

and law surrounding this home. By not being able to submit the affairs at this home only strengthens this statement and with the recent Ofsted report highlighting a whole list of failings at this home and down-grading it, which has, I can only assume by what I have read in this report, is that there is a current investigation by the Police for a serious exploitive relationship between a carer and a child at Ivy House [a damning report]. This coupled with the home not reporting other serious incidents, some of which are more damning than this one, only indicates to me that it could possibly be that it is the care provider who needs investigating by what is detailed in this report, and the reluctance not to submit the relevant information asked of them by the SMDC about the mechanics and activities over the past 4 to 5 years at this home. It is also ironic that the care provider has accused myself of harassment, which I have tried to address through my lawyers in which the provider will not respond to and they have no evidence again to reinforce their claims of this accusation. It seems to me that it is the care provider's employees that adhere to the harassment charge towards the children they are supposed to be taking care of. As it stands we have no faith or confidence in this care home next door and hope the SMDC will draw their own conclusions as to whom is right and who is truthful in this case. This is a very serious issue.

I have stated time and time again that something more serious than what this report has found could happen at this home and that the authorities are living on a knife edge by allowing this home to continue to operate at this totally inappropriate, dangerous and isolated location.

If all the above is true, which I adamant it is, then enforcement action should be applied immediately and this home closed for good!

Currently as it stands, the home is without a Certificate of Lawfulness, unregistered correctly with Ofsted, under staffed, under investigation of allegations and wrong-doings of a serious nature, and in the process of possible enforcement. I can only from the above state that the home is in turmoil and needs closing down! What does it take for this to happen, it seems to me and the residents that it couldn't possibly get any worse than this & it's a disgrace.

I would also remind the SMDC that in other similar cases where a breach of the planning regulation has occurred enforcement action has happened immediately after the breach has been identified. At this moment in time the SMDC are 3 months behind in this particular case i.e. Ivy House Care Home, the evidence is clearly shown in the Ivy House case that Urban Vision looked at on behalf of yourselves. This should have been picked up by the SMDC and treated consistently with all other cases.