

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
7 June 2012 (7.30 - 8.35 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Robby Misir, Frederick Osborne, Garry Pain and Steven Kelly

Residents' Group Linda Hawthorn and Linda Van den Hende

Labour Group

Independent Residents Group

Apologies were received for the absence of Councillors Sandra Binion Mark Logan and Ron Ower.

+Substitute members: Councillor Steven Kelly (for Sandra Binion), Councillor Linda Van den Hende (for Ron Ower)

Councillors June Alexander, Clarence Barrett, Wendy Brice-Thompson, Gillian Ford and Frederick Thompson were also present for parts of the meeting.

About 20 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.

1 MINUTES

The minutes of the meeting held on 22 March 2012 were agreed as a correct record and signed by the Chairman.

2 P0460.12 - 59 ALLEN ROAD, RAINHAM

The Committee considered the report 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 £6,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- 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 agreement irrespective of whether the agreement is completed.

That Staff 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 set out in the report.

3 P0989.10 - LAND EAST OF MOOR LANE, NORTH OF MOOR LANE CHURCH, CRANHAM

Members considered a report that sought outline planning permission for the formation of a care village or Continuing Care Retirement Community (CCRC). The scheme comprised approximately 12,000sq metres of floorspace consisting of a 36 bed care unit, 27 close care units, 17 linked assisted living units and 51 assisted living units. The site was located within the Green Belt.

Members noted that a similar scheme had been refused in 2009.

It was also noted that two additional letters of representation had been received.

The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, Highway and access arrangements, and other considerations.

With its agreement, Councillor Gillian Ford addressed the Committee. Councillor Ford commented and requested the Committee to refuse the application on the grounds of Green Belt impact, concerns over noise impacts, increased traffic, loss of trees protected by a Tree Preservation Order and lack of parking facilities.

During the debate, members discussed the issue of parking facilities, environmental impact, noise pollution.

It was **RESOLVED** that planning permission be refused for the following reasons:

1. The site was within the area identified in the LDF Core Strategy and Development Control Development Plan Documents as Metropolitan Green Belt. The Core Strategy and Development Control Development Plan Documents and Government Guidance as set out within the National Planning Policy Framework states that in order to achieve the purposes of the Metropolitan Green Belt it was essential to retain and protect the existing rural character of the area so allocated and that new building would only be permitted outside the existing built up area in the most exceptional circumstances. It was not considered that the circumstances submitted by the applicant amount to the very special circumstances needed to over-ride Green Belt policy and the proposal was therefore contrary to Policies CP14 and DC45 of the LDF Core Strategy and Development Control Policies Development Plan Documents and the National Planning Policy Framework.
2. The proposal would, due to its scale, size, massing, height and the considerable loss of preserved trees, result in an adverse impact upon the open character of the green belt contrary to Policies CP14 and DC45 of the LDF Core Strategy and Development Control Policies Development Plan Documents and the National Planning Policy Framework
3. The proposal would, by reason of the siting, scale and bulk of the some of Assisted Living Units, appear unduly prominent in the Moor Lane street scene, to the detriment of its visual amenity, contrary to Policies CP17, DC3 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Documents.

4 **P0243.12 - FORMER HAROLD WOOD HOSPITAL, GUBBINS LANE, HAROLD WOOD**

Paragraph 6.7.1 of the report was corrected in that the inference that the affordable housing to be provided pursuant to this application for approval of reserved matters in the first paragraph was separate to that to be provided under the outline planning permission P0702.08 is incorrect. The affordable housing to be provided in this Phase 3B is part of that provision provided for in the outline planning permission P0702.08 and associated Section 106 agreement.

The Committee considered the report and without debate, **RESOLVED** that reserved matters permission be granted subject to the condition contained within the report.

The vote for the resolution was carried by 7 votes to 2. Councillors Hawthorn and Van den Hende voted against the resolution to grant reserve matters planning permission.

5 **P1816.11 - BUDDA LOUNGE, 36-38 (GROUND FLOOR) AND 30-44 (FIRST FLOOR) NORTH STREET, ROMFORD**

Members considered a report that sought an extension to previously granted planning permission. The proposal was for the temporary retention of the smokers roof terrace and landscaping and surrounding fencing. The supporting documentation indicated that the temporary period should be for three years and that the application also is for a change in the current hours for the smokers area to match those more recently approved for the night club itself.

Member noted that Councillor Barry Tebbutt had called in the application on the grounds it had previously been brought before Committee and that it was Members who decided to grant a temporary 3 year consent, that there is a streetscene issue relating to the control of the public entering and leaving the premises and its effect on the surrounding residential occupiers and to enable continuation of existing temporary periods for planning permissions for this use.

During the debate members sought legal clarification of the guidance in Circular 11/95 on the application of planning conditions to control temporary consent.

Following a motion to grant planning permission for a period of five years the Committee **RESOLVED** that planning permission be granted subject to a condition limiting the period of temporary consent to five years (to 7th June 2017) and otherwise the conditions as set out in the report.

The vote for the resolution was carried by 7 votes to 1 with 1 abstention. Councillor Van den Hende voted against the resolution to grant planning permission. Councillor Hawthorn abstained from voting.

6 **P0075.12 - 199-209 HORNCHURCH ROAD, HORNCHURCH**

The location of development was amended to include the Forecourt area of 237 Hornchurch Road.

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out within the report, except for deletion of Condition 4 which duplicates condition 3.

7 **P0389.12 - 124 UPMINSTER ROAD, HORNCHURCH**

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

8 **PLANNING CINTRAVENTION - TOMKYNS MANOR, TOMKYNS LANE, UPMINSTER**

The Committee considered the report which was presented to committee. Councillor Tebbutt put forward a motion to defer which did not receive a seconder to go to the vote. Officers explained that, although the owner of the site was trying to resolve matters through the submission of a planning application, the operational aspect of the alleged breach were approaching the statutory time limit set out in the Town and Country Planning Act 1990 after which in default of service of an Enforcement Notice the alleged breach could be immune from enforcement and therefore authority was being sought now. The committee **RESOLVED** that

(A) it expedient that, subject to consultation and approval from the Assistant Chief Executive, Legal and Democratic Services, an Enforcement Notice be issued and served to require within 9 months:

1. The unauthorised building be demolished.
2. Remove all materials, hardstanding and rubble associated with the unauthorised building and resulting from the demolition of the building.

(B) That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 6 Months:

1. The residential use ceased.
2. Return the barn to its authorised use as stables and agricultural storage in accordance with P0080.07.

And within 9 months:

3. Remove all residential installations including bathroom and kitchen fittings and internal walls created in connection with this unauthorised use.
4. Restore the barn so that it accords with the approved plans in planning application P0080.07.
5. Remove the unauthorised access road off Tomkyns Lane and restore the land to the condition prior to the formation of this road.

6. Remove all rubble and building materials resulting from compliance with 2-5 above.

- (C) In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

The vote for the resolution was carried by 8 votes to 1. Councillor Tebbutt voted against the resolution to instigate enforcement action.

Chairman