MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Council Chamber - Town Hall
19 July 2012 (7.30 - 10.35 pm)

Present:

COUNCILLORS:	11
Conservative Group	Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Frederick Osborne, +Steven Kelly, +Melvin Wallace and +Damian White
Residents' Group	Linda Hawthorn and Ron Ower
Labour Group	Paul McGeary
Independent Residents Group	+David Durant

Apologies were received for the absence of Councillors Sandra Binion, Mark Logan, Robby Misir and Garry Pain.

+Substitute Member: Councillors Steven Kelly (for Sandra Binion), David Durant (for Mark Logan), Damian White (for Robby Misir) and Melvin Wallace (for Garry Pain).

Councillors Andrew Curtin, Brian Eagling and Georgina Galpin were also present for parts of the meeting.

35 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.

25 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Barry Tebbutt disclosed a pecuniary interest in application P0585.12. Councillor Tebbutt advised that a business customer of his adjoined the application site. Councillor Tebbutt left the room during the discussion and took no part in the voting.

Councillor Ron Ower considered that he had a predetermined view in respect of the proposal (planning reference P0412.12) for former Harold Wood Hospital – reserved matters.

26 MINUTES

The minutes of the meetings of the Committee held on 17 May and 7 June 2012 were agreed as a correct record and signed by the Chairman.

27 P0493.12 - 91 WATERLOO ROAD, ROMFORD

The report before members detailed an application to vary condition 4 of planning permission P1285.06 in order to enable prayer to take place daily during the months of April, May, June, July, August and September to enable the centre to operate between the hours of 04:00 and 23:30 on any day.

It was reported that the premises was subjected to a condition in respect of its operating hours. The condition states 'the premises shall not be used other than between the hours of 07:00 and 21:30 Mondays to Sundays and at no other time without the prior consent in writing of the Local Planning Authority'.

It was noted that 2 letters of objection and 242 letters of support had been received. The Highways Authority raised no objection to the proposal.

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

With its agreement, Councillor Andrew Curtin addressed the Committee. Councillor Curtin commented that the application in no way infringed on planning policy, and any concerns with respect to parking could be addressed by robust parking control measures. He urged the Committee to approve the application.

During the debate, members discussed potential noise disturbance to neighbouring residential properties emanating from the premises and visitors attending the premises early in the morning and late in the evening. Mention was also made of the nearby residential development currently under construction and the potential impact of noise disturbance on future occupiers. Staff advised that they were not aware of any noise abatement notices served on the premises, and in any event, a noise condition had been recommended in the event that permission was granted.

The report recommended that planning permission be granted however, following a motion, it was **RESOLVED** that planning permission be granted for a temporary 3 year period with the varying condition 4 of planning permission reference P1285.06 and otherwise subject to the conditions set out in the report.

The vote for the motion to grant temporary planning permission was passed by 10 votes to nil with 1 abstention. Councillor Durant abstained from voting. The resolution to grant planning permission for a temporary 3 year period was passed unanimously.

28 **P1347.11 - 49 WARWICK ROAD, RAINHAM**

The proposal before members was an outline application for the demolition of the existing industrial unit and the erection of a 1-2 storey building with accommodation in the roof space comprising 6 flats with 10 parking spaces, cycle store, bin store and amenity space.

It was noted that 13 letters of representation had been received along with comments from 4 statutory consultees.

It was reported that the proposal was liable for a Mayoral Community Infrastructure Levy (CIL) of £5050.

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

With its agreement, Councillor Jeffrey Tucker addressed the Committee. Councillor Tucker remarked that the revised plans submitted by the applicant were of little material difference to an application previously refused by the Committee. He commented that the proposal was overbearing, resulting in a visually obtrusive development in the street scene to the detriment of neighbouring amenity. He urged the Committee to refuse the application.

In response to comments made by members concerning proprietary issues, the committee's legal advisor explained that such matters were not material planning considerations and as such should not feature as part of the decision-making process.

A member remarked that the application accorded with the Council's planning policies and on his interpretation of the material planning considerations he could not see a basis to support refusal. An opposing view was offered by other members who remarked that there was no significant difference between this scheme and a previously refused scheme.

The report recommended that planning permission be granted however, following a motion, it was **RESOLVED** that planning permission be refused on the grounds that the proposed building's excessive bulk and overbearing form would harm the character and appearance of the street scene.

The vote for the motion and resolution to refuse planning permission was passed by 6 votes to 3 with 1 abstention. Councillors Brace, Kelly and Osborne voted against the motion to refuse planning permission. Councillor Pain abstained from voting. The resolution to refuse planning permission

was passed by 6 votes to 3 with 1 abstention. Councillors Brace, Kelly and Osborne voted against the resolution to refuse planning permission. Councillor Pain abstained from voting.

29 **P0427.12 - 28 HARROW DRIVE, HORNCHURCH**

The report detailed an application for a single storey front extension and single and two storey rear extensions.

It was noted that 2 letters of representation had been received along with comments from a local ward councillor.

The application has been called-in for consideration by the Committee by Councillor Georgina Galpin on the grounds that the proposal would create un-neighbourliness and street scene issues.

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

With its agreement, Councillor Georgina Galpin addressed the Committee. Councillor Galpin commented that the submitted revised plans showed little noticeable difference to the plans which were refused planning permission previously. In her view, the proposal was out of character in the street scene and adversely impacted upon neighbouring amenity. She requested the Committee refuse the application.

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

The resolution was passed by 6 votes to 5. Councillors Durant, Hawthorn, Osborne, Ower and White voted against the resolution to grant planning permission.

30 **P0501.12 - 10 PRINCES ROAD, ROMFORD**

The application was for a two storey side extension and part single, part two storey rear extension.

It was noted that 13 letters of representation, along with comments from a local ward councillor had been received.

The application had been called-in for consideration by the Committee by Councillor Andrew Curtin on the grounds that there were issues relating to the quality of living space which would be created by the proposal.

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

With its agreement, Councillor Andrew Curtin addressed the Committee. Councillor Curtin commented that the proposal would result in a loss of

existing parking provision resulting in overspill parking. He added that the increased living space would create additional noise, disturbance and loss of light to the detriment of neighbouring amenity, and the proposal itself was excessively bulky and would be overly dominant in the street scene.

The Committee discussed matters relating to car parking, design of the proposals and the likely impact on neighbouring amenity.

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

The vote for the resolution to grant planning permission was passed by 8 votes to 3. Councillors Hawthorn, Durant and Ower voted against the resolution to grant planning permission.

31 P0259.11 - 22 LAMSON ROAD,RAINHAM

The planning application proposed the change of use of existing warehouse buildings into a waste processing facility. The submitted information stated that two of the four buildings at the site would be used for waste processing, although the remaining buildings would also be subject to the change of use if planning permission was granted. The only operational development would involve the erection of a covered waste conveyor bridge between the two waste processing buildings. Plant and machinery would be installed in the two buildings to facilitate the waste processing. The proposed operating hours were 24 hours per day, 7 days a week. Information submitted with the application indicated that the proposal would generate 50 operational jobs.

The site was located on land designated as a Strategic Industrial Location in the Local Development Framework (LDF) and within the London Riverside Business Improvement District.

The site had previously been in use for B8 purposes along with hardstanding areas for the parking and manoeuvring of vehicles.

It was noted that 2 letters of representation had been received along with comments from 7 statutory and non-statutory consultees, including a late response from the Greater London Authority.

In accordance with the public speaking arrangements the Committee was addressed by an objector without a response by the applicant.

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report and an additional reason that no evidence had been demonstrated justifying why closer sites could not be used to handle this non-apportioned waste.

32 P0585.12 - LAND AT NO. 65 GUBBINS LANE, HAROLD WOOD

This planning application proposed the demolition of two existing workshop buildings and its replacement with 16 residential units in two blocks, accompanied by a parking area, private and communal amenity spaces, a refuse store, and cycle storage. Two of the proposed units would be equipped for disabled use.

Vehicular access would be through the existing access onto Gubbins Lane and a separate pedestrian access located at the south eastern corner of the site would also provide access from Gubbins Lane. 16 car parking spaces were proposed along with a visitor/deliveries space.

The 16 units would comprise five 1-bed flats, nine 2-bed flats, and two 3-bed houses. The main elevations of the two blocks would face in an east-west direction. The western-most block, towards the rear of the site, would be two storeys in height with two 3-bed houses at its southern end, and four flats at its northern end. Private gardens would be located to the rear, or west of this block, relating to the two houses and the two ground floor flats. The two first floor flats would include balconies.

The eastern-most block, which would front onto Gubbins Lane, would be three to four storeys in height with three flats on each of the first three floors, and one flat on the fourth floor, located at the southern end of the block. Amenity spaces would be provided in relation to the ground floor flats between the eastern elevation and the boundary with Gubbins Lane. Balconies would be provided in relation to the upper storey flats.

It was noted that three letters of representation had been received along with comments from nine statutory and non-statutory consultees.

With its agreement, Councillor Brian Eagling addressed the Committee. Councillor Eagling explained that Gubbins Lane suffered from parking congestion and experienced significant traffic movements; by adding an additional development this would merely exacerbate the situation. He added that the local transport infrastructure would come under significant pressure from the nearby residential development currently under construction; this proposal would add to that. In his view, the development would be overly dominant in the street scene to the detriment of neighbouring amenity. He urged the Committee to refuse the application.

During the debate, there were contrasting views expressed with regards to the design of the proposed development and whether it would appear overly dominant in the street scene due to concerns over mass and bulk.

A motion was proposed that planning permission be refused on the grounds that the proposal would be out of keeping in the street scene due to mass and bulk, but that motion was lost by 4 votes to 6. Councillors Durant, Hawthorn, McGeary and Ower voted for the motion to refuse planning permission.

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:

- The sum of £96,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;

- The provision of 8 units within the development as affordable housing with 6 of those units made available for social housing and 2 of those units as shared ownership. Should any owners of shared equity units staircase to 100% equity, provision shall be made for any subsidy (if relevant) to be recycled for alternative affordable housing provision in accordance with Annex 2 of the National Planning Policy Framework;

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme;

- 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 Council's reasonable legal fees for shall be paid prior to completion of the agreement irrespective of whether or not it is completed;

- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

Staff were 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.

In the event that the Section 106 agreement was not signed and completed by the expiry of this application's statutory determination date on 10 August 2012, that planning permission be refused on the grounds that the proposal did not make adequate arrangements for the provision of affordable housing within the development, or for meeting the necessary infrastructure costs arising from the development.

The vote for the resolution to grant planning permission was passed by 6 votes to 4. Councillors Durant, Hawthorn, McGeary and Ower voted for the resolution to refuse planning permission.

33 P0576.12 - LAND AT BOTTOM OF GARDEN AT 125 & 127 HAVERING ROAD, ROMFORD

The Committee considered the application for the demolition of the outbuildings currently on the site and the erection of a pair of semi-detached houses. It noted that 9 letters of representation had been received.

It was reported that the proposed development would be liable for the Mayor's Community Infrastructure Levy (CIL), the amount being £3800.

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 £12,000 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.

- Payment of the appropriate planning obligation/s monitoring fee prior to commencement of development.

Staff were 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 with an additional condition restricting permitted development rights.

34 P0463.12 - 203 CROW LANE ROMFORD

The Committee considered the report for the proposed conversion of the existing vacant shop into a one bedroom flat including a change of use from a shop to residential.

It was **RESOLVED** that the proposal is unacceptable as it stands 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.

- 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.

- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.

- Payment of the appropriate planning obligation/s monitoring fee.

Staff were 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.

The vote for the resolution to grant planning permission was passed by 10 votes to nil with 1 abstention. Councillor Tebbutt abstained from voting.

35 **P0452.12 - 12 ABERCROMBIE HOUSE HAROLD HILL**

The Committee considered the report which detailed an application for the levelling out of an area to provide a car park with new vehicular access.

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

36 **P0412.12 - FORMER HAROLD WOOD HOSPITAL, GUBBINS LANE, HAROLD WOOD**

The Committee considered the report and without debate **RESOLVED** that the reserved matters permission be granted subject to the conditions as set out in the report and with a minor correction to paragraph 2.1 of the report - 30 to be deleted in the fifth line and replaced with 42.

The vote for the resolution to grant reserved matters was passed by 9 votes to nil with 1 abstention. Councillor McGeary abstained from voting.

37 **P0451.12 - INDUSTRIAL BUILDING ADJACENT TO FRANKS FARMHOUSE, FRANKS FARM, ST. MARY'S LANE, UPMINSTER**

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

38 **PLANNING CONTRAVENTION - 72 CROW LANE**

Members were informed that in February 2012, the Planning Enforcement service received a complaint that 2 outbuildings to the rear of the property at 72 Crow Lane had been converted for use as independent residential living

accommodation. The first outbuilding was a wooden structure, and directly behind was a second concrete outbuilding. Each outbuilding was rented out by persons separate to the occupation of the main property at 72 Crow Lane and the use of the outbuildings was independent from the main property at 72 Crow Lane.

It was noted that the outbuildings had been sectioned off from the main garden with access via the rear garden. This unauthorised use was considered to be an unacceptable intensification of the land and therefore it was requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breach.

It was **RESOLVED** that the Committee considered it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the notice:

- Cease using the outbuildings for residential purposes.
- Remove from the outbuildings all fixtures and fittings associated with their unauthorised use for residential purposed.

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 to serve enforcement notices was passed by 10 votes to nil with 1 abstention. Councillor Tebbutt abstained from voting.

39 PLANNING CONTRAVENTION - ASHLEA VIEW, TOMKYNS LANE

This report concerned an unauthorised metal gate and close boarded wooden fence within the Metropolitan Green Belt. The development did not benefit from planning permission. It was considered that the development was inappropriate in the Green Belt and would detrimentally impact on the openness, character and visual amenities of the Green Belt. There were no other material considerations that would clearly outweigh the harm resulting from these issues and thus justify the development on the basis of very special circumstances.

It was **RESOLVED** that the committee considered it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

1. Remove the unauthorised metal gates and wooden close boarded fence;

2. Remove all resultant debris associated with the removal of the unauthorised gate and fencing from the premises;

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.

40 PLANNING CONTRAVENTION - 624 UPPER BRENTWOOD ROAD, ROMFORD

The report concerned a retail shop in a parade at the junction of Upper Brentwood Road and Main Road. The shop had lawful Class A1 (retail) use. It was alleged that without planning permission a sales stall had been placed on the property forecourt. Although temporary and movable in appearance the stall required planning permission given that it had never been moved and therefore must be regarded as permanent. It had recently been found that the shop had ceased trading and closed but the unauthorised stall remained in place. The permanent placing of a stall in this location detracts from the visual amenity of the area and street scene. Given the lack of assistance and progress in this investigation it was requested that authority be given to issue and serve an Enforcement Notice to seek to remedy this breach.

It was **RESOLVED** that the committee considered it expedient that an Enforcement Notice be issued and served to require, by 1 month:

- Remove the unauthorised structure from the shop forecourt.

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.

41 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