

## **Planning Application – Congolfaen**

### **1. nature of the persons to be accommodated:**

The building will provide a home for up to x1 child, male or female, between 8yo and up to 18yo, supporting their care needs and providing a nurturing and a safe home. As children in need of care and support, they may be experiencing social and emotional difficulties, as may young residents of any dwelling house. Care staff will be adequately trained to deal with such issues should they arise, and it is the responsibility of the home, to suitably take care of the child and offer support. Given the maximum number of residents is only one child and staffing ratio of 2:1, it is not anticipated that this would result in such an issue that would cause a demonstrable harm to the residential amenity of neighbouring properties.

### **2. the way in which it would operate:**

The home will be run as a family home, with shared living, meals and activities. The garden would be utilised as an ordinary family garden with lawn, minimal planting and a seating area.

Adults will always be present with the child in the home, care staff working on a rostered basis.

Care staff will support the child to attend school; either supported to travel to school independently (e.g. bus), developing independence (e.g. supported travel on public transport) or escorted to school by staff in staff vehicle. Any professional appointments (e.g. health or social care) would be in service bases rather than regularly from the home to preserve the overall experience of a warm and nurturing home.

Occasional visitors are family members and professionals. It is intended for the residents to access services and resources away from the setting as would be expected in a typical family situation.

The property will remain in keeping with neighbouring properties and the character of the existing residential area. The proposed occupancy numbers would be akin to that of a typical residential property and there would not be an overuse of the property that may result in increased noise/disturbance. Comings and goings to the home would be comparable to that of a typical residential property.

### **3. Level of care:**

#### **Staff and the shift patterns:**

Shift patterns are 8 - 8 around the clock

Day shift 8am - 8pm

Night shift 8pm - 8am

**Staff rotation:**

Staff numbers: up to 2x day shift and up to x2 night shift

There is a Home Manager who will occasionally visit the home during the day (9am to 5pm, Monday to Friday). When the Home manager is present, they will be undertaking administrative duties as opposed to providing care.

**4. Any other detail that you have:****Management company:**

Skylark Care Solutions Ltd, provides holistic and child centred care solution for the most vulnerable children in our community. We provide a high-quality, safe and nurturing living environment for children and young people, support them to meet their individual care and social needs and to thrive and flourish, giving them the greatest opportunity to reach their full potential. The proposed use provides an essential service for children who, for various reasons, may not be able to safely live within their own families. This proposed plan also addresses a huge gap within the local authority.

**Change of Use Class (C3a to C2) Assessment**

The current lawful use of the application property is a dwelling house (Class C3a). A children's home may fall within Use Class C3, where the total number of residents does not exceed six and the carers and the cared-for live as a single household. The starting point here is the concept of the 'household', which would have to be satisfactorily met for a children's home to fall within Class C3. In *North Devon District Council v First Secretary of State and Southern Childcare* [2003], involving the use of a house to provide residential care for two children, it was held that the concept of what constituted a 'household' meant more than simply the number of people. It was necessary to assess whether they could indeed be regarded as living as a household, and this would not be the case where carers only live there sometimes.

Since *North Devon* 2003, the generally established position is that where the staff work on a shift basis, there will not usually be a 'household' formed and, therefore, the use will not fall within Class C3(b). The proposed use is C2, not C3. However, as has been consistently confirmed over many years, even if a proposed children's home does not operate in a way that means that it squarely falls within Class C3, there still needs to be a proper assessment as to whether such use would involve a material change of use requiring planning permission. Established case law provides that it is necessary to look at whether the change gives rise to planning considerations, which can include the effects of the change on local amenities.

**Children's Care Home vs Family Dwelling Case**

In the appeal decision Ref APP/U5930/C/11/2151319 and A/11/2146559, the Inspector identified several characteristics of a children's care home that could distinguish it from a

family dwelling. These include possible noise and disturbance, and the cumulative level of activity, traffic movements and requirement for parking given the comings and goings of staff over 24 hours, and the visiting of residents by family and friends.

Up to one resident and up to two staff members are present, excluding shift changeover. The residents and staff would share communal facilities such as a traditional household, i.e., a shared kitchen, dining room, and living area. The child will go to offsite educational facilities during the daytime and travel in staff/home vehicle, typical of a residential household. The internal doors will not have locks. As such, it is not considered that this would amount to the property being materially different to a dwelling house. This view is supported by appeal decision APP/X3025/X/15/3003794 against the decision of Mansfield District Council.

The number of proposed one child and staff members is considered not to represent a more intensive use of the site than the current dwellinghouse when considering the existing number of bedrooms.

### **Policy Considerations:**

#### **1. Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder because of the proposed decision.

#### **2. Equality Act 2010**

The Equality Act 2010 identifies several 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or other activities where their participation is disproportionately low.

The above duty has been given due consideration in determining this application. It is considered that there would be no significant or unacceptable impact on persons who share a protected characteristic, over and above any other person, because of the proposed decision.

#### **3. Planning (Wales) Act 2015 (Welsh language)**

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when deciding on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport due to the proposed decision.

### **Residential Amenity and Character**

Policy on General Amenity of the Newport Local Development Plan is relevant to the proposals. It states development will be permitted where, as applicable:

- i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality.
- ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area.
- iii) the proposal seeks to design out the opportunity for crime and anti-social behaviour.
- iv) the proposal promotes inclusive design both for the built development and access within and around the development.
- v) adequate amenity for future occupiers.