

APPLICATION STATEMENT

Address:

16 Hillingdon Road, Uxbridge, UB10 0AD

Proposal:

The proposed development includes the change of Use from a house (Use Class C3a) to a children home (Use Class C2).

The application property is a end terraced house. There are three bedrooms and 1 x bathroom. Two bedrooms will be used to accommodate the two children and third bedroom will be used as staff sleepover. Study room will be used as staff office. There will be Living room/Dining, kitchen and reception room as shown on the plans.

The home would provide accommodation for two children aged 5 to 17 years old. The age range of the children will be 5 -17 on admission.

The children would be in full-time mainstream education, they would not be home-schooled. The children would be taken to school by an appropriate vehicle.

There will be external visitors from time to time, but the home will endeavour to ensure that this doesn't exceed more than 1 at any given time. Statutory social work visits take place every 6 weeks but all other routine appointments will take place away from the property.

Proposed staffing levels/times:

During a standard shift, two staff members would be present on-site and also the home registered manager. During the night two staff members will be on duty.

The Registered Manager will be from Monday to Friday from 9 am to 5 pm.

Support staff will work on shift patterns; they will cover from 8:00 am to 8:00 pm. The night staff will start their shifts from 8:00 pm to 8 am.

It is anticipated that two visits from social workers will take place every six weeks, by appointment only, and last for approximately one hour.

A therapist would also attend the home once a week for a couple of hours, again by appointment only. This will help avoid any parking issues in the driveway. The visits will also be pre-booked and will be arranged, the house to be less busy. This will help avoid any parking issues in the drive way.

Management Plan:

A management plan regarding how the children home would operate by the provider is summarised as follows:

- Ofsted will regulate the use.

- The provider will have experience in the sector
- The provider will work with local authorities to supply care packages for children in need.
- The children and young people would receive the right care packages and staff supervision during the settling-in period and thereafter.
- Young people will be supervised out in the community, unless they have been risk assessed to have independence, in which case staff will work in accordance with their agreed plans.
- No external alterations to the building are proposed.

The proposal will not harm the area's character, residential amenities, highway safety, or the free flow of traffic. It is, therefore, in accordance with the adopted development plan and guidance in the National Planning Policy Framework (the Framework). The development, therefore, benefits from the presumption in favour of sustainable development, and the planning balance is firmly in favour of this proposal.

Children Act 1989 Significance:

Under Section 22G of the Children Act 1989 local authorities have a statutory responsibility to take steps, as reasonably practicable, that ensure children in care are provided with accommodation that '(a) is within the authority's area; and (b) meets the needs of those children.' Three reports were published in 2020 by the Children's Commissioner: 'The Children who no-one knows what to do with'; 'Private provision in children's social care' and 'Stability index 2020', which point out the failings of local government to meet this responsibility. The papers summarise the findings of three years of work by the Children's Commissioner's Office and explain the failure of both national and local government to adequately meet the needs of these children. The report (page 15) states: 'Local authorities are highly reliant on the independent sector, particularly for children's residential care. Costs are increasing but it's unclear why. Given this reliance, it is imperative the market works well and that commissioning and procurement are improved to ensure no child is placed in unsuitable care settings. Recommendations: The Government should consider the barriers to creating more residential care placements to increase supply'

Shortage in sector:

The national shortage of children's homes and suitable accommodation has been well documented recently. Various sources have quoted on what is a national crisis where the most vulnerable in society 'continue to be put at risk.' Instances include placements of vulnerable children into hotels and bed and breakfasts and relocating them to locations hundreds of miles away, putting their safeguarding at risk.

It is also being confirmed by children commissioning team at Hallingdon Council while commenting on recent similar planning applications for children home that there is a national shortage of such placements and finding good quality children's homes is always a priority for council as a local authority and a commissioner of such services. Should the provider be regulated by Ofsted they would be subject to the same scrutiny and robust quality assurance processes when placing a child in such a provision.

Government policy is to reduce the use of out-of-borough placements and residential care. Under the Section 22 of the Children Act 1989, accommodation provided by local authorities for looked after children must be within the local authority's area unless this is not reasonably practicable. There is overwhelming evidence of concerns raised on looked after children who are put on 'out of the borough' placements because of a lack of suitable provision closer to home. These children feel trauma and isolation, and often do not see loved ones often enough when placed out of area.

There is a need to provide more local placement opportunities for looked after children, rather than 'out of the borough' placements. The priority is to have sufficient residential care accommodation within Hillingdon to meet the needs of the children in the borough.

Recent Successful Appeal:

A recent appeal ref Debbie Moore Vs Sefton Borough Council dated December 2022 has been allowed for the conversion of a house (C3) into a Children's home (C2) for two children under the Lawful Development Certificate route.

Planning Inspector concluded that use of dwelling as children home by 2 children and 2 number of staff does not amount to material change, therefore conversion of house into children home (C2) falls under Permitted development rights.

Application site in this case is very similar to above appeal and therefore weight should be given to this application to be approved as C2.

Planning Policy Framework

NPPF Policies 2023

Chapter 2 – Achieving sustainable development states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are 3 overarching objectives, which are independent and need to be pursued in mutually supportive ways, those being, economic, social and environmental.

Para 11 states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that: The presumption in favour of sustainable development Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Tailoring planning controls to local circumstances:

Paras 51 and 52 state: Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.

The NPPF in Chapter 5 paras 60 -67 – Delivering a sufficient supply of homes goes on to say:

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Paragraph 63 of the NPPF states that planning policies and decisions should: Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.

Paragraph 96 & 97 of the NPPF states that planning policies and decisions should: Planning policies and decisions should aim to achieve healthy, inclusive and safe places

c) enable and support healthy lifestyles, especially where this would address identified local health

and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

And in para 97:

(a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

(b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

It is considered that the proposal accords with the NPPF.

Policy Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The following documents are relevant to the proposed development:

Development Plan:

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The West London Waste Plan (2015)

The London Plan (2021)

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMEI 10 Water Management, Efficiency and Quality

DMH 1 Safeguarding Existing Housing

DMH 4 Residential Conversions and Redevelopment

DMH 8 Sheltered Housing and Care Homes

DMHB 11 Design of New Development

DMHB 15 Planning for Safer Places

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP D5 (2021) Inclusive design

LPP D6 (2021) Housing quality and standards

LPP D11 (2021) Safety, security and resilience to emergency

LPP D12 (2021) Fire safety

LPP D13 (2021) Agent of change

LPP H12 (2021) Supported and specialised accommodation

LPP T4 (2021) Assessing and mitigating transport impacts

LPP T5 (2021) Cycling

LPP T6 (2021) Car parking

LPP T6.1 (2021) Residential parking

Principal of Development:

Policy H12 of the London Plan (2021) states 'The delivery, retention and refurbishment of supported and specialised housing which meets an identified need should be supported. The form this takes will vary, and it should be designed to satisfy the requirements of the specific use or group it is intended for, whilst providing options within the accommodation offer for the diversity of London's population, including disabled Londoners (see Policy D7 Accessible housing) within a wider inclusive community setting. Boroughs should undertake assessments of the need for short-term, medium term and permanent supported and specialised accommodation within their borough.

Supported and specialised accommodation could include:

- 1) accommodation for people leaving hostels, refuges and other supported housing, as well as care leavers and people leaving prison to enable them to live independently
- 2) accommodation for young people with support needs

- 3) reablement accommodation (intensive short-term) for people who are ready to be discharged from hospital but who require additional support to be able to return safely to live independently at home, or to move into appropriate long-term accommodation
- 4) accommodation for disabled people (including people with physical and sensory impairments and learning difficulties) who require additional support or for whom living independently is not possible
- 5) accommodation (short-term or long-term) for people with mental health issues who require intensive support
- 6) accommodation for rough sleepers
- 7) accommodation for victims of domestic abuse
- 8) accommodation for victims of violence against women and girls.

Policy DMH 1 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states that 'The net loss of existing self-contained housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace'.

With regards to Sheltered Housing and Care Homes, Policy DMH 8 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states:

A) The development of residential care homes and other types of supported housing will be permitted provided that:

- i) it would not lead to an over concentration of similar uses detrimental to residential character or amenity and complies with Policy DMH 4: Residential Conversions;
- ii) it caters for need identified in the Council's Housing Market Assessment, in a needs assessment of a recognised public body, or within an appropriate needs assessment and is deemed to be responding to the needs identified by the Council or other recognised public body such as the Mental Health Trust;
- iii) the accommodation is fully integrated into the residential surroundings; and
- iv) in the case of sheltered housing, it is located near to shops and community facilities and is easily accessible by public transport.

B) Proposals for residential care establishments which fall under Use Class C2 must demonstrate that they would provide levels of care as defined in Article 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Article 2 of the Order defines "care" as personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment.

The definitions of Use Classes are set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) and with the relevant use classes being defined as follows:

Use Class C2 (Residential Institutions)

Use for the provision of residential accommodation and care to people in need of care (other than a

use within Class C3. Dwellinghouses, used as sole or main residences).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Use Class C3 (Dwelling Houses)

Use as a dwellinghouse (whether or not as a sole or main residence) by-

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

It is unrealistic to expect children to look after themselves, so as to amount to a 'single household', since they require an adult to coordinate the running of a house, and without permanent adult presence it cannot be deemed a 'single household'. The proposed living arrangement therefore cannot be considered to be as set out in Class C3(a) 'a single person or by people to be regarded as forming a single household', as the 2no children and the non-resident full -time staff/carers would not constitute a 'single household'. The proposed use would therefore fall into a C2 use class.

As noted within London Plan Policy H12, specialised housing should be supported where there is a need. Whilst there would be a loss of one C3 unit, given that this would enable the provision of a C2 residential home for a specialised category as listed in the London Plan, the loss of one unit should be acceptable in this instance. Additionally, the property will continue to provide a form of housing that is essential to the borough needs.

In terms of the Policy DMH 8, criterion A) i), given the limited scale of development proposed which does not result in any enlargement of the existing building, and as the area is predominantly characterised by residential dwellings, it is considered that the proposed development would not amount to an over concentration of similar uses within the immediate area. Therefore, the proposal would not have a detrimental impact on the residential character of the area or amenity.

The proposal would not relate to the redevelopment of the dwelling into a block of flats, therefore Policy DMH 4 is not considered relevant in this instance. In terms of criterion ii) there is an identified need for children's care homes within Hillingdon Borough. OFSTED will be the recognised public body, responsible for monitoring and assessing the Children's care home.

The building would be fully integrated into residential surroundings in accordance with criterion iii).

The proposal will not relate to sheltered housing therefore criterion iv) is not relevant.

With regards to criterion B), Use Class C2 in the Order also includes the personal care of children. The proposal would provide care to children that have significant support needs as a result of a disability and or health condition. The occupants of the proposed Class C2 children's care home would be provided with levels of care as defined in Article 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The proposed would result in the net loss of self-contained housing however given that this would enable the provision of a residential home for a specialised category as listed in the London Plan, the loss of one unit should be acceptable in this instance.

On the above basis, the principle of development is considered to be acceptable and the proposal would comply with the aims of Policies DMH 1 and DMH 8 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) and Policy H12 of the London Plan (2021).

Impact on the amenities of the occupiers of neighbouring residential properties

NEIGHBOURING RESIDENTIAL AMENITY:

Policy D3 of the London Plan (2021) states Part D7) that development proposals should deliver appropriate outlook, privacy and amenity.

Policy D13 of the London Plan (2021) states - C) New noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The supporting text for this policy states that the Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

The proposed children's care home would provide 2 no bedrooms to be occupied by individual children.

There would be up 24 hour on site staff presence. Present at the property would be a non-resident manager and non-resident support staff. The care home would be staffed 24 hours a day, seven days a week with staff adhering to a daytime/overnight rota. The planning statement indicates that staff changeover would be occurring at 07:30 in the morning and 19:30 in the evening. The manager would be present at the site between the hours of 09:00-17:00.

In light of the small scale of the proposed use, it is considered that the number of people present would likely not be dissimilar to a residential dwelling and the comings and goings to and from the property would not be out of keeping with a residential area.

The proposed development therefore complies with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D3 and D13 of the London Plan (2021).

Impact on Street Scene

CHARACTER AND APPEARANCE:

Policy D3 of the London Plan (2021) requires that development proposals should: Form and enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy BE1 of The Hillingdon Local Plan: Part One (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design.

There will be only alterations to the internal layout of the building. The scheme does not propose any exterior changes to the building and as such the character and appearance of the building within the street scene would be preserved.

The proposed development therefore complies with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).

Traffic Impact/Pedestrian Safety

HIGHWAY SAFETY AND PARKING:

Policy T2 Part A of the London Plan (2021) states - Development proposals and Development Plans should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling.

Policy T4 Parts E and F of the London Plan (2021) states - E) The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated; and, F) Development proposals should not increase road danger.

Policy T5 Part A of the London Plan (2021) states - Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle.

Policy T6 Part D of the London Plan (2021) states - The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking should be applied to development proposals and used to set local standards within Development Plans.

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 5 Part A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states - Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network.

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that all development is in accordance with the car parking standards set out in Appendix C, Table 1 unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The location is generally devoid of parking controls and the address scores a public transport accessibility level (PTAL) rating of 3 (extremely good)

There will be occupation of the site by 2 children, 2 staff and a site manager during the day.

There is no prescriptive regional standard that can be applied to this use class. However, the most appropriate council standard requires appraisal either by virtue of a Transport Assessment or 1 space per 4 dwelling units/occupants (with a minimum of 2 spaces) to be provided for a care home use (plus 1 warden space).

The front drive would be able to safely accommodate 2 no parking spaces.

A cycle store housing 4 no bicycles will be provided in forecour.

The development is therefore compliant with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies T2, T4 and T6 of the London Plan (2021).

Cycle Storage

Cycle parking standards are stipulated in the London Plan and a minimum of 2x cycle spaces are sought. There will be secure storage spaced provided in the rear garden

Bin Storage

Bin storage would be provided within the front garden to allow straightforward collection,

The proposal is located within the urban area in a highly accessible location with access to nearby

public transport. There would be nothing inherently commercial in the nature of the movements to and from the site, and the pattern of these movements would not be jarring with the residential nature of the area. Moreover, not all of these movements will necessarily be carried out by a motor vehicle and any pedestrian movements to and from the site would be innocuous. (App/P4605/W/22/3313619) The same applies to this site.

PRIVATE AMENITY SPACE:

Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all new residential developments to provide good quality and useable private amenity space in accordance with Table 5.3 which requires a 3 bedroom house to have at least 60 square metres of private outdoor amenity space.

The private amenity space would be retained as existing and it is noted that the rear garden exceeds 78 sq.m. As such the retained rear garden area would be sufficient to meet the needs of a children's care home of this size. In light of the above, it is considered that the proposal would provide an acceptable provision of private external amenity space.

The proposal therefore complies with Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

RESIDENTIAL LIVING CONDITIONS:

Policy D6 of the London Plan (2021) states that housing development should be of high quality design and provide adequately sized rooms. A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide.

Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

Both bedrooms are would be adequately sized and compliant with minimum space standards. The proposed habitable rooms would maintain an adequate outlook and source of natural light. Overall, future occupants would be provided with an appropriate level of living conditions that is suitable for the proposed use. Therefore the proposal would comply with Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D6 of the London Plan (2021).

Conclusion:

The proposed change of use from C3 to C2 will make efficient use of the land, and provide alternative house choices for a specific demographic which improves inclusivity in the city. The house will retain its look and character; that of a normal residential dwelling. The use and associated activity, including comings and goings of care workers would unlikely cause a significant level of

disturbance or amenity harm. It is considered that a non-harmful material change of use would occur at the site.

The proposed change of use should be acceptable in principle, the standard of accommodation and quality of environment for occupiers would not result in harm to the area's visual amenity or residential amenity, nor the functioning of local highways network. We respectfully request that the Council supports this application.