

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Council Chamber - Town Hall
16 March 2017 (7.00 - 9.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Melvin Wallace, Ray Best, Steven Kelly and Michael White

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Linda Hawthorn and +Linda Van den Hende

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

An apology was received for the absence of Councillor Alex Donald.

Substitute members: Councillor Linda Van den Hende (for Alex Donald).

Councillors Osman Dervish, John Wood and Jeffrey Tucker were also present for parts of the meeting.

15 members of the public were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

195 MINUTES

The minutes of the meeting held on 23 February were agreed as a correct record and signed by the Chairman.

196 P1373.16 - 31 HIGH STREET, HORNCHURCH

The proposal before Members was for the construction of an A1 food store within Hornchurch town centre. Planning permission had previously been

granted to demolish the former bingo hall building which currently occupied the site.

Following deferral at the Committee meeting on 22 December 2016, the application was again deferred at the 2 February 2017 Committee meeting, on the sole issue of vehicular access/egress concerns at the site entrance onto the High Street. Members had made it clear that they were otherwise satisfied with the proposal.

Members had been concerned about the risk of the proposal exacerbating traffic congestion in the surrounding network, especially in the High Street, and had asked Staff to seek that the applicant design a workable and enforceable scheme to address the impact of vehicle movement into and from the High Street, likely to involve a left turn in and left out only configuration. Members had set out that this should consider physical engineering solutions, including for example reconfiguring the access layout, its detailed position, restrictions at the site entrance/ exit to restrict direction of vehicle travel, and potentially highway based measures such as road markings, CCTV and signage with these to be met at the developers cost and covered by legal agreement as necessary. Members had also wished to see potential use of signage and promotion of restrictions to store users to optimise enforcement of the measures.

Members had also wanted to see the chosen solution emerge from a high level option appraisal of other potential but dismissed alternatives.

In response, the applicant had considered a range of options for the site access arrangements and prepared an appraisal, which was set out in the report.

During the debate Members discussed traffic and pedestrian movements when accessing and egressing the site.

Members also discussed the options for the provision of CCTV cameras and the possibility of introducing moving traffic contraventions.

The Committee noted that the proposal qualified for a Mayoral CIL contribution of £14,940 and it was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £48,750 to be paid prior to the opening of the store to be used for the following:
 - i) highway works in respect of pavement improvements to the High Street.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from

the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That it be delegated to the Assistant Director of Regulatory Services to grant planning permission subject to prior completion of the legal agreement but incorporate into that a requirement that the developer make an additional contribution to cover the funding for provision and implementation of a CCTV camera to monitor compliance with highway regulations in the vicinity of the site access and also to cover the costs of adding this to the schedule of Moving Traffic Offences. If the latter two items weren't agreed then consideration of the item would be brought back to Committee for determination.

197 **P1858.16 - DURY FALLS, 35 UPMINSTER ROAD**

The report before Members detailed an application for the conversion of the former Dury Falls Residential Care Home into eight residential units. The project aims to restore the listed building which included the 17th century Manor House.

During a brief debate Members sought clarification of the design of the extensions.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £48,000 to be used for educational purposes
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.

- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Assistant Director of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

198 **P2060.16 - EXCHANGE HOUSE, 107 BUTTS GREEN ROAD, HORNCHURCH**

The proposal before Members was for a third floor extension to create one two-bedroom flat with private amenity space on the roof of the converted telephone exchange, together with the extension and alteration of the existing stairwell and external areas including two new car parking spaces. The flat would be accessed from the existing internal staircase, whilst amenity space for the flat consisted of a terrace that was fenced off.

Members noted that the application had been called in to committee by Councillor Steven Kelly to discuss the height changes so prevalent on council owned property and seemingly not on private schemes.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's agent.

The objector commented that the proposal would be out of keeping within the streetscene and would harm the character of the building. The objector also commented that residents using the additional parking spaces would have to reverse out onto a main road. The objector concluded by commenting that existing resident's amenity would be greatly affected during the construction period.

The applicant's agent responded by commenting that careful consideration had been given to the proposal which had allowed for the proposal to be set back from the front of the existing building. The agent concluded that the proposal complied with the local development plan and would not be detrimental on the area.

During a brief debate Members discussed the impact the proposal would have on the area and clarified the reasons as to why officers had recommended the proposal for refusal.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission it was **RESOLVED** that it be delegated to Assistant Director of Regulatory Services to grant planning permission contrary to recommendation and subject to prior completion of a legal agreement to secure an education places contribution plus the imposition of planning conditions.

The vote for the resolution to delegate the granting of planning permission was carried by 10 votes to 1.

Councillor White voted against the resolution to delegate the approval of planning permission.

199 **P2017.16 - 188 UPMINSTER ROAD SOUTH, RAINHAM**

The report before Members detailed a proposal for the demolition of existing rear additions and the erection of a single storey rear extension to create an additional residential flat; a part first floor rear extension to extend the existing self-contained flat; and the installation of an additional shop front and use of the existing side store to be used as a separate retail unit if required.

Members noted that the application had been called-in by Councillor Jeffrey Tucker. The reasons for the call-in were that he considered that the proposal would provide adequate private parking for one vehicle and would result in an improvement to the site.

With its agreement Councillor Jeffrey Tucker addressed the Committee.

Councillor Tucker commented that the proposal would provide one bedroom accommodation for one person and that parking would be provided. Councillor Tucker also commented that the proposal would be a vast improvement to the area. Councillor Tucker concluded that the applicant wanted to keep the shop open as it provided a good service to the locality.

During a brief debate Members sought and received clarification of the parking provision and the curtilages of the site.

The report recommended that planning permission be refused however following a motion to grant planning permission it was **RESOLVED** to delegate to the Assistant Director of Regulatory Services to grant planning permission contrary to recommendation and subject to prior completion of a legal agreement to secure an education places contribution plus the imposition of planning conditions.

200 **P2041.16 - 7 GLENTON WAY, ROMFORD**

The report before Members proposed the demolition of an existing garage and construction of new dwelling adjoining the existing with private amenity space, off street car parking and a new double garage.

Members noted that the application had been called-in by Councillor Osman Dervish as he believed that the dwelling being proposed would be in keeping with other homes in the area and provide decent family housing

which was much needed in the borough. Furthermore, its impact on the streetscene deserved closer scrutiny given other schemes locally.

With its agreement Councillor Osman Dervish addressed the Committee.

Councillor Dervish commented that the proposal would provide additional housing for the family of the existing occupier. Councillor Dervish also commented that the proposal was not detrimental to the streetscene and would provide good amenity space for the future occupier. Councillor Dervish concluded by commenting that the proposal was of a similar nature to previously agreed schemes in the area and would also provide additional funding for school places as part of the legal agreement.

During a brief debate Members sought and received clarification of the proposed room sizes and the future layout of neighbouring properties in relation to the proposal site.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission which was carried by 7 votes to 3 with 1 abstention it was **RESOLVED** to delegate to the Assistant Director of Regulatory Services to grant planning permission contrary to recommendation and subject to prior completion of a legal agreement to secure an education places contribution plus the imposition of planning conditions.

The vote for the resolution to delegate the approval of planning permission was carried by 7 votes to 3 with 1 abstention.

Councillors Misir, Best, Kelly, Wallace, White, Nunn and Whitney voted for the resolution to delegate the granting of planning permission.

Councillors Hawthorn, Van den Hende and Martin voted against the resolution to delegate the granting of planning permission.

Councillor Williamson abstained from voting.

201 **P1538.16 - 17-19 CLOCKHOUSE LANE, ROMFORD**

The proposal before Members was for a change of use from a shop (A1) to a restaurant (A3) at 17 Clockhouse Lane, a new seating area to the existing restaurant at 19 Clockhouse Lane, new shop fronts and the amalgamations of the ground floors at 17-19 Clockhouse Lane.

Members noted that the application had been called-in by Councillor Ray Best on the grounds that there was sufficient public interest generated, confirmed by a petition and numerous letters in support of the application.

During a brief debate Members discussed the current set up and operation of the business.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission which was carried by 8 votes to 3 it was **RESOLVED** to delegate to the Assistant Director of Planning subject to imposition of planning conditions to grant planning permission and to include a specific requirement that within three months of the use first commencing that an extract filtration and extract system should be installed and operated in full accordance with a scheme which shall previously have been submitted to and agreed in writing with the Local Planning Authority.

The vote for the resolution was carried by 8 votes to 3.

Councillors Misir, Best, Kelly, Wallace, White, Van den Hende, Nunn and Whitney voted for the resolution to delegate the granting of planning permission.

Councillors Hawthorn, Martin and Williamson voted against the resolution to delegate the granting of planning permission.

202 **P1990.16 - MOUNT PLEASANT FARM, SOUTHEND ARTERIAL ROAD, HORNCHURCH**

The report before Members proposed removal of industrial buildings and the development of nine residential properties and garages.

During the debate Members discussed the current untidy and unkempt condition of the site and there was general agreement that the site needed attending to.

Members also discussed the judgment call that was needed between tidying the site and the loss of the Green Belt.

Members also discussed the existing controls that were in place regarding the current use of the land.

Members also sought and received clarification relating to the current use and the enforcement action that could be taken.

Discussions also took place relating to the possible landscaping conditions that could be included with an approval of planning permission.

The report recommended that planning permission be refused. Following a motion to approve the granting of planning permission which was lost by 4 votes to 7 It was **RESOLVED** that consideration of the item be deferred to provide staff the opportunity to seek to negotiate revisions to the proposal based on:

- Residential site curtilage material similar to the 2007 bungalow scheme which had been resolved acceptable subject to completion of a legal agreement
- That all other land used for the current commercial activity and not forming part of the above residential curtilage be returned to open Green Belt condition
- In accordance with details to be set out within the application
- That all commercial activity on the entire site be extinguished via legal agreement
- That the residential development comprise of single storey/low rise buildings only
- That the proposal included extensive, well considered landscaping especially around the site margins
- Confirmation of the applicant's intended completion of legal agreement for education contributions

In event of the applicant either deciding to revise or to keep the proposal as is without amendment either the application would be brought back to the Committee for determination.

Members also noted that if a scheme became resolved as acceptable further engagement would be needed with the Mayor for London on Green Belt related referral plus referral to the Secretary of State in accordance with the 1999 Direction Order.

The vote for the resolution to defer consideration of the item was carried by 7 votes to 4.

Councillors Misir, Wallace, Hawthorn, Van den Hende, Whitney, Martin and Williamson voted for the resolution to defer consideration of the item.

Councillors Best, Kelly, White and Nunn voted against the resolution to defer consideration of the item.

203 **P2030.16 - HEXAGON HOUSE, 5 MERCURY GARDENS**

The proposal before Members was for the erection of 58 flats on top of the existing Hexagon House building.

The current scheme differed from the previous submission in that the amount of storeys proposed had been reduced from 5 to 4 and the new residential units from 71 to 58. The applicant had also revised the internal layout by removing the 3-bedroom units. The current scheme proposed 30 1-bedroom units and 28 2-bedroom units of additional accommodation.

During a brief debate Members raised issues that had been raised previously about the larger proposal and felt that the newly submitted proposal changed very little.

The report recommended that planning permission be approved however following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused as per the reasons for the previous refusal except for refinement of the amenity based reason so it related specifically to the inadequacy of communal amenity space within the development.

204 **P1965.16 - TARA, SOUTHEND ARTERIAL ROAD - VARIATION OF CONDITION 2 OF P1195.14 TO ALLOW ALTERATIONS TO THE APPEARANCE AND INTERNAL LAYOUT OF THE PROPOSED NEW RESIDENTIAL BLOCK**

The Committee considered the report noting that the proposal qualified for a Mayoral CIL contribution of £10,902 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement, completed on 2 November 2015, in respect of planning permission P1195.14 by varying the definition of Planning Permission which should mean either planning permission P1195.14 as originally granted or planning permission P1965.16 and any other changes as may be required from this, to secure the following:

- A financial contribution of £48,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- Payment of the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

That the Assistant Director of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report.

205 **P1815.16 - 92 KINGSTON ROAD, ROMFORD - ALTERATIONS AND EXTENSIONS TO THE EXISTING GARAGE TO CREATE A SINGLE STOREY GRANNY ANNEX**

The Committee considered the report and without debate **RESOLVED** that the application was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement to secure the following:

- That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 92 Kingston Road, Romford and shall not be sub-divided or sold off separately from the main dwelling.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Assistant Director of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

206 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

The Committee considered a report that updated Members on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation. This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2017.

The Committee **NOTED** the report and the information contained therein.

207 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 3 December 2016 and 24 February 2017.

The report detailed that 63 new appeals had been received since the last meeting of the Monitoring Committee in December 2016.

The Committee **NOTED** the report and the results of the appeal decisions received.

208 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in December 2016.

Schedule A showed notices currently with the Secretary of State for the Environment (the Planning Inspectorate being the executive agency) awaiting appeal determination.

Schedule B showed current notices outstanding, awaiting service, compliance, etc. with up-dated information from staff on particular notices.

The Committee **NOTED** the information in the report.

209 **PROSECUTIONS UPDATE**

The report updated the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service.

The Committee **NOTED** the report.

210 **SCHEDULE OF COMPLAINTS**

Members had previously been emailed a schedule which listed the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 3 December 2016 to 24 February 2017.

The Committee **NOTED** the report and **AGREED** the actions of the Service.

211 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

Chairman