

**MINUTES OF A MEETING OF THE  
ADJUDICATION & REVIEW COMMITTEE (HEARINGS)  
Town Hall  
Romford  
4 March 2013 (3.10 - 4.30 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group**            Ted Eden (Chairman) and Eric Munday

**Residents' Group**            John Mylod

**Independent Person**        Mr J Bloomfield

**The complainant  
The complainant's mother  
Councillor Andrew Curtin (Ward Councillor)**

Patrick Keyes            **Head of Development & Building Control**  
Helen Oakerbee        **Planning Control Manager**

Grant Söderberg        **Clerk to the Panel**  
Vincent Healy -        **Legal Advisor to the Panel**

The Chairman reminded Members of the action to be taken in an emergency and then opened the meeting by outlining the process for the Hearing.

**1        EXCLUSION OF THE PUBLIC**

On a motion by the Chairman

**RESOLVED:**

That the public be excluded from the remainder of the meeting on the grounds that it was likely that, in view of the nature of the proceedings, if members of the public were present there would be disclosure to them of exempt information within the meaning of paragraph 4 (details of a recipient of services) of Schedule 12A to the Local Government Act 1972.

2 **CONSIDERATION OF A COMPLAINT BY MS X AGAINST PLANNING SERVICES CONTAINING EXEMPT INFORMATION**

Following careful consideration of the representations made by the appellant and the responses of the Service, the Panel determined that:

1. With regard to the Planning Service failing to follow its procedure by not including the objections of the complainant and others, The Panel **upheld** this element. The Panel noted, however, that the Service had apologised for this failure and it accepted that whilst apologies cannot “turn back the clock”, there was no point in pursuing this element further as any attempt to re-think the issue would be both impractical and speculative at best.

The complainant’s argument that the Service was not exercising its full powers of enforcement with respect to the conditions of the planning permission was **upheld in part**. The Panel recognised that planning enforcement powers were discretionary. There was no absolute duty on a Local Planning Authority to issue enforcement notices to apprehend each perceived breach of planning control. The protocols on planning enforcement recommend in all but the most aggravated breaches exploration of a negotiated resolution. Whilst it was acknowledged that steps had been taken to seek compliance, the Panel recommended that the Head of Service robustly pursue all avenues - including enforcement action - if considered expedient, to secure compliance with condition 2 (accordance with plans) and 5 (Landscape).

The Planning Service as part of pursuing compliance with Condition 5 was further strongly urged to review the width of the green strip around the perimeter of the car park to ensure that it was **at least** 1.5 metres wide and that, though outside of the scope of the planning conditions, the Service seek to persuade the owners to install a kerb around the car park to ensure that vehicles could not encroach on the soft landscaping.

2. With regard to the fence between the complainant’s property and the car park, the Panel **upheld** this element as the fence did not appear to be of sufficient height (and was further reduced by the raised surface of the car park). The effect of the permission had been to lessen the complainant’s privacy and arguably decrease her security as seen in the photographic evidence provided. The complainant confirmed that the fence belonged to the dance studio and the Panel had no authority to compel the owners to replace it with a higher fence, let alone construct a wall (which was never part of the planning conditions). What it could do was offer to pay for a fence to be built on the complainant’s property, for that section of the garden which bordered the car park, close to the existing fence (to reduce loss of garden space). It proposed a 2 metre high fence comprising:

concrete fence posts, concrete gravel boards and topped with close-boarded panels.

**Observations:**

The Panel appreciated the complainant's frustration at the failure of the Planning Service in this instance, but given the large number of planning decisions made each year - in excess of 2000 - the vast majority of applications granted conferred benefit on the applicant without material harm to neighbours. In this case, the failure to take on the complainant's objection had been compounded by difficulties the Planning Service had experienced in persuading the dance studio owners to fully comply with the conditions attached to the permission granted. The offer to fund the cost of the purchase and erection of a suitable fence on the complainant's property would be subject to the normal process of competitive quotes as set out below.

The council had a duty to all Council Tax payers to ensure that all expenditure was properly accounted for and achieved best value. The Panel therefore asked that the complainant provide three written quotes from established firms which the Council would then consider. In the event that the quotes were unacceptable, the Council had the right to ask that further written quotes be provided.

For a quote which achieved best value, the Council would agree - through the Head of Development and Building Control - payment arrangements to ensure that the works were satisfactorily completed otherwise you would deal with and manage the works. In the event that none of the quotes submitted were acceptable or in the circumstance that stage payments could not be agreed the Council could offer its own supply and build.

The full details of the complaint are attached in the appendix (containing exempt information and not available to the press or public).

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**Chairman**