

Delegated Decision Report

Application No:	25/0217	Statutory Period Expires:	6th June 2025
------------------------	----------------	----------------------------------	----------------------

Site:	221 Mill Heath Bettws Newport NP20 7RD		
Proposal:	CHANGE OF USE FROM A DWELLING (C3 USE) TO A CHILDRENS CARE HOME (C2 USE) FOR ONE CHILD		
Applicant:	Muumbe		
Type:	Full	Ward:	Bettws
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within a modern residential housing estate. The property is an end of terrace property having a kitchen, living room and conservatory at ground floor with a bathroom and two bedrooms at first floor. It has enclosed gardens to the rear and side and a small front garden with a low boundary enclosure. There is off-street parking for one vehicle to the side of the property.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application is for the change of use of a dwellinghouse (Use C3) to a children's care home (Use C2) with one resident child. No external alterations are proposed to the building.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.

Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future

occupiers.

Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy T4 Parking states that development will be expected to provide appropriate levels of parking.

Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Parking standards

Waste management

6. CONSULTATION RESPONSES

6.1 Local Highways Authority: **Highway recommendation:**

No objection.

Highway Comments:

The proposed use is not anticipated to have any greater impact than the extant use in terms of highway/transportation matters.

6.2 Waste Manager: We anticipate a requirement for trade waste and recycling. NCC trade waste services would be happy to quote for services ahead of opening.

From April 2024 Workplace Recycling Regulations will apply to all non-domestic premises.

For more information see <https://www.gov.wales/workplace-recycling>

Workplace recycling | GOV.WALES

From 6 April 2024, it will become law for all businesses, charities and public sector organisations to sort their waste for recycling.

6.3 Gwent Police: No objection.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 8th April 2025, Site Notice was put up on 4th April. 8no. objections have been received, with objections summarised below;

-Insufficient parking and additional traffic due to shift changes;

-Due to this being a care home for children/young adults with social issues and anti-social behaviour's there will more than likely be an increase in police attendance to the property causing disruption to other home owners who are trying to rest in readiness for work;

-We have had no assurances from the Director and owner of the property that if issues arise, they will be dealt with and have the best interests of the surrounding properties and those who live there;

-We purchased our property in a residential area. We do not wish to see any change in our surroundings;

-The social carers who will be 'living in' are not the owners and will be various people who will have no concern in upkeeping our neighbourhood;

-The change of use will result in an loss of property value;

-The area is residential and not suitable for a children's care home. Individuals may require intensive care and support could lead to increased antisocial behaviour, violence, and substance abuse;

-There have already been visits from the police to the property;

-The use of the property as a care home is resulting in noise and disturbance to neighbours;

-The installation of CCTV and floodlighting is detrimental to neighbouring amenity and out of character;

- The change of use breaches restrictive covenants which prohibit any use of the property other than residential;
- Increased noise and disturbance from the proposal causing an adverse impact on neighbouring residential amenity;
- Individuals who need this level of care and support would be far better placed in a purpose-built facility, designed specifically to meet their needs and keep both residents and the surrounding community safe. Such a facility should be located in a more appropriate area, away from residential homes, where proper professional support and resources can be provided;
- We are very concerned this has been rushed through;
- The Council has continued to push up prices remove services and downgrade many others like bin / rubbish collections and the dire state of our roads due to pot holes, you cannot justify this action when taking so much from hard working families trying to make ends meet.

7.2 COUNCILLOR WHITEHEAD: Expresses concerns on behalf of neighbouring residents but offers no personal objection.

8. **ASSESSMENT**

8.1 **Principle of Development:**

Whilst planning permission is sought for the change of use of the property to C2, the applicant has put forward a supporting case for why planning permission may not be required.

8.2 Notwithstanding, since North Devon 2003, the generally established position is that where the staff work on a shift basis to care for resident children, there will not usually be a 'household' formed and, therefore, the use will not fall within Class C3(b). In short, resident children do not themselves form a household for planning purposes. The proposed use is C2, not C3. Whilst it may be argued that such use would not involve a material change of use requiring planning permission, any assessment of whether a material change of use is or is not taking place must be made out through a Lawful Development Certificate application. No such application has been made. Therefore the Authority will assess and determine the submission as made and on the basis planning permission has been applied for.

8.3 In this instance, there will be one resident child and up to two staff members 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.

8.4 The usual considerations such as amenity, movement, impact on character of the area etc are relevant having regard to planning policy, the comments received and technical consultee responses.

8.5 In terms of the way in which the proposed use would operate it has been confirmed that adults will always be present with the resident child in the home, care staff working on a rostered basis. Staff shift patterns are 8 - 8 around the clock with the day shift being 8am - 8pm and night shift 8pm - 8am. There will be up to two members of staff overnight (one sleep-in), and up to two members of staff during the day. 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. Care staff will support children 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 venues rather than at the home as standard in order to preserve the overall experience of a 'home from home'. Occasional visitors may occur by 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.

- 8.6 Neighbours have reported that the property is already in use as a care home and a site visit by officers has confirmed this. Whilst there was not a resident child at the time of a recent site visit, staff confirmed that there had been until recently. It should be noted that whilst there is reference within the supporting information to the potential for a child to be housed at the property by Newport City Council, the property is privately owned and run by a care home management agency, and it is not owned or operated by the Council. Social Services have advised that they have placed children at another property within the city which is run by the same operator. The provision of accommodation to house looked after children within the City is of significant merit and the Council has responsibilities to care for children and provide safeguarding as necessary. Many care settings for children are provided in typical houses and residential settings as such locations provide a less institutionalised environment. The placement of children and any screening required as part of such placements is not a planning matter and is best managed by the appropriate regulatory authorities.

8.7 **Visual Amenity/ Character and Appearance;**

There is no operational development proposed that would impact visual amenity or the character and appearance of the area. Whilst CCTV cameras have been installed and external lighting, this is not unusual at a residential property and is not considered to result in an adverse impact to the character of the area. The property has been refurbished by the care home operator and is in a good state of repair. It still looks like a dwelling and in no way stands out as being different to its neighbours. In planning terms, the proposed use of the property does not give rise to changes that are harmful to design or visual amenity matters.

8.8 **Residential Amenity:**

The area is residential and the site is bound with other residential properties. Objections received have raised concerns in relation to how the proposed use would have an adverse impact on residential amenity of neighbouring properties and the character of the existing residential area, with it being stated that the young residents may have complex needs and may not adhere to house rules, resulting in issues on amenity. Fear of anti social behaviour and crime has also been raised as a concern in the correspondence received by neighbours.

- 8.9 In this instance, it is proposed that there would be one child resident at the property being cared for by one or two members of staff during the day and overnight. In terms of numbers this would be akin to that of a typical 2 bedroom residential property such as this and there would not be an over intensification in terms of the use of the property that may result in increased noise/disturbance. The care home is described as being run as a family home and the numbers of children and staff present would indicate this. These numbers would also suggest comings and goings comparable to that of a residential property. Regular visits from care workers or specialist visitors is not expected, with it being stated that it is intended for the residents to attend appointments etc. away from the setting as per a typical family situation. Given the size of the property having two bedrooms, it would not lend itself to an increase in the number of children able to reside there and is rather self limiting due to its size and layout. Notwithstanding, this can be controlled by condition.
- 8.10 A site visit to the property identifies that some of the doors have locks and there are CCTV cameras at the property. However, the presence of CCTV cameras is not uncharacteristic

of a residential property. The cameras are not unduly prominent or obtrusive. Concerns surrounding possible complex physical or emotional needs of the young residents have been raised in a neighbour response. It is of course possible that children who are in care may face these issues, as may the 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, who will be registered with the Care Inspectorate, to suitably take care of residents and offer support. The characteristics and needs of the occupant are not a planning matter and separate regulatory authorities are responsible for screening potential occupiers to ensure they are suitable for the placement having regard to the property and its location.

8.11 Noise and disturbance and fear of anti social behaviour have been raised as concerns from residents and a local ward councillor. Caselaw has established that fear of crime is a material planning consideration but that fear must be based in a reasonable expectation that anti-social behaviour or crime will occur. Any fear must be objectively justified in order for it to be given any significant weight in a planning decision, nor should it be assumed that all the children would be likely to commit crime or be anti-social. In this case the number of occupants will be limited to one, they will be minors and they will be under close supervision from carers and living in a household that as closely resembles a family home as possible. It is possible that at times some noise would be generated from the property, as it would with a family home and it is not reasonable to assume this would be significantly different in that respect. Neighbours have reported police attendance at the property since its use as a care home. Staff have confirmed this and advised that the police were called to return a child that had absconded, rather than due to an incident at the property. Gwent Police have been consulted on this application and have confirmed no objections are offered.

8.12 It is considered that based on the scale of the proposal (which will have number of occupants controlled by condition to one) that noise and disturbance is unlikely to result in a demonstrable adverse impact to neighbouring residential amenity over and above the existing use as a dwelling, or that the proposed use would result in a change in character to the surrounding area. It is considered that the proposal complies with the aims of Policies GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

8.13 The proposed accommodation would provide a good standard of amenity for future residents with shared living areas and outdoor amenity space. It is policy compliant insofar as it relates to amenity of the future occupiers.

8.14 **Movement:**

There is off-street parking provision for one vehicle at the property. As a two bedroom house the property generates a demand for two parking spaces in accordance with the Council's Parking SPG. There will generally be one or two staff members at the property at any one time with an occasional visit from a manager. This is akin to two parents who may have one or 2 vehicles. The child residing at the property is unlikely to drive or have access to a car. As such when comparing the fall-back use and proposed use, the proposals are not considered to result in a demonstrable increased demand for parking and the Council's Highways officer has confirmed no objections are offered.

8.15 **Biodiversity:**

Details of ecological enhancement has been provided in line with the requirements of Planning Policy Wales Edition 12, a bird and bat box are proposed and are considered to be sufficient in this instance. Their provision can be controlled by condition.

8.16 **Waste:**

Refuse and recycling receptacles would be stored in the rear garden of the property and put out for collection. There are no concerns that the change of use would result in any waste issues or storage issues relating to visual amenity. The proposal is considered to comply with the aims of Policy W3 of the NLDP 2011-2026 (adopted January 2015).

8.17 **Other matters**

Objections have been received from neighbouring residents relating to loss of property value and restrictive covenants. It should be noted that neither of these are material planning considerations.

9. **OTHER CONSIDERATIONS**

9.1 ***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 as a result of the proposed decision.

9.2 ***Equality Act 2010***

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

9.3 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 need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions 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 as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. **CONCLUSION**

10.1 The proposed change of use to children's care home for one resident is considered to comply with the relevant aims of the Newport Local Development Plan 2011-2026 (adopted January 2015) as outlined within this report and is considered to be acceptable.

10.2 It is recommended that planning permission is granted with conditions.

11. **DECISION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: TRD-222426 - A2/02, Green Infrastructure Statement, Supporting Statement.
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

General conditions

02 The use hereby approved shall only be used as a children's care home and for no other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. The children's care home hereby approved shall be occupied only by looked after children up to the age of 18 and no more than 1 child shall be resident at any one time.

Reason: In the interests of protecting residential amenity and character of the area and matters of highway safety in accordance with Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).

03 Prior to the first occupation of the development as hereby approved, biodiversity enhancement shall be implemented in accordance with the approved details. Thereafter the biodiversity enhancements shall be permanently retained.

Reason: In the interest of protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

04 The driveway serving the property (as shown on the approved plans) shall be permanently retained and kept available at all times for the parking of a motor vehicle in association with the use of the property.

Reason: To ensure there is adequate parking provision at the property in accordance with Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: TRD-222426 - A1/02, TRD-222426 - A2/02, Supporting statement, Design and Access Statement March 2025, Green Infrastructure Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP7, T4 and W3 were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.