

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
31 March 2016 (7.30 - 11.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Melvin Wallace (Vice-Chair),
Ray Best, Steven Kelly and +Damian White

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Alex Donald and Linda Hawthorn

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

An apology for absence was received from Councillor Philippa Crowder.

+Substitute member: Councillor Damian White (for Philippa Crowder).

Councillors Robert Benham, Dilip Patel, Viddy Persaud, Linda Trew, Linda Van den Hende and Jeffrey Tucker were also present for parts of the meeting.

65 members of the public and a representative of the Press 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.

427 MINUTES

The minutes of the meeting held on 18 February 2016 were agreed as a correct record and signed by the Chairman.

428 **DECLARATIONS OF INTEREST**

Councillor Damian White declared a prejudicial interest in application P1210.15. Councillor White advised that he was the Cabinet Member for Housing and the applicant was the Council.

Councillor White left the chamber prior to the consideration of the report and took no part in the voting.

429 **P1210.15 - 1 KILMARTIN WAY, HORNCHURCH**

The proposal before Members was for the erection of eighteen dwellings comprising of ten two-bedroom houses and eight three-bedroom houses.

The application site was Council owned land.

A late letter of representation was received from Councillor Barry Mugglestone. A copy of the letter was given to each Member of the Committee.

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

The objector commented that the access road to the proposed development was situated adjacent to his property and was not wide enough to incorporate two way traffic and a pavement on either side. The objector also commented that there had been drainage problems on the site and that existing residents would be losing the use of their garages.

The applicant's agent responded by commenting that he had worked closely with planning officers to present a suitable scheme which had been the subject of two public consultations. The agent also commented that the proposal increased the level of parking in the area and that the dwellings fitted within the existing streetscene. The agent concluded by commenting that the Council's highways team had not raised any objections, the existing amenity space was being retained and the proposal would enhance a run-down site.

During the debate Members sought and received clarification regarding the amount of parking currently on the site and what would be provided within the proposal.

Members also discussed the access and egress arrangements of the site and whether the roads were adoptable or not.

Members commented that the proposal was a good development that would bring a run-down site back into use but felt there were further points that needed clarifying before they could make a considered decision on the proposal.

The report recommending that planning permission be granted, however following a motion to defer the consideration of the report it was **RESOLVED** that consideration of the report be deferred for staff to clarify:

- Whether both roadways could be adopted (and brought up to necessary adoptable standard) and if not why not.
- Access road width dimensions including footways and adequacy against standards.
- "Nett" parking impact taking account of surrounding houses (how many and where) which had the right to use existing car park areas on the site.
- How UKPN substation, unimpeded access, would affect construction traffic.
- Whether the new houses fronting Kilmartin Way would be responsible for contributing to the upkeep if non-adopted roadway.
- Adequacy of visibility spaces for vehicle egress into South End Road.
- UKPN consultation response also to be reported to the Committee.

As advised earlier in the minutes Councillor Damian White declared a prejudicial interest in application P1210.15. Councillor White advised that he was the Cabinet Member for Housing and the applicant was the Council.

Councillor White left the chamber prior to the consideration of the report and took no part in the voting.

430 **P0118.16 - 67 CORBETS TEY ROAD, (LAND ADJ) UPMINSTER**

The application before Members was for the erection of four one bedroom flats on land adjacent to 67 Corbets Tey Road. The application site had an extensive planning history with planning applications previously submitted, and refused, for five and six units respectively.

Members noted that the application had been called in by Councillor Linda Van Den Hende on the grounds that that whilst the proposal was a smaller application to that previously refused, there were still significant difficulties with the site. It was considered that the proposals represented an over-development of the plot and the design was unacceptable in terms of scale and bulk. In addition to this was the issue of parking. As part of the plans for the development, two spaces assigned to the existing development on-site would be re-assigned thereby reducing the visitor parking bay provision. Concerns were furthermore raised in respect of construction traffic and how vehicles would access the site in view that the access into the site was single lane.

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

The objector commented that residents of Bellmakers Mews had concerns regarding access and egress as the site was quite compact and had a very

narrow entrance. The objector also commented that existing residents were concerned how the build of the proposal would impact on their amenity.

The applicant responded by commenting that he had worked closely with planning officers, following the previous refusals of planning permission, to design a scheme that reduced the mass and bulk of the proposed development. The applicant also commented that the parking provision for the development would be the current visitor spaces on the adjacent development.

With its agreement Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende commented that the application was for an infill site that should have been developed at the same time as the adjacent building. Councillor Van den Hende also commented that the parking for the site was below the Council's policy level and was also reducing the visitor parking provision that had been afforded to the adjacent development. Councillor Van den Hende concluded by commenting that the access road was too narrow for increased traffic, during the first build commercial vehicles had accessed the site from an entrance adjacent to the nearby school which had subsequently been closed following completion of the initial development and therefore all traffic would now be entering/exiting the site through the narrow entrance.

During the debate Members sought and received clarification of the distance between the existing development and the proposed development.

Members also questioned the legitimacy of taking parking provision from the existing development and including it in the proposed development.

Discussions around the possible overdevelopment of the site and effect on existing resident's amenity were also had.

Members also discussed possible safety measures that could be introduced along the narrow access road.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 6 votes to 5 it was **RESOLVED** that planning permission be refused on the grounds:

- Cramped overdevelopment by reason of footprint, proximity to boundaries, lack of amenity, effect on existing residents living conditions harmful to amenity.
- Failure to secure a legal agreement for parking permits.
- Failure to secure a legal agreement for a contribution to school places.

The vote for the resolution to refuse the granting of planning permission was carried by 6 votes to 5.

Councillors Donald, Hawthorn, Nunn, Whitney, Martin and Williamson voted for the resolution to refuse the granting of planning permission.

Councillors Misir, Kelly, Best, Wallace and White voted against the resolution to refuse the granting of planning permission.

431 **P1787.15 - ST PETERS RC PRIMARY SCHOOL, DORSET AVENUE, ROMFORD**

The application before Members detailed proposals to enlarge the school to two form entry capacity and to provide the following: six new 30 pupil place classrooms, group teaching rooms, stores and toilets, and a studio learning space.

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

The objector commented that he was representing the neighbours of the school who were experiencing high levels of inappropriate parking in the area. Parents dropping off and collecting children were parking across resident's driveways and generally blocking access and egress on neighbouring roads. The objector concluded by commenting that deliveries to the school were also taking place at inappropriate hours and these were affecting resident's amenity.

The applicant's agent commented that the proposed extensions were only single storey developments and discussions had taken place between school representatives and officers regarding the possible submission of an updated School Travel Plan.

During a brief debate Members discussed the recent introduction of increased traffic enforcement that was due to be implemented around school sites across the borough.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

432 **P1652.15 - 2 BROOKLANDS ROAD, ROMFORD**

The proposal before Members was for the erection of an apartment building to provide ten 2 bedroom flats and associated vehicular access, drainage works and landscaping, following the demolition of all existing buildings on the site.

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 have a negative impact on the amenity of the neighbouring properties. The objector also commented that the site was accessed and egressed through a very narrow road that was flanked by high walls which made visibility onto the main road quite difficult. The objector also commented that the proposed building would be taller than surrounding properties which would lead to a loss of sunlight on existing homes. The objector concluded by commenting that the noise and dust during the construction period would harm neighbours amenity.

In response the applicant's agent commented that applicant had liaised with officers throughout the planning process and that the all planning policies, including parking provision, had been adhered to. The agent concluded by commenting that the distances between the proposed development and existing properties had been maximised at every opportunity available.

With its agreement Councillor Robert Benham addressed the Committee.

Councillor Benham advised that he spoke on behalf of his fellow ward Councillor Viddy Persaud as well in opposing the proposed development. Councillor Benham commented that the proposal was of a cramped design and was an overdevelopment of the site. Councillor Benham also commented that the existing building and hard-standing had been built without planning permission and did not have permission to trade as a car showroom. Councillor Benham also commented that the existing premises had been the subject of planning enforcement which had not been adhered to. Councillor Benham concluded by commenting that the proposal would lead to a loss of privacy to neighbouring properties, a loss of amenity and was an overdevelopment of the site.

During the debate Members sought and received clarification on the provision of affordable housing.

Members also discussed the possible previous planning breaches and enforcement action that had been taken.

Members concluded by discussing the possible improvement that the proposal would bring to the site and the narrow access road.

The report recommended that planning permission be granted however following a motion to defer the consideration of the report which was carried by 9 votes to 2 it was **RESOLVED** that consideration of the report be deferred for officers to clarify:

- Enforcement history and relevance to the material considerations including comparisons drawn between existing and new impacts, eg traffic.

- Whether vehicle access safety arrangements (narrow width and visibility) can be improved, eg lights.
- Whether applicant can revisit viability which led to 0% affordable housing and possibility of contribution by commuted sum.

The vote for the resolution to defer consideration of the report was carried by 9 votes to 2.

Councillors Kelly and Wallace voted against the resolution to defer consideration of the report.

433 **P1734.15 - 30 UPMINSTER ROAD SOUTH, RAINHAM**

The application before Members sought permission for the demolition of a existing single storey social club and the construction of 1 new three-storey building to house retail accommodation at the ground floor and 1 flat at first and second floors respectively. The proposal was also for 4 two-storey buildings to house 4 1-bedroom townhouses.

With its agreement Councillor Jeffrey Tucker addressed the Committee.

Councillor Tucker commented that he had been contacted by residents and shopkeepers in the area who had advised him that there had been no consultation carried out regarding the proposals. Councillor Tucker also commented that the Council's Economic Development Team and Housing had made no comments regarding the proposal. Councillor Tucker concluded by commenting that the proposal would be detrimental to the conservation area and that further consultation should take place.

During a brief debate Members sought and received clarification that the proposal site was outside the Rainham Conservation Area and that the correct consultation had been carried out.

The report recommended that planning permission be granted however following a motion to defer consideration of the report which was carried by 6 votes to 5 it was **RESOLVED** that consideration of the report be deferred to allow staff to clarify:

- The extent of notification and verification that it had been undertaken correctly.
- The extent of statutory consultation in relation to requirements.
- To seek the views of Economic Development & Housing and in the case of the latter whether they may have been currently reviewing local parking conditions behind the application site.
- To ascertain further details on why the loss of the community asset was judged not to contravene parking conditions.

The vote for the resolution to defer consideration of the report was carried by 6 votes to 5.

Councillors Donald, Hawthorn, Nunn, Whitney, Martin and Williamson voted for the resolution to defer consideration of the report.

Councillors Misir, Best, Kelly, Wallace and White voted against the resolution to defer the consideration of the report.

434 **P1744.15 - 2 HAMLET ROAD, ROMFORD**

The application before Members sought planning permission for the erection of a new house.

Members noted that the application had been called-in by Councillor Dilip Patel on the following grounds:

- That a six-bedroom house was considered to be unsuitable for Hamlet Road as the rest of the dwellings were three/four bedrooms and bungalows.
- That the potential parking for roughly four to five cars was considered to be a big issue for the road as it was very narrow and residents had complained about parking on that corner of the Hamlet Road.
- There were already two cottages that were being built at the rear of this property.
- A number of residents had complained to Councillor Patel and also Councillor Jason Frost about the size of the building.

With its agreement Councillor Dilip Patel addressed the Committee.

Councillor Patel commented that Hamlet Road was a very narrow road and there had been numerous complaints relating to parking in the road. Councillor Patel also commented that the road was used by visitors to a nearby boot sale on Sundays for parking and this was exacerbating the parking problems. Councillor Patel concluded by commenting that a six bedroom house was far too large for the size of the road.

During a brief debate Members discussed the parking provision in the area, how the property would sit in the streetscene and the possibility of the property becoming an HMO.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £330.00 and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and subject to an additional condition that notwithstanding provisions of the General Permitted Development Order the building should be used solely as a single family dwelling and not for any other purpose including as a house of multiple occupation.

The vote for the resolution to grant planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Donald abstained from voting.

435 P1656.15 - 4 HAMLET ROAD, ROMFORD

The application before Members sought planning permission for the conversion of a bungalow to a two-storey house including a loft conversion and the demolition of an existing conservatory.

Members noted that the application had been called-in by Councillors Dilip Patel and Jason Frost on the following grounds:

- That a six-bedroom house was considered to be unsuitable for Hamlet Road as the rest of the dwellings were three/four bedrooms and bungalows.
- That the potential parking demand for roughly four to five cars was considered to be a big issue for the road as it was very narrow and residents had complained about parking on that corner of the Hamlet Road.
- There were already two cottages that were being built at the rear of the property.
- A number of residents had already complained to Councillor Patel and Councillor Frost regarding the size of the building.

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 both Hamlet Road and Hamlet Close were only wide enough for parking on one side of the road and that the proposed development could potentially increase vehicle numbers using and parking in the roads. The objector concluded by commenting that the roads were not built for properties of this size.

In response the applicant's agent commented that officers had approved the plans and there was a possibility that not all the bedrooms in the property would be used. The agent concluded by commenting that the proposal would not result in a loss of amenity for any neighbouring properties.

With its agreement Councillors Dilip Patel and Linda Trew addressed the Committee.

Councillor Patel commented that the two applications for Hamlet Road had perhaps been heard in the wrong order as by granting planning permission for P1744.15 this had set a precedent making it difficult for the Committee to refuse the granting of planning permission.

Councillor Trew commented that she agreed with Councillor Patel's comments regarding the order the applications were considered. Councillor Trew also commented that the proposal was an overdevelopment of the site and that she had concerns that the property would become an HMO.

During the debate Members discussed the effect the proposal would have on neighbouring properties and the planning history of the application site.

It was **RESOLVED** to delegate to the Head of Regulatory Services to clarify whether the applicant was willing to provide 4 parking spaces within the site curtilage and if so to grant planning permission subject to confirmation of this via a planning condition and also a condition that notwithstanding the provisions of the General Permitted Development Order the building should be used solely as a single family dwelling and not for any other purpose including as a house in multiple occupation.

The vote for the resolution to delegate the granting of planning permission to the Head of Regulatory Services was carried by 4 to 2 with 5 abstentions

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

Councillors Wallace and White voted against the resolution to delegate the granting of planning permission.

Councillors Donald, Hawthorn, Whitney, Martin and Williamson abstained from voting.

- 436 **P1848.15 - SOUTH HORNCHURCH MODULAR BUILDING, RAINHAM ROAD, RAINHAM - RETENTION OF AND WORKS TO THE EXISTING MODULAR BUILDING AND USE FOR CLASS D1 PURPOSES (DAY NURSERY, PLAYGROUP, PRE-SCHOOL OR EDUCATIONAL DAY CENTRE)**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 437 **P1670.15 - 67 BUTTS GREEN ROAD, HORNCHURCH - PROPOSED REAR EXTENSION AT 4M TO BOTH GROUND AND FIRST FLOOR, WITH CONVERSION OF THE EXISTING BUILDING INTO THREE SEPARATE SELF-CONTAINED APARTMENTS WITH ASSOCIATED AMENITY AND PARKING**

The Committee considered the report noting that the proposal qualified for a Mayoral CIL contribution of £1,320 and without debate **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 £18,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- 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 obligation/s monitoring fee prior to completion of the agreement.

That the Head 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.

438 **P1453.15 - 20 FARM ROAD, RAINHAM - DEMOLITION OF AN EXISTING BUNGALOW AND THE CONSTRUCTION OF FOUR DWELLINGS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £6,580 and without debate **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 £18,000 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 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 was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head 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.

439 **P0011.16 - UNIT 7 BEAM REACH BUSINESS PARK 5, CONSUL AVENUE, RAINHAM - CHANGE OF USE OF EXISTING BUILDING FROM B1 AND B2 WITH ANCILLARY B8 TO B1, B2 AND B8**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to a variation to the existing Deed made pursuant to Section 106 of the Town and Country Planning Act 1990 to:

- Ensure that the existing schedules and covenants carry forward and apply to any occupation of the building within the B8 use class.
- 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 was completed; and

That the Head of Regulatory Services be authorised to make the aforementioned variation to the existing Deed and, upon completion of that obligation, grant planning permission for the change of use as per the conditions set out in the report.

440 **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