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Staffordshire Moorlands DC
Moorlands House
Stockwell Street
Leek
ST13 6HQ

22nd February 2024
Our Ref: 653

Dear Arne Swithenbank,

Council planning reference: SM/2023/0648

Site:

Park View, Park Hall, Leek Road, Cheadle, Staffordshire, ST10 2EF

Proposal: Change of Use from C3(a) to C3(b) including modest entrance alterations and external changes.

Introduction:

The planning application was submitted by Orbis Education and Care, a specialist care and education service for children and adults with complex needs associated with autism, learning, emotional and behaviour difficulties. The company services provide and seek to allow children and adults to live, play, learn, work, grow and progress in a supportive and welcoming home, school and pioneering day services.

A planning application was validated under reference SM/2023/0648 on the 07/02/2024 and is due for a decision on the 03/04/2024. A full suite of the existing and proposed plans was submitted to support the planning application, including updated plans under revision A.

This letter seeks to address the planning matters pertinent to the development and any legislative consideration pertaining to the change of use and external changes to the property. A full planning application is submitted opposed to a certificate of lawfulness to encompass all the modest external changes to the site and property, include the principal



door, boundary treatment and fenestration upgrades. Much of the external changes sought are de minus and subject to certain elements of the GPDO would not require planning permission.

Development:

The proposal seeks to operate as a small-scale children's residential home for four (4) children who suffer from autism learning, emotional and behaviour difficulties. Physical care is not a requirement of the business as no young person there would have any physical disabilities. The applicant seeks to provide a safe, supportive and nurturing living environment for young people ages 5 to 18 years that are unable to live with their families or where family members are not present in the child's life. Family members would be permitted to visit the children however this is not something that happens weekly and would not result in numerous individuals on site. Such visits would be pre-approved and arranged in advance.

The property would provide children a normal domestic environment and setting, whilst also attending mainstream schools and live as close to a normal family life as possible. Each young person will be assigned their own key worker who will support them and work closely with their specific child needs. This includes emotional support, positive relationship building, educational and life skills.

Orbis work closely with outside agencies including local authority social services, and many more organisations which focuses on helping and supporting the needs of the individual child. A social working would visit the children periodically but not on a defined bi-weekly schedule.

The on-site carers shall staff the property 24/7 and work on a rota basis of 12hr shifts, ensuring presence on site at all times. The carers will provide domestic chores, cleaning and preparing meals for themselves and the children. The property would be operated and occupied as reflective of a family home with a single kitchen for all food preparation set schedules for meals. The carer would transport the children to school in a single vehicle and collect the children from school so they are all leaving and arriving in one journey mode. The office will operate as the carers sleeping space and staff office.

As a result of these living arrangements, it is considered that the property would constitute a single household, and therefore falls within Class C3(b).



Relevant Statutory Provisions:

The Town and Country Planning (Use Classes) Order 1987 (“the Order”) and subsequent amendments sets out clear categories for various uses, including those within Class ‘C’. Extra care housing falls in Use Class C, but there are numerous types of facilities which fall into two relevant sub-categories – Use Class C2 and Use Class C3.

Class C3 of the Order is formed of 3 parts:

C3(a): covers use by a single person of 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): up to six people living together as a single household and receiving care e.g. supported housing scheme such as for those with learning disabilities or mental health problems

C3(c): allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 Use Class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

It should be noted that Class C3 does permit a group of up to six residents to live together under care arrangements as a single household provided.

Local policy context

Staffordshire Moorland Local plan (adopted September 2020) Policy S04 Para 7.49 states “Housing for special groups will also be needed to meet the future increase in elderly persons across the District and the needs of those with a learning or physical disability – this may be in the form of sheltered housing, extra care homes or supported housing. Housing strategies produced by the Council, Staffordshire County Council and other agencies will be used to support particular housing needs”. As such, there is policy justification for the proposed development and will meet an identified local needs and demand.



Precedent development:

In the majority of cases submitted to Local planning authorities the C(b) use sought is via a lawful development certificate opposed to a full planning application on account the material use remains within the same use, C3 in this case. Examples of Lawful approvals are referenced in this letter and provided as context for the benefit of planning officers.

Local authorities consider the proposed development to not amount to a material change of use as there is no significant difference in character of the activities relating to the existing use C3(a) and C3(b). The environment in which residents would live would reflect that of a family home and the operation of the property would fall within Use Class C3(b).

External changes:

The following modest external changes would be undertaken on site.

- Timber framed double glazed window replacements
- 1.8m high timber access gate on the main access (posts already in situ) to the property and a 1.8m high inner access gates adjacent the house.
- All outer boundaries to have a 1.8m high timber boundary fence erected.
- New front and rear UPVC door with glazing square
- Minor change to bathroom layout (not classed as development)

The primarily reason for the external changes are for security purposes and to upgrade fenestration that has come to the end of its lifespan. The external changes to the house are minor cosmetic improvements, hence, it is considered that there will be no harm to the outlook and amenity of the area and neighbouring properties.

Other matters:

As the proposed activities and level of occupancy of the home will be similar to a 4 bed dwelling house, it is considered that there will be no unreasonable increase in the amount of noise generated from the property beyond the extent of a standard house with a similar number of occupiers.

Refuse and parking provision shall remain as existing with no forecast material increase beyond a level considered to be unreasonable or detrimental neighbours or the immediate surroundings.



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Subject to planning approval the home would be registered with Ofsted. The Ofsted registration will be issued once the planning application is issued by the Council.

Summary:

The proposed use of the property as a home with 4 young people living together as 'one family' under the supervision of a qualified carer 24/7 with no material changes that would prevent conversion back to a C3(a) use without issue, meets the criteria of C3(b). Also, given the shortage of such residential children's homes in the area, the site will be the right step towards a good cause.

We hope the information in the letter will suffice to satisfy the council's requirements and assist the planning officer in granting permission for the proposed change of use to a residential children's home under use class C3b.

The letter should be read in conjunction with the submitted plans validated and the three attached decision notices for comparative applications in other local planning authorities.

Supporting Documents submitted

London Borough of Haringey

Decision Notice – 87 Mayes Road - 18/09/2020

Certificate of Lawfulness for the proposed change of use of 87 Mayes Road from C3 to C3(b) - use as a dwelling house for 4 young people (ages 10 to 18 years) living together as a single house and receiving care.

London Borough of Camden

Decision Notice – 33 Bayham Street – 15/08/2019

Change of use from house in Multiple occupation (sui generis) to residential children's home (C3b)

London Borough of Hackney

Decision Notice – 105 The Vale – 23/11/2023

Use of property within Use Class C3b for up to 4 children receiving care

Should you have any queries or require any further information please do not hesitate to contact me.



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Yours sincerely,

James Clark BA (Hons), MCD, MRTPI
Concept Planning Ltd

