

Eden Park- Beardwood & Lammack Action Group

Email: [REDACTED]

Date: Wednesday 17th June 2020

FAO: Martin Kelly, Kate Hollern, Jackie Floyd, Tasleem Afzal, Mohammed Khan, Sayyed Osman, Phil Riley and Asad Laher.

We understand that Nurture Childcare Services Ltd have provided you with a response to our petition and supporting letter and that they have also published this response on a public forum. We understand that they continue with their plans despite our immediate calls for all activities to be suspended.

As we await your response, we feel compelled to provide an immediate riposte so that the inaccuracies in their statement do not mislead. Please also find attached a copy of the physical petition from Larmenier Village for those residents unable to participate via the electronic petition. Due to social distancing rules, some residents have been unable to participate in either. We have the overwhelming support of the residents on Eden Park with not a single expression of support for Nurture Childcare Services Ltd to proceed.

Claim 1: There can be no breach of any restrictive covenant.

They justify this with the following:

“An application for Lawful Development was submitted along with all supporting documentation and granted by the LPA, which confirms there has been no material change of use from a C3 use i.e. a dwelling, therefore, there can be no breach of any restrictive covenant.”

The award of a Lawful Development Certificate (LDC) or even planning permission for that matter **does not** quash or override a covenant. This is a very basic error in their understanding and one that their legal team should have made them aware of.

Claim 2: There is no difference between this residential institution and a normal domestic & family setting.

In their very own supporting statement for the LDC, the legal representatives to Nurture Childcare Services Ltd reference the following case law:

*“5.11 It is important to state the North Devon District Council v Secretary of State [2003] EWHC 157 which judged that children cannot look after themselves as a single household. Carers must also be living full time on the premises. A children’s home run on shift patterns cannot therefore be considered to fall within C3(b) use class, as this is **not occupation of a house by a single person or a residents living together as a family.**”*

This clearly demonstrates that the proposed use of 8 Eden Park, BB2 7HJ by Nurture Childcare Services Ltd is in direct breach of the restrictive covenant that exists, namely that the **property shall not be used for other than a private dwelling house in the occupation of one family.**

Perhaps most objectionable is the cynical way in which Nurture Childcare Services Ltd have publicised the unsavoury comments of an unknown signatory to the public petition in order to discredit and dismiss the genuine concerns of the residents *en masse*. They egregiously attribute this comment to an unidentified “group” and by extension to all those who object to their plans. By putting this comment in the public domain they have shown an utter disregard for the feelings and sensibilities of the very children they seek to house.

It is worth re-iterating here that Nurture Childcare Services Ltd is not a charity, but a business with a profit motive. Their claims are not backed up by any long term commitment or accountability because the Director is looking to sell the business. We call out this virtue signalling and will not allow our community to be maligned. The petition on change.org is open to members of the public to sign and comment upon. It stands at over 260 signatures at the time of writing. Comments can be made by any of the signatories including those seeking to discredit the petition. The comment they have referenced was deleted as soon as it came to the attention of Action Group Eden which was well in advance of Nurture Childcare Services Ltd public letter.

They go on to suggest that the petition is discriminatory. If by suggesting this they mean to prevent the good people of our community from exercising their right to voice their concerns, it has failed. Perhaps this comment on the online petition from a resident at Larmenier Retirement Village will help underscore this point.

“I’m signing this petition because I and my husband are residents of Larmenier Retirement Village and I am concerned over the safety and welfare of not just ourselves but for all the vulnerable people who live at this village which borders on to this house”

Finally, it has not escaped our attention that the Local Planning Authority (LPA), has taken the highly unusual step of allowing the change in use from a dwellinghouse (Class C3) to a Residential Institution (Class C2) without planning approval. They have taken the judgment that there has been no material change in use. Whilst the LPA have acted within their narrow definitions and rules, they cannot distance themselves from the fact that their actions have led to a destabilising effect on the neighbourhood. They have paid no due regard to the restrictive covenants that aim to preserve the nature and character of the area or indeed the wishes of the residents directly affected.

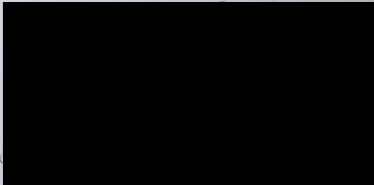
Please be informed that we have raised this matter to the legal department within the Council for review and await legal advice.

We once again call for the revocation of the LDC and an immediate cessation of activities by Nurture Childcare Services Ltd as they pertain to 8 Eden Park, BB2 7HJ.

Action Group Eden Park, Beardwood and Lammack

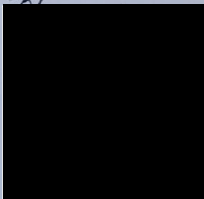
Larmerier village communication from concerned residents to their head office & Petition.

11/1st P. Scandrett.



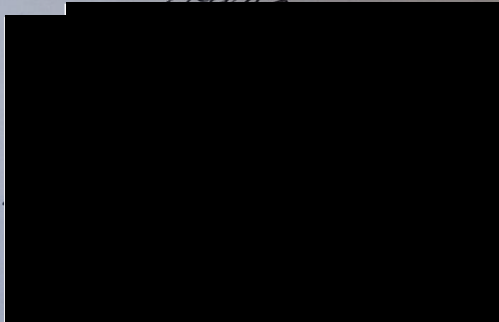
17th June 2020

Dear 11/1st Scandrett
Many thanks for
Carri. (You were
incorrect add^r
The closing dat
problem with
weekend so
the Council.
In the mean,
information
Thank you
in hand.
Mavis.



17th June 2020
To the Eden Park Action Group.
Thank you for your efforts to
secure our safety within the
village next to Eden Park.

John Scandrett



A PETITION REGARDING 8 EDEN PARK: CONVERSION INTO A HALFWAY HOUSE

NAME:	ADDRESS:	EMAIL (IF YOU HAVE ONE):
[REDACTED]	30 Southwale House	/
[REDACTED]	8 ARROWSMITH HOUSE	/
[REDACTED]	14 Arrowsmith-	/
[REDACTED]	4 ARROWSMITH HOUSE	[REDACTED]
[REDACTED]	"	[REDACTED]
[REDACTED]	3 Woodcock House	
[REDACTED]	15 WH	
[REDACTED]	1 Whitaker Gdns.	
[REDACTED]	16 Woodcock House	
[REDACTED]	9 Arrowsmith House.	
[REDACTED]	"	

See below for screenshot from the online petition & comments.

A house within Beardwood has been granted permission to be used as a halfway house

Details Page for Planning Application - 10/20/0194	
Site Address	8 Eden Park Blackburn BB2 7HJ
Application Progress Summary	
Application Registered	27-03-2020
Decision	Grant 28-04-2020
Comments Until	17-04-2020
Date of Committee	

 [Eden Park Beardwood & Lammack Action group](#) started this petition to [Safeguard our neighbourhood!](#)

A house within Beardwood has been granted permission to be used as a halfway house for teenagers that may have:

- Sexually harmful behaviour
- Substance abuse
- Offending behaviours

These behaviours are clearly listed on the website for the company that has received the approval.

The planning document says

"Care needs would typically relate to learning difficulties and sensory impairments."

However, a **letter from the company** to some residents has stated specifically that this will **NOT** be the case. Instead they write:


" The home will accommodate up to 3 young people with emotional, behavioural and social difficulties." (EBD)


The Council have been misled on the purpose of the house & neighbours to the house were not consulted prior to the application.


Support this petition to voice your concern as we discuss this further with the Council. Thank you


264 have signed. Let's get to 500!





 A house within Beardwood has been granted permission to be...

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Show this petition to more potential supporters


[Promote this petition](#)

Reasons for signing

See why other supporters are signing, why this petition is important to them, and share your reason for signing (this will mean a lot to the starter of the petition).

 
6 days ago



I'm signing this petition because I and my husband are residents at Larmenier Retirement Village and I am concerned over the safety and welfare of not just ourselves but for all the vulnerable people who live at this village which borders on to this house

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1 week ago



Neighbourhood concern

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1 week ago



Wrong place and will attract anti social behaviour into an area which currently has low anti social behaviour incidents.

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1 week ago



Beardwood is definitely not an appropriate place for half way house. Statics show that crime rates increase in the neighbourhood from such initiatives and ultimately impacts on the social fabric of the whole community.

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2 weeks ago


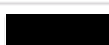
This is a street of family households with young children. It would drive the families away opening this halfway house.

 1 


 
2 weeks ago

Its an important issue that should be given more attention

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2 weeks ago

Council should consult and explain to the local residents now not later when the problems get out of hand and people get angry.

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