

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1428.24

WARD: St Albans

Date Received: 23rd October 2024

ADDRESS: 73 Brentwood Road
Romford

PROPOSAL: Removal of conditions No. 8, 9 & 10 of planning permission ref: P1991.22 dated 18/04/2023 (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 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)
APPLICATION NO: P1991.22 Conditions(s) 8,9 &10

DRAWING NO(S): AHUB2410003_1 Revision PL01
AHUB2410003_2 Revision PL02
AHUB2410003_3 Revision PL02

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

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 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.

DESCRIPTION OF PROPOSAL

This application seeks through a S73 application to remove conditions No. 8, 9 & 10 of planning permission ref: P1991.22 dated 18/04/2023 (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 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).

The supporting statement states that the applicant "is seeking to take over the premises to operate as a residential parenting assessment centre".

Condition 8 reads as follows:

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.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed and boundary treatments. Submission of a scheme prior to the use of the property as a parent assessment unit ensure that the development achieves a satisfactory level of landscape quality.

Condition 9 reads as follows:

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.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to the first use of the property as a parent assessment unit is in the interest of creating safer, sustainable communities and to reflect policy in the NPPF.

Condition 10 reads as follows:

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.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. A Certificate of Compliance to the relevant Secure by Design Guide(s) is in the interest of creating safer, sustainable communities and to reflect policy in the NPPF.

The supporting statement states that "conditions 8, 9 and 10 are ultra vires and are governed by Ofsted" and therefore, they serve no practical purpose.

RELEVANT HISTORY

Q0249.24	Discharge of Condition - Application P1991.22 Condition 6
	Awaiting Decision

Q0248.24	Discharge of conditions 4, 5 & 7 from P1991.22
	Awaiting Decision
p1991.22	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 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
	Apprv with cons 18-04-2023
P1668.09	Proposed two bedroom detached house
	Refuse 18-02-2010
P1716.01	Two storey side & two storey/single storey rear extension
	Apprv with cons 25-01-2002

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent out to 13 properties. No letters of representation were received.

The following comments were made by other stakeholders:

Designing out crime officer - Objection. Detailed comments are provided elsewhere in this report.

Public Protection Department - None of these conditions relate to noise, air quality or contaminated land, so there are no comments to make regarding this application.

StreetCare Department - The business should have a suitable waste collection/contract that meets the requirements of the business. Please ensure 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. Bins are not provided by Havering Council, nor is Havering Council liable for them. Bins need to be purchased and maintained privately.

The Highway Authority was consulted, but no response was received.

RELEVANT POLICIES

East London HMO Guidance

Policies 1 (Romford Strategic Development Area), 3 (Housing supply), 5 (Housing mix), 6 (Specialist accommodation), 7 (Residential design and amenity), 8 (Houses in Multiple Occupation), 23 (Transport connections), 24 (Parking provision and design), 26 (Urban Design), 27 (Landscaping), 34 (Managing pollution) and 35 (On-site waste management) of the Havering Local Plan (2016-2031) as well as the Havering Community Infrastructure Levy Charging Schedule is

relevant.

Policies D1 (London's form, character and capacity for growth), D6 (Housing quality and standards), D11 (Safety, security and resilience to emergency), D14 (Noise), H9 (Ensuring the best use of stock), H12 (Supported and specialised accommodation), S2 (Health and social care facilities), T5 (Cycling), T6 (Car parking), T6.1 (Residential parking), T9 (Funding transport infrastructure through planning) of the London Plan 2021 are relevant.

The National Planning Policy Framework.

MAYORAL CIL IMPLICATIONS

The proposal is not liable for Mayoral and Havering CIL.

STAFF COMMENTS

In accordance with the current protocol for site visits, an in-person site visit was not considered to be necessary. A site photograph was provided by the applicant/agent in support of the application. In determining this planning application, photos, Google Street ViewTM, aerial view images and submitted drawings were used to assess the site constraints.

Planning permission was granted under application P1991.22 at 73 Brentwood Road, Romford, for the use of property 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 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 on 18th April 2023.

This application seeks to remove condition 8 of planning application P1991.22 - 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.

The Committee report for P1991.22 stated that "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".

According to the planning statement, the dwelling is existing and so is the rear garden. The agent

asserts that this type of condition is onerous, is not related to the change of use and fails the six tests. The supporting statement states that the applicant cannot remove the dividing fence for the following reasons: The applicant is only leasing the property for five years initially and it is not their fence and garden to change. The property owner doesn't want the garage to be removed. The garage will contain the bins and bikes. The bins would be serviced from George Street. The refuse vehicles and large commercial bins would be a risk for babies/infants if they could access this part of the garden. The back garden that will be accessible to the families is 9.8m wide and 5.6m in depth. The supporting statement states that "The parents are generally encouraged to access community spaces rather than being indoors or in the garden during the daytime".

It is considered that the applicant leasing the property is not a material planning consideration. Conditions 4 and 5 were discharged in part under application Q0248.24 and the garage would be used to accommodate refuse/recycling and cycle storage. According to the plans, the patio has a width of approximately 8.9 metres.

According to the supporting statement, "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 a time. There can be two family groups at any one time, which comprises of two parents together and their infant/s".

Condition 8 of P1991.22 was imposed to ensure that the amenity space would be useable for parents and children and to ensure the development achieves a satisfactory level of landscape quality.

Policy 6 of the Havering Local Plan states that: "The provision of appropriate housing to meet the specialist needs of local people will be supported where it can be robustly demonstrated that 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". The justification for this policy is that residents should have access to high quality and useable amenity space.

The proposed garden plan shows a small area of soft landscaping and railway sleepers dividing the vegetation from the patio and a table and chairs. It is considered that the proposed rear garden (comprising of the patio and soft landscaped border) would be too small for five parents and their infants (or two family groups) and would not provide a high quality useable amenity space for future occupiers of the parent assessment unit. It may be possible to have a low dividing fence (e.g. 1.2m high) which separates an enlarged proposed rear garden from the garage.

According to the site photographs for P1991.23 and Google Earth and Streetview images, the second half of the rear garden appears to be overgrown. With regard to condition 8 of P1991.23, it is considered that the proposed rear garden should be enlarged and enhanced to improve the quality of life of the future occupiers of the parent assessment unit. The Management Plan states that "Parents will be assessed under a 12-week parenting assessment framework. Most parents stay for longer than 12 weeks, as the 12 week period is just the assessment period". As parents and children would occupy the parent assessment unit for approximately twelve weeks or more, Officers are of the view that a high quality, accessible and usable amenity space (of a sufficient size for future occupiers) in the rear garden of the site is very important.

Conditions 9 & 10 - Secured by design

The supporting statement states that "Residential parenting units are regulated by Ofsted and must meet the National Minimum Standards in order to gain their registration prior to families being placed there. Parenting assessments at 73 Brentwood Road will be completed in line with the Department of Health's Framework for the Assessment of Children in Need and Their families (2000)". The premises would be registered by Ofsted, including full inspections. The agent asserts that it is not necessary to have a secured by design certificate for this scheme, as it duplicates the work and role of Ofsted. Also, the use is governed by Ofsted and not the police.

The supporting statement states that "Whilst the consent is for a flexible use, the applicant will not be using it as an HMO, but as a Parent Assessment centre only" and no internal or external works will be undertaken at this property. The supporting statement states that the Secured by design conditions are not necessary to make the development acceptable and it is not fair or reasonable for the scale and type of development. According to the planning statement, CCTV will be used inside the unit, at the front and back door, the garden and inside bedrooms on the babies cots, as it is imperative to be able to watch babies being parented by their parents at all times.

There was strong justification for imposing conditions 9 and 10 requested by the Designing Out Crime Officer (DOCO) at the application stage. Policy 6 of the Havering Local Plan requires fundamentally that specialist accommodation is suitable for intended occupiers. The supporting statement states that parents using the parent assessment facility may have experienced significant trauma in their own life, which could include being a victim of domestic abuse and violence, mental health diagnoses or fluctuating mental health issues.

Whilst officers have no reason to consider that the parent assessment unit would not be adequately staffed and managed, the purposes of SBD and its principles are particularly relevant to a use such as this.

Policy H12 of the London Plan reinforces the above requiring that where there is an identified need it should be supported, but that the form this takes will vary and that any development should be designed to satisfy the requirements of the specific use or group it is intended for. The safety and amenity of future occupants of the family assessment unit would be a critical factor for consideration in seeking compliance with the objectives of these policies.

During the course of the application, the consultation response from the Council's Designing out Crime Officer was emailed to the agent as requested. The Designing Out Crime Officer provided the following comments and doesn't support the removal of conditions 9 and 10. The reason for the secured by design (SBD) conditions for the parent assessment unit is to ensure the actual building provides a good level of security, which subsequently makes it safer for all users. It was also academically evaluated and proved that SBD reduces the risks associated with arson, anti-social behaviour, criminal damage and burglary. SBD developments have demonstrated to reduce rehousing needs, reduces the cost of maintenance and improved the general health and wellbeing of the residents, by reducing the risk of physical and emotional harm.

According to the management plan provided with the initial application, the applicant wants the property to be a safe environment for parents and children. However, the Designing Out Crime Officer (DOCO) has not found any supporting documents or even sections in the management plan, which would directly refer to the physical security. The Designing Out Crime Officer has queried how the applicant knows that the building is safe and secure, without having a security needs assessment (SNA) completed by a security specialist. It is understood that the applicant does not

wish to make any physical changes to the building, however, the DOCO is of the view that this would be a right time to assess the building, which has not been assessed or certified when the change from a single occupancy dwelling to an HMO took place. Further to that, the DOCO has conducted a search on 73 Brentwood Road, on Policing systems, which resulted in a number of crime reports, but most importantly, one for a serious sexual assault, while the building was operating as an HMO. Although the use of the building will be different, the above still indicates that there is a possible lack of security, which needs to be assessed and the Designing Out Crime Officer can assist with free of charge.

Having read the planning statement in support of removal of the conditions, the Designing Out Crime Officer makes the following comments: The first paragraph on page 10, first paragraph refers to conditions 8, 9 and 10 being ultra vires and otiose. The DOCO strongly disagrees with this comment, as it is considered that the building would greatly benefit from having a security assessment to start with, which they can't see serving no practical purpose. Page 18, paragraph 3.1 describes the role of Ofsted. Ofsted and SBD are very different in nature. SBD is specifically design to tackle risks associated with physical security.

It is noted that the applicant used the below comment as a counter-argument for a number of security recommendations: "This is an extant dwelling subject to governance by Ofsted and NOT the Police". The Designing Out Crime Officer trusts that the security of the building in this instance particular case, falls under the remit of DOCO's and SBD and not Ofsted. It is considered that this is a suitable time in the planning process to make security changes, if needed. Paragraph 3.10 on page 24 refers to no additional risk associated with the change of use, as the residents will be babies and their parents. Unfortunately, this is not the case in real life. The risks are definitely higher.

The DOCO has attended a number of incidents in their Policing career and is aware that parents come from different backgrounds, often with drug/alcohol problems, often from violent/dysfunctional relationships. The risk is higher.

On paragraph 3.13 on page 25, the applicant makes the follow comment as a response to a security recommendation in relation to rear/side access - "Newborn babies are unable to climb." It is highlighted that the risk may come from outside, for example an ex-partner of one of the residents, who decided to come to the site uninvited. This would also reduce the risk of burglary or even attempted burglary at the location.

Page 26, paragraph 3.14 refers to the robustness of the front door being assessed by Ofsted. The DOCO does not believe this to be the case. To their knowledge, Ofsted inspectors are not security specialists and are not trained in inspecting the security ratings of the doors. The doors that the DOCO recommends, are third party tested and certified. These SBD approved products have proven to provide require security and durability.

The last paragraph of page 32 refers to duplicating the work and role of Ofsted. As already described, this is not the case. DOCO are specifically trained Police officers, who are able to carry out building security assessments.

Page 33 makes reference to CCTV on the premises. The DOCO queries who ensures that it's a suitable product, where the footage is stored and who has access to it.

Based on all of the above, the Designing Out Crime Officer strongly disagrees with the removal of the SBD conditions. The potential risks are clear and the DOCO does not see any mitigation at this stage.

Officers attribute significant weight to the comments made by the Designing Out Crime Officer who does not agree with the statements made by the applicant and has raised fundamental concerns.

Mindful that the premises may accommodate parents that may have experienced significant trauma in their own life, which could include being a victim of domestic abuse and violence, the purpose of conditions 9 and 10 was to ensure that their safety and security, including staff of the parent assessment unit, was given the appropriate weight. This was the reason for conditions 9 and 10 having been imposed in the first place, with recognition given to the benefits associated. In the absence of SBD compliance, it is considered that there would be increased risk to occupants. Statistically certain types of crime have been proven to be lessened when SBD principles are applied and this is reflected in comments made by the DOCO.

There is no compelling evidence before officers otherwise, that the risks associated with the premises would not be lessened by compliance with SBD principles. Whilst officers are mindful of the associated benefits of the family assessment unit and acknowledge that there is an identified need for it, it is the opinion of officers that the S73 sought should not succeed as there would be conflict with the objectives of the specified policies. Furthermore officers consider that that the proposals in the absence of SBD compliance would conflict with the objectives of Para 135 of the NPPF which amongst other considerations requires that development create places that are safe, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

KEY ISSUES/CONCLUSIONS

It is considered that the proposed rear garden (comprising of the patio and soft landscaped border) would be too small for five parents and their infants (or two family groups) and would not provide a high quality useable amenity space for future occupiers of the parent assessment unit.

Officers recognise that there would be benefits to the parent assessment unit operating in the borough and have no reason to consider that it would not be well managed and provide a valuable service to parents. However, having regard to the purposes of condition 8, 9 and 10 of P1991.22 and the strong justification for imposing them, Officers do not consider that adequate justification has been made for removing them, or to that end that any would exist given the policy basis for the decision made.

Having regard to the above and in doing so all relevant planning policy and material considerations refusal is recommended.

RECOMMENDATION:

It is recommended that **planning permission be REFUSED** for the following reason(s)

- 1 Refusal non standard

The proposed rear garden would not provide sufficient and a high quality useable amenity space for future occupiers of the parent assessment unit contrary to Policies 6 and 7 of the Havering Local Plan, Policy H12 of the London Plan and the National Planning Policy Framework.

2 Refusal non standard

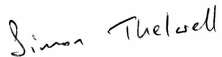
Non-compliance with Secured by Design principles, in the absence of any evidence otherwise, would present a risk to future occupiers of the parent assessment unit. The proposals are therefore in conflict with Policy 6 of the Havering Local Plan 2016-2031 which amongst other considerations requires that specialist accommodation is suitable for the intended occupants. Furthermore there would be conflict with the objectives of Policies D11 and H12 of the London Plan and the National Planning Policy Framework, which specifically at Paragraph 135 requires that developments create places that are safe, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

INFORMATIVES

1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Visionary Planning UK via email on 24th January 2025.

Authorising Officer:



Simon Thelwell

24th January 2025