

Report to:	PLANNING COMMITTEE
Relevant Officer:	Susan Parker, Head of Development Management
Date of Meeting:	9 February 2021

PUBLICATION AND USE OF RESIDENTIAL CARE AND SEMI- INDEPENDENT SUPPORTED-LIVING ACCOMMODATION FOR CHILDREN AND YOUNG PEOPLE ADVICE NOTE

1.0 Purpose of the report:

1.1 The Committee is requested to approve the attached Advice Note for publication on the Council's website and use as a material consideration in the determination of planning applications.

2.0 Recommendation(s):

2.1 To approve the Advice Note for publication and use.

3.0 Reasons for recommendation(s):

3.1 To ensure that the relevant information is in the public domain to guide future applicants. This should give developers a greater degree of certainty and result in the submission of planning applications that accord with the Council's adopted approach and can be supported.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 The Advice Note is not published and used. This option is not recommended as, without clarification of the Council's approach, officers may find it more challenging to successfully defend appeals against refusal and the Council could be criticised for not making its expectations publicly available.

5.0 Council Priority:

5.1 The most relevant Council priority is 'Communities: creating stronger communities and increasing resilience'.

6.0 Further information

6.1 Members will recall that earlier iterations of this Advice Note were presented in August and October 2020. The first version related solely to children's residential care homes. The second introduced semi-independent supported-living facilities for young people aged 16-18 years, but identified such uses as *sui generis* and advised that the '400m rule' could be applied to each kind of use separately.

In response to objections to this approach, legal advice has been sought. This advice recommends that semi-independent supported-living accommodation is most appropriately classified as a C2 use in planning terms. Whilst it is acknowledged that there are differences in the care/support provided between this kind of use and a children's residential care home, which are material in relation to the Care Act, the planning system is a separate and distinct regulatory system and these differences are not deemed to be material in relation to the Planning Use Classes Order.

As such, the '400m rule' applies equally to each type of use. This means that a children's residential care home will not be supported within 400m of a semi-independent supported-living facility and vice versa.

As stated on previous agendas, it is considered that conversions from single-family dwellings to both children's care homes and semi-independent supported-living facilities for young people can generally be judged to represent a material change of use for the following reasons;

- Change in the character of the use based on day-to-day activity, operations and physical layout;
- Impact of the proposal on wider strategies, service delivery and the Council's ability to meet local needs.

As a result, such changes of use are generally now considered to require planning permission. Pressure for the development of such uses is likely to continue for some time.

In order to guide applicants, the attached Advice Note has been prepared to set out the Council's expectations and to explain how applications will be considered. The Advice Note also stipulates the information that must be submitted with an application. The purpose is to provide clarity and guidance to enable the submission of better quality applications that the Council can support.

If Members approve the Advice Note, it will be published on the Council's website and used as a material consideration in the assessment and determination of planning applications.

6.2 Does the information submitted include any exempt information? No

7.0 List of Appendices:

Appendix 3a:

Residential care and semi-independent supported-living accommodation for children and young people - Advice Note - January 2021

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None

12.0 Sustainability, Climate Change and Environmental considerations:

10.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.