

## PLANNING STATEMENT

Relating to:

92 WALTHAM AVENUE HAYES UB3 1TD  
RESIDENTIAL PARENTING ASSESSMENT UNIT

Date: 29<sup>TH</sup> November 2022

Application for Certificate of Lawfulness for 92 Waltham Avenue, Hayes UB3 1TD for use as a Class C2 (Residential Assessment Unit).

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## **1.0 Introduction**

This statement is submitted in support of an application made under Application for Planning Permission Town and Country Planning Act 1990 to certify the use of 92 Waltham Avenue, Hayes UB3 1TD as a Residential Family Centre for up to 3 mothers/parents, 3 babies and 1 child looked after by 3 staff members. The existing authorised use of the premises is as a Class C3 dwellinghouse. The proposed use as a Class C2 Family Care Centre is not materially any different, in operational terms, from the existing authorised use. As such the proposal does not constitute a material change of use requiring planning permission.

1.1 We would like to submit a planning statement to accompany a planning application submission to the London Borough of Hillingdon for the change of use of the existing building from Use Class C3 to Use Class C2 to provide a Parent and Child Assessment Centre at 92 Waltham Avenue, Hayes UB3 1TD.

1.2 The proposals for which planning approval is sought involve the change of use of the building to accommodate a Parent and Child Assessment Centre at Waltham Avenue for up to 3 mothers/parents 3 babies and 1 child looked after by 3 staff members . The proposals do not require any external alterations to the host building.

1.3 This supporting statement demonstrates that, even though the proposed use does not fall within the same Use Class as the current authorised use of the property, there is no difference between the two uses and, consequently no planning permission is required.

1.4 This Statement provides a description of the application site and its surroundings, the relevant planning history of the site, an overview of the development plan framework and addresses the relevant planning issues.

1.5 It is concluded that the development proposals accord with the adopted development plan and associated guidance, and that the proposals can be supported. 92 Waltham Avenue comprises of a 1st floor = 2 x large family bedrooms front and rear of property, 1 x master bathroom, 1 x study /library. In addition there is a Ground floor Bathroom., Ground floor office conservatory with en suite. There is also an out buildings (granny annex) which is classed as a transition annex to the rear of the property. There is also a stimulation family room, enabling meetings with professionals to be conducted in confidentiality, to be used as a counselling/therapy room, creative art studio with sensory equipment.

This Supporting Statement should be read in conjunction with the covering letter, application site plan & illustrative internal layout arrangement plans.

## **2.0 Site and surroundings**

2.1 The site is an end of terrace, two storey house with a substantial rear garden and a vehicular parking area to the front of the property in addition there is parking at rear, access through ally. (Paved solid layout)). The building was last used as a residential dwelling (Use Class C3) and has recently been redesigned for the purposes of the proposed use. As such this application is considered to be a retrospective application (albeit the building is not being used for its intended purpose). The house will be licensed by the Council to operate as a Parent and Child Assessment Unit for not more than 3 mothers/parents, 3 babies and 1 child looked after by 3 staff members.

2.2 The property is located on Waltham Avenue, close to Mildred Avenue, exiting Mildred Avenue enables traffic to head in the direction of Heathrow airport. There are no parking restrictions for the parking of vehicles on street on either Waltham Avenue or Mildred Avenue.

2.3 The property comprises ground, first floor and has the appearance of a residential dwelling. The building is situated within a residential area. Vehicular access into the site is via a vehicular crossover on 92 Waltham Avenue, with provision for 2 x vehicles, in addition there is ample parking for 2 vehicles at the back of the property on paved flooring. Pedestrian access is provided directly from adjacent roads i.e. Mildred Avenue, Mildred Avenue subsequently leads on to Bourne Avenue where there is a main roundabout allowing accessibility to various parts of Hayes/Harlington. CCTV cameras are positioned on the front of the property, inside and external boundaries of the property itself.

2.4 The adjacent road Mildred Avenue boasts a bus stop that serves the property within 0.1 miles of the access into the building. Hayes and Harlington train station is approximately 0.8 miles from the property and a 15 min walk. It is considered therefore that the site is a highly sustainable location.

2.5 The property itself has no designations, is not located within a Conservation Area and is not a listed building.

### **3.0 Proposed development**

3.1 The proposals are set out in detail in the accompanying plans and documents:

3.2 The property is currently vacant having recently been modernised and converted to providing appropriate accommodation for a Parent and Child Assessment Centre, run by The Wisteria Home. Its last known use was as a Class C3 – Residential Dwelling and the applicant wishes to change the use of the property to a Parent and Child Assessment Centre. The purpose of the Centre would be to assess whether parents have the necessary skills and capabilities to look after their babies; with a view to providing them with the necessary support and guidance moving forward.

3.3 The proposal would involve the use of up to 3 x individual bedrooms (maximum 6 x adults) (2 with separate bathrooms) in the property across the ground and first floors as well as two shared bathrooms. 3 bedrooms would accommodate two parents and a baby/or small child. The ground floor comprises two reception rooms as well as a shared communal kitchen with storage and dining area. The garden is bordered on all sides by close boarded timber fences approximately 2m in height. The family room i.e. self-contained granny annex to rear will be used as an extension to the 12 week assessment purposes of rehabilitation in to the community. The rear of the property backs onto residential homes. Existing residential dwellings are located directly to the west of the site on Waltham Avenue and to the east on Waltham Avenue with properties set back from the road with rear gardens presenting themselves at right angles to that of the host dwelling.

3.4 The parents will be accommodated at the property for a minimum of 3 months dependent upon the outcome of regular assessments. The maximum number of parents residing at the property at any one time will be 6, with 3 babies 1 child.

3.5 In addition typically 1 x trained social workers, 1 x registered manager and 2 x family assessment workers will be present during the day, with 1 x duty staff members present overnight. As such, the Parent and Child Assessment Centre will be permanently staffed. Staff will not reside at the property nor sleep at the unit, the Parent and Child Assessment Centre will monitor residents on a 24 hour basis.

3.6 Each parent/s will be provided with a Placement Agreement prepared by The Wisteria Home, identifies, future occupiers of the property sign up to a contract setting out the expectations and rules they will be expected to abide with. Inter alia, parents will be supported and assessed as to how satisfactorily they can complete certain tasks relating to the bringing up of their children, such as the ability to buy and prepare food for their family. Transition option or subsequent follow on path way will work well at this establishment due to the layout. Whilst at the premises, parents and children will only leave the premises accompanied by trained social workers and or trained staff, until it has been determined that unaccompanied excursions (maximum 2 hours) are possible. Furthermore, whilst at the property, the use of alcohol or non-prescription drugs will be strictly prohibited.

3.7 Families would be referred to the Parent and Child Assessment Centre by a Local Authority, and must be agreed by the Court. Such families would fall into one of a number of categories.

3.8 Whilst at the property, assessments will be conducted by an experienced and qualified team of social workers, family assessment workers and managers (nos. detailed above). Occasionally, external professionals will also be invited if required to assist in the assessment of families (such as mental health professionals).

3.9 The Office for Standards in Education, Children's Services and Skills (Ofsted) are responsible for inspecting and imposing conditions upon on the registration of family assessment centres, such as that proposed. Ofsted will be in a position to consider the registration of The Wisteria Home upon the grant of planning permission. It is therefore the case that Ofsted has powers to closely monitor proceedings, to ensure that the requirements under the Care Standards Act and Residential Family Centres Regulations 2020 are met.

3.10 Consequently, a separate regulatory regime (separate to land-use planning) exists with regard to the inspection of Parent and Child Assessment Centres. Should standards not be maintained (notwithstanding the individual contract that is signed up to), proceedings to ensure the facility either undergoes improvement or ultimately loses can be implemented by Ofsted.

3.11 There are no changes to the external appearance of the building or to the front and rear gardens.

#### **4.0 The Application**

4.1 The application seeks formal confirmation for Planning Permission Town and Country Planning Act 1990 that the proposed use of 92 Waltham Avenue as a Residential Assessment Unit would not require planning permission.

4.2 The aim of the scheme is to provide families with an environment which is as close as possible to a traditional family home, with normal day to day facilities but with an element of care and supervision.

4.3 At present families who have been directed by the courts are required to travel for hundreds of miles to find establishments for a 12–16-week period during which their parental capacity is assessed. The Wisteria Home is desirous of supporting these families who often have difficult and traumatic experiences in trying to keep the families together while safeguarding the vulnerable children and their parents. The ethos of the service is to provide a safe environment where the service can support parents and offer advice for them to achieve their set objectives, building on a transition to the rear annex as residents attain independence, whilst still under close monitoring via CCTV and visual observations and assessments.

4.4 The environment within the premises allows for structural assessments to take place in a natural, normal living environment, supplemented by a support network. The operation allows for families to bond, care and develop parenting skills with their children in a surrounding akin to a normal dwelling environment. In addition there is a garden space, which is private and secure, flower beds and herb gardens to encourage parents to plant and grow. An emphasis on promoting gardening activities, using homegrown herbs for cooking fresh cuisine's at unit.

4.5 Three members of staff would be employed. They would work on a "shiftrota" basis. Two members of staff would be on site at any one time, and they would share the communal facilities with the families. Shift patterns would be 8.00am to 8.00pm & 8.00pm to 8.00am.

4.6 The composition of households will vary meaning that the occupants may be different depending on the circumstances and size of the families. There will always be two staff supporting the parents with other visiting professionals attending by appointment. The centre will then provide family assessments for the courts whilst supporting families to gain confidence and skills for effective parenting.

4.7 The existing property has the layout, facilities, and services of the character of a “normal” residential dwellinghouse . The proposed use would not change this nature and the external appearance of the building would not be altered. The proposed use will bring back a long-standing vacant property into effective use and provide for a much-needed service in the community.

## **5.0 Planning Considerations**

5.1 We would like to offer an example of an approved application made to Hillingdon Borough Council on the 15 December 2005 (61395) which offers indicators that a planning application was presented to Hillingdon Borough Council and approved (31/01/06) and awarded a certificate of lawful use or development, The proposed use described in the First Schedule pertaining to No 8 Cavalier Gardens Hayes UB3 2UD did not require planning permission by virtue of the provisions of section 55 of the Town and Country Planning (uses classes) order 2005. The first schedule also listed the use of dwellinghouse by no more than five persons living together as one single family unit. This example demonstrates there has been approved lawful use or development for care providers enabling a positive impact for the most vulnerable members of our society.

5.2 Our neighbouring Borough Hounslow has also evidenced a need for a provision that we herewith propose, Hounslow Council was presented with an application from The Orchards, 22 Moulton Avenue, TW3 4LR on the 29 April 2021 (reference 00775/22/P6) for a change of use from residential to residential institution, the care provider instructed Cunnane Town Planning LLP to prepare and submit a planning statement to accompany a planning application submission to the London Borough of Hounslow, this was for the change of use of the existing building from Use Class C3 to Use Class C2 to provide a Parent and Child Assessment Centre at 22 Moulton Avenue, the application was subsequently approved on the 23 of June 2021.

5.3 Further analysis in a broader term nationally we would like to draw your attention to North Devon District Council and the First Secretary of State (Queens Bench Division) – 30 January 2003 – (2003) J.P.L. 1191 case which provides very useful indicators for determination of this application. In addition, the specific circumstances of this case are a primary consideration.

5.4 The applicant does not propose any significant changes to the physical condition of the premises, and it would retain all the elements for day to day private domestic existence when used as a residential care home. Therefore, in terms of its physical condition, the premises would retain all the characteristics of a dwellinghouse . In terms of occupation of a dwellinghouse (Class C3(a)), such a household may comprise adults and children living together with the children being cared for by their parents.

5.5 The outcome of the North Devon Case, is that despite there being a change of use between Class C3 and C2: that change was not material and planning permission was therefore not required. Mr Justice Collins KT made it clear that his judgement was based on the individual facts of the case and that whether or not a change is material is a matter of fact and degree. Therefore, in respect of the application site at 92, Waltham Avenue Hayes it must be determined whether the change of use from a single-family dwelling to a supported residential care home proposed would be a material change, based on the facts of the specific case. It is considered that the change is not “material” and therefore planning permission is not required.

5.6 The officers report in respect of that application recognised the importance of the North Devon Case. In conclusion the officer found as follows: -

“In respect of the proposal it is not contended that the intended use falls within Use Class C3. Indeed, it is recognised that the intended use falls within the Class C2. What is contended is that despite the change in use class the change does not constitute a material change of use and, therefore, planning permission is not required. In considering this matter, during the aforementioned judgement it was noted that ‘Although it may sound somewhat illogical, none the less planning permission may not be required if the change of use is not a material change of use’.

Whether a material change of use has occurred is a matter of fact and degree and depends upon the particular circumstances in each case. 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 the local amenity.

It is evident from the submitted information that the proposal would result in the dwellinghouse being utilised in a similar manner to that which it has previously lawfully been utilised as a dwellinghouse. In this regard, the following matters are considered pertinent:

- No fundamental alterations would be made to the building either externally or internally which would change the essential character of the building such that it would continue to appear to be a dwellinghouse.
- The occupancy of the building would be similar, or less intensive, to the preceding use as a dwellinghouse . Comprising 3 mothers (and or partners if joint assessment) with one baby not exceeding one child with no more than 2 members of support staff present at any one time. Therefore, an effective occupancy of 6 adults, staff would not form part of the household as they would not be residing at the said property i.e. 92 Waltham Avenue and would be on a rota basis.
- Traffic movements to and from the property are unlikely to exceed those which could reasonably be expected from the dwellinghouse in its current use. The movements of adult staff and residents present at the property would likely reasonably resemble those of adults that could be resident at the property or visitors to the property. Other movements from the property, such as school departures and other movements associated with children would also reasonably expected. The proposed number of vehicles that are likely to be utilised in relation to the property would not be out of character of that expected of the existing use. Visits to the property by other properties, including care professionals, may also be reasonably expected at a dwellinghouse .
- The use of the property and activities undertaken would remain characteristic of a dwellinghouse . Disturbance, anti-social behaviour or criminal acts are considered not to be inherent to the character of a children’s care home such that the proposed use of the property would have an adverse impact upon the local area or neighbouring occupiers.

Whilst the proposed use is within a different use class (Class C2) to the lawful use (Class C3) of the land and buildings on the balance of probabilities it is considered , for the afore mentioned reasons, that the proposed use would not ‘materially change the use’ of the land or buildings as a matter of fact and degree such that the planning permission would be required. Accordingly, it is recommended that a Lawful Development Certificate be granted for the use of the property as a Residential assessment unit for up to 3 mothers and or partners and 3 babies and 1 child (not superseding 6 adults in total) supported by 3 members of staff, 24 hour unit.

Exactly the same considerations apply to the current application.

5.7 The existing dwelling is capable of accommodating a family of up to 6 adults house-sharers living as a single household in accordance with Class C3: or perhaps a family of two adults and one or

more children. It has 3 bedrooms, one of which is a transition family room at the rear of the property, generous living accommodation, so that this level of occupancy is a realistic expectation. The level of care in the home would be supervisory in nature and not a secure unit. The application site would be a home of the children and their parents residing with them. They would develop social attachments to each other, to their care staff and within the local community. The manner of the use of the dwelling would not be materially different in planning terms to its use as a single household and therefore it should be concluded that no material change would occur.

5.8 The carers would support the residents at 92 Waltham Avenue would not be residents living on the premises on a permanent basis. The staff would change on a rota basis and therefore not form part of the household.

5.9 The nature of the proposed use will be providing an environment resembling a traditional family home. It will not therefore have any material different impacts in planning terms on the locality. Vehicular movements would not be unacceptable to the area as traffic movements would be again akin to a normal residence.

## **6.0 Parking and Transport**

6.1 London Borough of Hillingdon local plan part 2 (Development Management Policies (DMH 8)) Policy EC2 of the Council's Local Plan requires development proposals to demonstrate that adverse impacts on the transport network are avoided and ensure that development provides for existing local parking need.

6.2 In terms of parking, the London Plan 2021 parking standards do not have a specific category to calculate the requirement for the proposed use.

6.3 Notwithstanding the above, on the basis of the no. of staff present on site at any one time it is considered that the proposed use will generate very low levels of traffic and will have a de minimis impact on the transport network. None of the occupants are permitted having a car and external visits are infrequent (monthly basis). It is envisaged that a management plan could address this if required by preventing residents bringing cars. Therefore, whilst it is possible "overspill" parking may occur occasionally, this is likely to be fairly rare. The front parking area has sufficient capacity for 2 x parked vehicles. Two separate visits to the site outside of school holidays indicated that there were sufficient capacity on the local street network within 200m of the site to accommodate the extra 2 x vehicles required, there is also parking at the rear of the property on a paved compound. It has previously been identified that the site is in a sustainable location.

## **7.0 Legislative Context**

7.1 Section 192 of the Town & Country Planning Act allows for an application to be made to the local planning authority to ascertain whether any proposed use of the land or building would be lawful. Should such an application provide sufficient information to satisfy the LPA that the proposed use would be lawful at the time of the application such a Certificate should be issued. It is within context that the current application is made.

7.2 Within the Town & Country Planning (Use Classes) Order 1987 (as amended) Section C deals with the definitions of relevance. The appropriate classes are C2 & C3. They are as follows: -

Class C2 (residential institutions) is defined as:

“Use for the provision of residential accommodation and care to people in need of care (other than within Class C3 (dwelling house). Use as a hospital or Nursing. Use as a residential school, college or training centre”.

Class C3 (Dwelling houses)

“Use as a dwelling house (whether or not for sole residence) by:

- A single person or by people to be regarded as forming a single household;
- No more than six residents living together as a single household where care is provided for residents; or
- No more than six residents living together as a single household where no care is provided to residents (other than use within Class 4)”.

7.3 There is therefore within these Classes a differentiation between dwelling houses where residents live together in different circumstances including small houses in multiple occupation and includes specific reference to a household of 6 or fewer people where care is provided.

7.4 The Development Management Manual – Revision 2 (May 2017).

This document reiterates Section 192 of the Town & Country Planning Act on Lawful Development Certificates stating:

“Anyone can apply to an LPA for a certificate that confirms whether operations or uses are lawful for existing or proposed developments. Section 192 of the 1990 Act allows an LPA to certify that existing operations are lawful in that they either do not need planning permission or would be within the limitations of an existing planning permission. Section 192 of the 1990 Act enables a certificate to be issued in respect of existing development. Existing operations and uses may also be “lawful” where they become immune from enforcement action”.

## **8.0 Conclusion**

8.1 No material change of use would occur and whilst there is a technical change of use from Class C3 to Class C2, this change is not significant and as such planning permission is not required.

8.2 In light of the information set out above, we believe that the provision of a Parent and Child Assessment Centre at 92 Waltham Avenue, Hayes is acceptable in planning policy terms and meets the aims of the principle of sustainable development set out in the NPPF (National Planning Policy Framework).

8.3 In light of the above therefore we believe that planning should be granted and a Certificate of Lawfulness should be issued.

8.4 It is considered that the use is entirely appropriate in a residential setting; the building has the appearance of a residential dwelling and in light of the degree of management and controls placed upon the individuals using it is a compatible neighbour.

8.5 Finally, there is sufficient parking capacity within 200m of the site to accommodate the very low levels of parking required to accommodate staff requirements. The site is in a sustainable location and staff will be encouraged to use public transport wherever possible



