



Havering
LONDON BOROUGH

Planning Committee

13th April 2023

Application Reference:	P1991.22
Location:	73 Brentwood Road, Romford
Ward:	St Albans
Description:	Use of property for use as a large HMO for up to 8 residents (sui generis) or as a parent assessment unit for up to 5 residents (class C2), allowing a flexible use between the two uses for a period of 10 years, after which the use in force at the time will become the lawful use, in accordance with Class V, Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015
Case Officer:	Adèle Hughes
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 SUMMARY OF KEY REASON FOR RECOMMENDATION

- 1.1 It is considered that the use of the property as either a large HMO for up to 8 residents (Sui Generis) or as a parent assessment unit for up to 5 residents (Class C2) would be acceptable. The proposal would not adversely affect neighbouring amenity or result in any highway or parking issues. This application is recommended for approval subject to conditions.

2 RECOMMENDATION

- 2.1 That the Committee resolve to grant planning permission subject to conditions.
- 2.2 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time limit – The development must be commenced no later than three years from the date of this permission.
2. Accordance with plans – The development should not be carried out otherwise than in complete accordance with the approved plans.
3. Maximum number of occupants– During any use of the property as a parent assessment unit, there shall be no more than five residents (total not including children).
4. Restricted use – Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), any C2 use of the premises (being either part of flexible use for a 10 year period or the use in force after a period of 10 years in accordance with Class V, Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015) shall be restricted to a parent assessment unit for up to 5 residents (total not including children).
5. Refuse/recycling: No use of the property as a parent assessment unit shall take place until details of refuse and recycling facilities are submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities as agreed shall be implemented and retained for the lifetime of the development thereafter.
6. Cycle storage - No use of the property as a parent assessment unit shall take place until details of cycle storage are submitted to and approved in writing by the Local Planning Authority. The cycle storage measures as agreed shall be implemented and retained for the lifetime of the development thereafter.
7. Vehicle access – No use of the property as a parent assessment unit shall take place until vehicular access improvements to the highway have been completed in accordance with the details that are to be submitted to and approved in writing by the Local Planning Authority.
8. Control of noise – No use of the property as a parent assessment unit shall take place until details of a scheme of noise mitigation measures are submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site to achieve the following standard: The internal and party walls shall be so constructed as to provide sound insulation of 43 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.
9. Landscaping – No use of the property as a parent assessment unit shall take place until the current fencing subdividing the rear garden area is removed and a scheme of hard and soft landscaping, (including all boundary treatments), which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

10. Secured by Design (1) – Prior to the first use of the property as a parent assessment unit, a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police NE Designing out Crime Office, demonstrating how the Secured by Design Certificate will be achieved for this scheme.
11. Secured by Design (2) – The development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Informatives

1. Approval – No negotiation required
2. Fee informative
3. Secured by Design informative

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 This is a full planning application for the use of property as a large house of multiple occupation (HMO) for up to 8 residents (Sui Generis) or as a parent assessment unit for up to 5 residents (class C2), allowing a flexible use between the two uses for a period of 10 years, after which the use in force at the time will become the lawful use, in accordance with Class V, Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015.
- 3.2 The application is submitted on behalf of “Children in Mind”, which is a social care organisation that supports vulnerable children and parents. The application proposes a flexible use under Class V, namely the new use proposed or the retention of/reversion to the existing 8-person HMO in order to protect the established use of the property if Children in Mind were to vacate it in the next ten years.
- 3.3 It is planned that the premises would be used as a parent assessment unit for up to five parents and their infants. Parents can have up to two children. If they have more than two children a risk assessment will need to be undertaken to assess if the unit can support a family with three or more children at that time. There can be two family groups at any one time, which comprises of two parents together and their infant/s.
- 3.4 The unit will be managed by a Registered Manager, who will be a qualified social worker, who will be supported by a Deputy Manager and a team of seven family support workers and four night staff, who will work a rota system. The unit will also have ad hoc staff. There will be at least two members of staff on each day shift, but the number of staff on each shift will reflect the needs of the parents and infants according to their individual risk assessments.

Referrals will be carefully selected, depending on the needs of the parent/s and infants already in the home, to ensure that there is not a high level of dependency in all of the parents as this will lead to the unit being overcrowded, which would not be conducive to providing a stable and calm atmosphere for the infants. There may be one waking night staff with a sleep-in member of staff. However, if the unit was at full occupancy, there would be two waking night staff, who would observe families throughout the night and offer assistance and guidance when necessary.

- 3.5 The purpose of the use would be to assess the capacity of parents in a controlled environment, in order to safeguard the welfare of children for up to 12 weeks. The parent assessment unit would accommodate parents/families mainly within Havering but also other boroughs.

Site and Surroundings

- 3.6 The application relates to a two storey end of terrace property at No. 73 Brentwood Road, Romford, which has been previously extended by way of a two storey side and single/two storey rear extension. The site is located on the junction of Brentwood Road and George Street. The property is in use as a HMO accommodating up to eight residents. The surrounding area is characterised by two storey semi-detached and terraced properties and two storey flats. Brentwood Road Local centre is located opposite the site.

Planning History

- 3.7 P1668.09 – Rear of 71 & 73 Brentwood Road, Romford – Proposed two bedroom detached house – Refused.

P1716.01 – Two storey side and single/two storey rear extension – Approved.

It is noted that there was an enforcement case investigation in 2020 (Ref: ENF/171/20). The site was investigated as there was no planning permission in place for the change of use to a sui generis HMO. The case was closed in March 2020, as there was evidence from Council records that the property had been used as an HMO for more than 10 years with up to 8 people in the property.

4 CONSULTATION RESPONSE

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 Havering Children's Services support the application, as it is a needed provision in the borough. 2021 Census data shows that over the last decade, Havering saw the second highest growth in the 0-4 population of all local authorities in England. The data is there to support the need.
- 4.3 Public Protection Department— No objection in principle regarding the application, but there are concerns regarding the impact that the noise from the proposed use may have on the attached neighbouring properties, particularly regarding "normal living noise" from babies. There are concerns that due to the nature of the proposed use, the neighbouring property will be

affected by crying babies through the night all of the time, not just for a limited period of time as the child grows up (as with a normal family house). As the property was built before the 1984 building regulations were implemented, the sound insulation between this property and the neighbouring attached property would not be up to the current standards. Similarly, the insulation between bedrooms will need to be considered and improved to ensure that the noise from one residential unit does not significantly affect the other units (particularly due to the sensitivities of the proposed occupiers). As such, it is recommended that a condition be imposed regarding details of a scheme for the control of noise emanating from the site if minded to grant planning permission. In terms of air quality, the Public Protection Department has advised that it's unclear if the heating provision is to be changed. The agent has advised that there are no current plans to change the boiler. Therefore, it is not deemed reasonable or necessary to impose a condition regarding the installation of an Ultra-Low NOx boiler. There are no contaminated land concerns.

- 4.4 The StreetCare Department wish to ensure that there is sufficient numbers of refuse and recycling bins at the site, suitable storage areas and that the collection crew access requirements are adhered to, in particular, with the distance to the bin store. The Streetcare Department would require a drop down kerb to be installed. Bins are not provided by Havering Council, nor is Havering Council liable for them. Bins need to be purchased and maintained privately.
- 4.5 Designing Out Crime Officer – No objection subject to specific concerns being addressed and Secured by Design planning conditions and informative being attached if minded to grant planning permission.
- 4.6 Highway Authority – The proposals include parking in the front garden, however, there is not a lowered kerb to provide a vehicle crossover. The proposals should include the provision of a formal vehicle crossover, which should be secured by condition. The application and approval of a vehicle crossover is subject to a separate Highway approval process. The proposals should include secure cycle parking and secured by condition in keeping with policy requirements to meet its obligations to promote sustainable travel.

5 LOCAL REPRESENTATION

- 5.1 A total of 9 neighbouring properties were notified about the application and invited to comment.
- 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 4 (which consists of 4 objections).
- 5.3 The following Councillor made a representation:

This application has been called in by Councillor Holt on the grounds of:

- 1) Overdevelopment of the site – As an HMO, 73 Brentwood Road has housed “up to 8 people in the property”. However, the recent electoral register shows only two adults registered, suggesting it has not been full. Converting it to a residential institution means that there will potentially be ten residents, including babies, possibly more, as parents will be allowed “up to two children”, plus at least “2 to 3” staff, possibly more. Extra rooms are planned for the building, such as a play room, living room and communal room. This is an over-development.
- 2) The plans claim “The proposal does not have any unacceptable adverse impacts on the surrounding area and will not be likely to give rise to significantly unacceptable greater levels of noise and disturbance to occupiers of nearby residential properties. Number 71 Brentwood Road is joined on to No. 73, with numbers 69 and 67 further along the terrace, with numbers 128 and 126 George Street to the rear. In the light of reason 1, particularly as babies and children are involved, there is very unlikely to be more noise.
- 3) Land use – A family assessment unit in a residential area is not the right location for such an institution. The roads off Brentwood Road – including George Street, Albert Road, Craigdale Road and Douglas Road and the surrounding roads are part of a residential area of closely-built, mostly semi-detached and terraced houses built primarily at the turn of the twentieth century.
- 4) Outdoor amenity space – there seems to be no reference to any outdoor amenity space e.g. the back garden, neither in the plans nor the Supporting Statement Guide.

Representations

- 5.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Queried the illegal use of the premises as an HMO, which has been in use for at least the last year.
- No letter from planning to residents advising of this application have been received. (Officer response: Consultation letters were sent to 9 neighbouring properties on 30th December 2022).
- The suggested use is inappropriate for a residential area.
- Traffic.
- Parking.
- Commercial uses would diminish the streetscene and quality of life for residents in the area.
- There is litter, fly tipping and anti-social behaviour in the locality of the site.

Non-material representations

- 5.5 The following issues were raised in representations, but they are not material to the determination of the application:
Regularisation of the property as an HMO would be preferred. However, if the property has been operating without a licence and outside of the council schemes, it may be appropriate for the property to revert back into a single

dwellinghouse. (Officer response: There was an enforcement case, ENF/171/20, regarding an HMO without planning permission. The use of the property as a HMO was established well before the Article 4 Direction came into force and as such, there was no breach and the enforcement case was closed in March 2020. The existing use of the property as an HMO is lawful.

- Queried what happens to the current tenants of the property.

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the committee must consider are:

- The principle of development, density/site layout, the impact on the streetscene and impact on amenity and any highway or parking issues arising from the proposed development.

Principle of development

6.2 The enforcement case for the HMO was closed, as there was evidence in the Council records that the property had been used for more than 10 years with up to 8 people in the property. Evidence includes: records of numerous occupiers from 2002, when the extensions were completed; reference in records to the property being an 8 bedroom HMO; a representation from an occupier of the property stating they have been a tenant for 15 years. Therefore, the use of the property as an 8 person HMO is considered to be lawful. Policy 8 (Houses in Multiple occupation) of the Havering Local Plan recognises that HMOs can make a valuable contribution to the private rented sector by catering for the housing needs of specific groups. Therefore, as the HMO use for up to 8 residents is considered lawful, no consideration on the merits of this continued use is included in an assessment of the application. However, a comparison of the proposed parent assessment unit to the lawful 8 resident HMO would be relevant to the consideration of the application.

6.3 The proposed parent assessment unit is considered to fall within Class C2 as defined by the Use Classes Order 1987 (as amended) is the use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.

6.4 Policies 1, 3 and 5 of the Havering Local Plan 2016-2031 - housing stock in the borough and housing delivery (including shortfall) are considerations. At Policy 3 (Housing Supply) it requires that decision making resist the net loss of residential development and at Policy 5 (Housing Mix) it reinforces that there is a shortage of family housing. At Policy 6 (Specialist Accommodation) of the Havering Local Plan 2016-2031, it is recognised that specialist accommodation (that being which has been specifically designed and built to meet the needs of the elderly, disabled, young or vulnerable adults) is required and that work is currently underway to identify the demand for supported housing as part of the Council's housing development programme work. Policy H12 of the London Plan, 2021 (LP) also supports the delivery of supported and specialised housing which meets an identified need.

- 6.5 However Policy 6 (Specialist accommodation) requires that, in addition to there being an identified need amongst other considerations that the proposals
- Have access to essential services and shops by walking and cycling;
 - The site is well served by public transport;
 - The site is suitable for the intended occupiers in terms of the standard of facilities, the level of independence, and the provision of support and/or care;
 - An appropriate level of amenity space is provided to meet the needs of the intended occupants taking account of the need for an attractive outlook;
 - Consideration has been given to future needs and the development can be easily adapted to meet the needs of future occupants;
 - The proposal does not have any unacceptable adverse impacts on the surrounding area and will not be likely to give rise to significantly unacceptable greater levels of noise and disturbance to occupiers of nearby residential properties;
 - The proposal meets the parking requirements set out in Policy 24 and it will not have an unacceptable impact on parking conditions and traffic congestion in the area; and
 - Adequate provision for visitor and carer parking facilities is provided and where appropriate, provision is made for the safe and convenient storage of wheelchairs and mobility scooters.
- Matters of quality of accommodation, amenity for future occupiers and highways/parking matters then require further consideration.
- 6.6 Policy S2 (Health and social care facilities) of the London Plan states that development proposals that support the provision of high-quality new enhanced health and social care facilities to meet the identified need and new models of care should be supported.
- 6.7 Children's Services support the application, as it meets a needed provision in the borough. 2021 Census data shows that over the last decade, Havering saw the second highest growth in the 0-4 population of all local authorities in England. The data is there to support the need.
- 6.8 The proposal will be the first parent assessment unit within Havering. The supporting information refers to a letter from Havering Council Joint Commissioning Unit stating that there is a local need for Residential Parenting Units. In addition, the supporting information refers to minutes of a meeting held in August 2022 between the applicant and personnel of Havering Council consisting of Children's Services, Joint Commissioning Unit, Intervention and support and a social worker which confirmed that there is a need for the parent assessment unit, although it is unlikely that the demand would extend to requiring accommodation for 5 families, the unit would usefully serve the wider North East London area.
- 6.9 Given that there is a local and regional need for the unit and the Development Plan policies that support such care facilities, it is considered that a change of use from an HMO to a parent assessment unit (allowing flexible use between the two uses for a period of 10 years, after which the use in force at the time would become the lawful use) would be acceptable in principle.

Density/site layout

- 6.10 The size and footprint of the dwelling would remain unchanged. The parent assessment unit will have a kitchen and two communal areas, which will comprise of a playroom/dining room and a living room. There are five double bedrooms, two of which are en-suite. There are two communal bathrooms and a staff office (the latter is labelled as 'Communal 1' on the ground floor plan). The agent has advised that if there were five bedrooms in use for clients, there would not be sleep-in night staff and there would be two waking staff in the office. If there were only up to four clients in the home, the fifth bedroom may be used by the sleep-in night member of staff. The unit will use CCTV to support staff to assess parents in their direct care of their infants. It is considered that the site is suitable for the intended occupiers of the parent assessment unit.
- 6.11 The plans show the rear garden of the property, which includes a garage. There is a timber fence that currently subdivides the rear garden into two areas, a patio and a parcel of land which is presently overgrown and contains a detached garage. The agent has confirmed that the boundary fence dividing the garden will be moved, so it is parallel with the flank wall of the garage, so it's kept separate from the garden space for the children. The applicant has advised that the garden will be maintained to provide appropriate amenity space for the parent assessment unit. Details of a landscaping scheme, (including all boundary treatments), to ensure that the amenity space will be usable for parents and children will be secured by condition if minded to grant planning permission.

Impact on the streetscene

- 6.12 It is considered that the proposal would not adversely affect the streetscene, as it does not involve any external changes.

Impact on residential amenity

- 6.13 A requirement of Policy 6 of the Havering Local Plan 2016-2031 is that the proposed use must not have any unacceptable adverse impacts on the surrounding area and will not be likely to give rise to significantly unacceptable greater levels of noise and disturbance to occupiers of nearby residential properties.
- 6.14 Care-related uses can run smoothly with no significant impacts on residential amenity if appropriately managed. Generally, residential areas are the most suitable place for uses as that proposed. They tend not to exhibit any outward appearances as to their use and the level of activity associated if managed correctly, can be no greater than that of a family home.
- 6.15 It is planned that the premises would be used as a parent assessment unit for up to five parents and their infants. Parents can have up to two children. If they have more than two children, a risk assessment will need to be undertaken to assess if the unit can support a family with three or more children at that time. There can be two family groups at any one time, which comprises of two parents together and their infant/s. Occupants of the parent assessment unit will stay for a set period of time, which is usually up to 12 weeks. The staff

team will work on a 24/7 rota system. There will be two to three staff on site at any one time, with two on the day shift and two on the night shift and management where appropriate.

- 6.16 When reviewing the merits of this application, consideration should be given to the existing use of the property as an 8 person HMO and the levels of activity associated with this. It is considered that the proposed use of the property as a parent assessment unit would not generate significant levels of general activity, such as comings and goings, above the existing use of the property as an eight person HMO and as such, would not result in material harm to the amenity of neighbouring properties.
- 6.17 In respect of noise, there is a concern that the noise of crying babies may be a source of disturbance to occupiers of the immediately adjacent property, particularly given that the proposed use will involve the continual care of babies for a long period compared to what may be expected from a typical family. The internal layout shows that none of the bedrooms are next to the party wall and this would assist in reducing noise potential. The supporting statement states that the needs of the infants will always override the needs of the parents and babies and infants will always be kept safe by the staff team. Therefore, babies will not be left to cry for long periods of time without staff intervening to support the parent, soothe their baby and meet their baby's needs. A pre-commencement condition will be imposed regarding details of a scheme for the control of noise emanating from the site if minded to grant planning permission.
- 6.18 The supporting statement outlines that the facility will be inspected and regulated by OFSTED. There will be a zero tolerance to any drug or alcohol use in the unit or in the local community and anyone found using drugs or alcohol risk their placements being terminated with immediate effect.
- 6.19 It is considered that the use of the rear garden by occupiers of the parent assessment unit would not generate significant levels of noise and disturbance over and above that of a family dwelling or HMO and as such, this would not be materially harmful to neighbouring amenity.
- 6.20 Overall, in respect of residential amenity, it is considered that the proposed use would not have a significantly detrimental impact on residential amenity compared with the existing situation.

Highway/Parking

- 6.21 The site has a PTAL of 6a, which means that the site is accessible by public transport. There is at present one potential parking space to the rear of the site, although the current condition of the garage means that may not be possible. The front of the property is hardstanding and it is apparent that vehicles park to the front, although there is no dropped kerb. Any proposal to drop the kerb would have to be subject to separate Highways approval and specific planning permission.

- 6.22 The supporting statement states that clients (residents) of the proposed assessment facilities will not have cars, as they do not generally tend to own cars in any event due to age and circumstances.
- 6.23 With regard two day shift staff and the night shift staff and any management which may visit for a period of time, the supporting statement states that not all staff drive to the site, as it's well accessed by public transport.
- 6.24 When reviewing the merits of this application, consideration was given to the fact that the site has a lawful use as an 8-person HMO with no control over parking. Given that the site is within walking distance of Romford town centre and clients of the proposed assessment facility are not likely to have cars when they are being assessed, it is considered that the parent assessment unit would not generate significant levels of traffic or create any parking or highway issues compared to the current use. However, it is recommended that a condition be added to any approval requiring details of vehicular access before any assessment unit use commences, as the opportunity for staff off-site parking to the front would to a limited extent relieve pressure on on-street parking.
- 6.25 A representation has been received with concerns regarding litter, fly tipping and anti-social behaviour in the locality of the site. No details of refuse and recycling have been provided, although details of these will be secured by condition if minded to grant planning permission. The Council's Designing out Crime Officer was consulted and has no objection to the application subject to specific concerns being addressed. Two Secured by Design planning conditions and an informative would be imposed if minded to grant planning permission. Conditions will be imposed regarding vehicle access and cycle storage if minded to grant planning permission.

7 Equalities

- 7.1 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 7.2 The proposed facility would offer care and support to parents and children, meeting an identified need for the facility and that weighs in favour of the proposal. Conversely, current residents of the HMO may lose their home, although there is no specific planning policy to retain HMO's. On balance, it is considered that the proposal raises no significant equality issues to justify the refusal of planning permission.

Conclusions

7. All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.