

From: [Johnston, Christopher](#)
To: [Planning Comments \(SMDC\)](#)
Subject: FW: SMD/2021/0649 - Certificate of Lawfulness C3 to C2
Date: 25 November 2021 11:50:04
Attachments: [image003.png](#)

Please add to R drive and web files as "Agent response to letters from local residents".

Thanks
Chris

From: Muzz Mahmood <muzz.mahmood@knightsplc.com>
Sent: 24 November 2021 16:20
To: Johnston, Christopher <Christopher.Johnston@StaffsMoorlands.gov.uk>
Cc: clerk@browndedge-pc.gov.uk
Subject: SMD/2021/0649 - Certificate of Lawfulness C3 to C2

Hi Chris,

We have reviewed the letters of objection from local residents and the parish council. We would like to take this opportunity to respond to the comments raised; we are also aware that this certificate of lawfulness has been referred to planning committee - in order to assist yourself as case officer, and the planning committee please find below our response to these comments.

The letters of objection were submitted by residents of Hill Top Close, Hough Hill (4), Thelma Avenue, Hammond Avenue (3), Spring Crescent, Brownhill Road, Sandy Lane (8 including Busy Bees), Hough Lane, Poolfields Court, Overland Drive, Meadow Road, Breach Road (2), Willfield Lane, Sytch Road and the Brown Edge Parish Council.

We are also aware that the main area of concern is the impact on amenity and highway safety. All of the issues raised can be broken down into two categories which include material considerations and non-material considerations.

The letters from the residents raised the following material considerations and Knights response on behalf of the applicant:

1. Anti-social behaviour, disturbance and fear of crime. The comments raised showed that there is a general miscomprehension about children in care homes and how their behaviour could have an impact on the livelihood of others residing within the area. Some of the comments implied crime levels would increase and how this would have an impact on the elderly the most.
 - The Registered Manager is very experienced and ensure that the team will be working with the children and young people using a Social Pedagogical approach where the team work in a holistic way, share experiences and learn together. By doing this it develops positive relationships which, in turn, fosters opportunities to make a positive contribution to the wider community.
 - One example of this could be seen at a home the manager had previously been responsible for. By working alongside other professionals, the applicant was able to secure funding for a project where we were involved in the set-up of the 'Make It' project in our local area, where all children and young people were offered the opportunity to make a positive contribution to their community. Positives from this

have been that, working alongside creative mentors, they've had children and young people who have made Christmas Wreaths / Easter baskets / and all sorts of other arts and crafts and managed to sell them within the community with the feedback being outstanding.

2. General safety of children and elderly. Concerns have been raised about potential disturbance issues for young and elderly persons and draw reference to the site's proximity to Busy Bees Nursery.

- Where there is evidence that children and young people pose a risk to younger children, the applicant would not deem them to be suitable for the home due to the proximity to the pre-school next door. For every placement an impact risk assessment and matching documents are complete. The appointed manager has experience of running a home with a nursery next door but one and found that working transparently, with open discussions and sharing information appropriately, a positive working relationship developed and there were not any concerns for ourselves, the nursery, parents or Ofsted. The children and young people in some cases have gone on to have their work experience within the nursery setting and with professionals working together, the outcomes of such experience has only ever been of a positive nature.
- The home is small (only up to 3 children will be living there) with a good staffing ratio which will allow a high level of supervision. A lot of work around awareness of elderly residents and the nursery will take place, educating the children about acceptable behaviour and ways in which they can contribute positively rather than have a negative impact.
- The applicant has also been in contact with Busy Bees Nursery and has discussed the sharing of risk assessments etc. which we hope will form the foundation of a positive working relationship moving forward.

3. Highways grounds. The comments received raised issues regarding parking and congestion levels during peak times of the day.

- The property has 5no. of parking available on site (one of which is in the garage) which would only be at full capacity during the shift change over period (i.e. 2 carers for the two shifts and occasionally a site manager present); the shift pattern is expected to last for around 30 minutes.

4. Safeguarding of the children. There are concerns around both the safeguarding of the children attending the nursery next door and the children at the care home.

- Bedspace are legally required to complete a location assessment and will engage with other services and professionals to do this (police, social care etc) and will take in to account known risks which would include things like bridges, motorways, deep water etc.
- The applicant would match each child referred to them for a placement both to the home, area and with the other children living at the home (with there being a pre-school next door, for example, they would not agree to a placement of a young person

with a known risk to younger children). This work would be completed alongside other professionals with a robust matching process and impact risk assessment.

5. Noise levels. Concerns have been raised regarding noise disturbance resulting from the care home and it is alleged that these children would be 'difficult' and 'aggressive'. However, given that the number of children at the premises could be lower than at a normal house (given the finite amount of space) and the presence of 2 trained carers at the site providing care, it is considered that such noise disturbance would not be materially different to the property being used as a normal family dwelling house.

- The anticipated noise levels from the home would not be much different to the levels of noise that would come from a larger family living in a five bedded house. The surrounding area is not just mainly characterised by single family dwellings; the next door property is a pre-school and there are other small businesses across the road. It may well be the case that the proposed use could continue with little quantifiable impact.
- The applicant would also look at the referral for each and every child to see what needs they have/ had, what risks they posed and how best to support them. They would then complete a robust matching process and impact risk assessment (taking in to account factors such as the other children living at the home, proximity to risk factors etc). They would aim to meet with the child and those involved in their care before inviting them initially for some tea visits before progressing to overnight stays and eventually coming to live at the home. Bedspace also has a statutory responsibility to attend regular review meetings which would always consider the suitability of the placement.

6. Strain on schools/ facilities. Some of the residents had concerns around public facilities. They claim that the introduction of 3 children into the area would put further strain on existing schools/ facilities which would therefore make it difficult for other children to get places at local schools.

- The net increase of 3 children would be no different whether they were from a care home or if they were from a family; the use of the property nonetheless would not materially different to that of a normal dwelling house. Indeed, it is possible that if the property was used as a dwelling house (which children sharing rooms) there could be a greater strain of local schools than the proposed care home.

7. Suitability of use. Questions have been raised as to whether a C2 use would fit into an area where are a lack of services for children with difficult backgrounds. It has been suggested such children would be better suited in urban areas where there are more opportunities for them rather than living in isolated villages.

-

- The location of the property is desirable in the sense that it would provide a welcoming atmosphere for the children to be a part of. The children would also have access to the outdoors and learn both visually and kinetically. The property is also in close proximity to excellent schools and community. The children would aim to make a positive contribution to the community and be proud of the place that they live.
- It's evident that children and young people grow emotionally, intellectually, and

physically through both their relationships and through their community. For children and young people, community involvement and engagement produce long-term benefits in their lives. It gives them a sense of belonging and is crucial to the building of their identity. Within urban areas we are aware that all children and young people pose a higher risk of becoming involved with anti-social behaviours, whether those children and young people are children in care or not, due to the general higher levels of crime.

- Additionally, data indicates that urban areas will usually see increased crime figures - for example comparing Stoke City Centre to Brown Edge (Police Performance 2021). It would be very difficult, therefore, to argue that an urban area would be better for a children's home to be located.

The letters from the residents also raise the following non-material considerations and Knights response on behalf of the applicant:

8. Impact on House Prices. There have been claims that the housing market within the area would fall significantly as a direct result of planning permission for a children's care home. Such uses are considered undesirable and would put people off from moving into the area in the future.

- - There is no direct link between the two and is a matter of opinion which should not hinder the progress of a certificate of lawfulness.

9. Choice of Housing type. Residents have suggested that a semi-detached house would not be a suitable type of home to accommodate a care home. Knights have obtained a number of certificates of lawfulness for the change of use of semi-detached houses to be used for care homes and on the proviso that the operations are not materially different to the use of a semi-detached dwelling, the format of the building has no bearing on how a care home can effectively operate.

- - The carers will be in the home on a 24/7 basis with management support both in the home and with senior management "on-call" support. Positive behaviour is recognised and celebrated with high levels of expectancy, with the support of the team, for the children the home provides cares for. If a child is consistently struggling and causing issues that are related to the type of house we would, as in all situations that cause concern, review the placement and the support given. This may mean a change in the level of support given or a recommendation that another placement may be more suitable.

10. Level of experience by the applicant. Residents have raised concerns about whether the applicant has the necessary competence to run the care home.

- - It should be stressed that the applicant will need to obtain a licence from Ofsted to run the home prior to its operation.

It should be noted that in the instance where complaints are received, the applicant would follow these up robustly to seek a resolution. They work closely with the Police, OFSTED and Local Authority to ensure that their operations meet their expectations. The applicant has contacted a number of local residents who raised concerns with the aim of allaying any concerns and would welcome the opportunity to liaise other residents and the parish council to set out their case.

We would be grateful if you could take this email into consideration as part of the determination of this certificate of lawfulness and that if the application is taken to planning committee we would be grateful if the contents of this email could be including in the report in order to provide Members with a greater understanding of the merits of our proposal."

Muzz

Muzz Mahmood
Assistant Planner

Knights plc
T 01782 619225
W www.knightsplc.com

Knightsplc

Please [click here](#) to view our email disclaimer.

Do you really need to print out this Email? Be green - keep it on the screen.

This email is intended for the addressee(s) only and may contain sensitive, privileged or confidential information that could be protectively marked. If you are not the addressee please do not use the information in any way. If you have received this email in error please notify the sender immediately and delete it from your system. Thank you.

The Council may be required to disclose this email or any responses to it under the Freedom of Information Act 2000. The way in which we handle personal information is set out in our privacy notice and is available at <https://www.staffsmoorlands.gov.uk/YourData>
