

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
4 October 2012 (7.30 - 8.30 pm)**

Present:

COUNCILLORS: 10

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

Residents' Group Linda Hawthorn and Ron Ower

Labour Group

Independent Residents Group David Durant

Apologies were received for the absence of Councillors Fred Osborne and Mark Logan.

+Substitute members: Councillor Steven Kelly (for Fred Osborne) and Councillor David Durrant (for Mark Logan)

Councillor Michael Armstrong was also present for parts of the meeting.

18 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.

74 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Barry Tebbutt disclosed a pecuniary interest in applications P1413.11 and P1414.11. Councillor Tebbutt advised that the applicant was a family member. Councillor Tebbutt left the room during the discussion and took no part in the voting.

Councillor Sandra Binion disclosed an interest in applications P1413.11 and P1414.11. Councillor Binion advised that she was a close personal friend of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.

75 **MINUTES**

The minutes of the meetings of the Committee held on 2 and 23 August 2012 were agreed as a correct record and signed by the Chairman.

76 **P0705.12 - 57 BROOKDALE AVENUE, UPMINSTER**

The report detailed an application for the retention of an extension to the residential curtilage and the retention of a garage for storage purposes with a small area of hardstanding to provide a driveway access from the existing hardstanding driveway located along the northern boundary within the existing residential curtilage to No. 57 Brookdale Avenue.

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

It was noted that 16 letters of representation had been received.

The application had been called-in for consideration by the Committee by Councillor Ron Ower due to the level of public interest.

During the debate members queried the exact ownership of the land and the specific parcel of the land that the report referred to. The certification on the planning application indicated that the applicant had made a declaration that the application site was within the applicant's ownership.

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

The vote for the resolution was passed by 6 votes to 4. Councillors Oddy, Tebbutt, Binion, Brace, Kelly and Pain voted for the resolution to grant planning permission. Councillors Misir, Hawthorn, Ower and Durrant voted against the resolution to grant retrospective planning permission.

77 **P0822.12 - 12 CEDRIC AVENUE, ROMFORD**

The application related to a two storey, semi-detached dwelling, with a garage and two off-street parking spaces. The proposal was for a single storey rear extension, which would be 8.5m wide by 4m deep. It would be provided with a hipped roof 3.85m high (2.8m high to eaves).

It was noted that one letter of representation had been received.

The application had been called-in for consideration by the Committee by Councillor Michael Armstrong on the grounds that the proposal was of an overbearing nature and would impact on light.

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

Councillor Armstrong confirmed that he did not wish to address the Committee.

During the debate members clarified Party Wall arrangements which members were advised were not directly relevant to the consideration of the planning application.

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

78 **P0926.12 LAND ADJACENT TO 39 NAVARRE GARDENS, ROMFORD**

The Committee considered the report, noting that a Mayoral CIL contribution of £3,512 was liable for the proposed development, 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 £12,000 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.

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

79 **P0928.12 LAND TO THE REAR OF 23-31 VICTORY WAY, ROMFORD**

The Committee considered the report, noting that a Mayoral CIL contribution of £8,750 was liable for the proposed development, 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 £30,000 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.

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

80 **P0930.12 LAND ADJACENT TO 9 ORCHIS WAY, ROMFORD**

The planning reference in the front page heading of the report was corrected replacing P0950.12 with the correct planning reference P0930.12. The Committee considered the report, noting that a Mayoral CIL contribution of £2,044 was liable for the proposed development, 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.
- 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.

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 condition 19 being renumbered condition 16.

81 **P0670.12 1 FRANKS COTTAGES, ST MARY'S LANE, UPMINSTER**

The report before members sought permission for the conversion of a double garage to create an annexe. A legal agreement was required to ensure that the annexe should be used only for living accommodation ancillary to the existing dwelling known as 1 Franks Cottages, Upminster, and should not be used as a separate unit of residential accommodation at any time.

During a brief debate members clarified the exact nature of the proposed Section 106 Agreement.

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 annexe shall remain ancillary to the main dwelling - No. 1 Franks Cottages.
- The annexe not to be let, leased, transferred or otherwise alienated separately from the original property and land comprising No. 1 Franks Cottages.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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.

The vote for the resolution was passed by 7 votes to 0 with 3 abstentions. Councillors Oddy, Tebbutt, Binion, Brace, Kelly, Misir and Pain voted for the resolution to grant planning permission. Councillors Hawthorn, Ower and Durrant abstained from voting.

82 **P0950.12 LAND TO THE REAR OF 30 DAVENTRY ROAD, ROMFORD**

Members noted that there was an amendment to the report. Item 2.6 should have read 18.5m from the road as opposed to 29m as was shown in the report and the same correction was made to the report on the fourth line of paragraph 6.9.1.

It was also noted that a Mayoral CIL payment of £1,210 was liable for the proposed development.

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.
- 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.

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.

83 **P0913.12 HAVERING COLLEGE, ARDLEIGH GREEN CAMPUS**

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

84 **P1927.11 FORMER OLDCHURCH HOSPITAL**

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the acceptance of the Unilateral Undertaking offered by the applicants to reflect the terms of the original S106 agreement of 27th July 2011 as varied by Deed of Variation dated 30th March 2012 as set out below

(and in the report) and subject to the conditions set out below and the following planning obligations:

- The dwelling to be used for Affordable Housing Purposes;
- The legal costs of the Council to be paid to the sum of £600.00 in respect of the format of the Unilateral Undertaking;
- The Owner to pay the council costs towards monitoring the planning obligations to the sum of £1,080.00
- The Owner not to sell lease. Let or otherwise dispose of the dwelling without imposing in the relevant documentation a term preventing any owner or occupier of the Affordable Housing Residential Unit from applying for a residents parking permit within the area of the Development Provided that the restriction will not apply to the holder of a disabled person's badge.
- The Owner to allocate the Affordable Housing Residential Unit in accordance with the Council's standard Nominations Agreements to be annexed to the Unilateral Undertaking.
- The Owner to pay the Council the following a Highway Contribution of £819.67 an Open Space Contribution of £409.84 and a Healthcare Contribution of £409.84

That staff be authorised to accept the unilateral undertaking and upon acceptance, to grant planning permission subject to the conditions as set out in the report.

85 **YELVERTON CLOSE APPLICATION FOR STOPPING UP ORDER**

The Committee considered the report and without debate, **RESOLVED** that Subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway zebra hatched black on the attached plan as the land is required to enable development for which the Council has granted planning permission under planning reference P1488.11 to be carried out to completion.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn,

that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.

- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

86 **SMART CLOSE APPLICATION FOR STOPPING UP ORDER**

The Committee considered the report and without debate, **RESOLVED** Subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway zebra hatched black on the attached plan as the land is required to enable development for which the Council has granted planning permission under planning reference P1281.11 to be carried out to completion.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

87 **MYRTLE ROAD APPLICATION FOR STOPPING UP ORDER**

The Committee considered the report and without debate, **RESOLVED** Subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway zebra hatched black on the attached plan

as the land is required to enable development for which the Council has granted planning permission under planning reference P1744.11 to be carried out to completion.

- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

88 **PETTLEY GARDENS APPLICATION FOR STOPPING UP ORDER**

The Committee considered the report and without debate, **RESOLVED** that

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

89 **DIVERSION OF FOOTPATH NO. 252 AT RM14 3QH OVER LAND SITUATED AT NORTH OCKENDEN BETWEEN DENNIS ROAD AND THE STILE TO THE SOUTH OF THE RAILWAY CROSSING IN UPMINSTER WARD (AND OCKENDON WARD THURROCK COUNCIL AREA)**

The Committee considered the report and without debate. **RESOLVED** that Subject to the landowners paying the Council's costs of making and advertising the Order under the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 [SI 407], receiving all necessary consents and making up the path into a suitable state for users it is recommended that:

- 2.1 The Council consults with interested parties, statutory consultees, the landowners and Thurrock Council (from whom the Council must obtain prior statutory approval) for an Order to divert a section of Footpath No.252 within RM14 3QH under the provisions of sections 119 and 120 of the Highways Act 1980 as amended by the Wildlife and Countryside Act 1981 on the grounds that it is expedient in the interests of the owners of the land to make this Order. The existing footpath is shown as a solid black line on the attached plan.
- 2.2 A Combined footpath and modification of the definitive map and statement Order be made to create a new route for users of Footpath 252 to facilitate the diversion as shown on the attached plan as a broken black line. Public Notice of the making of the Order be given by amongst other things posting Notices to this effect at each end of the path affected and in the Romford Recorder and the Thurrock Enquirer.
- 2.3 That in the event no objections are made to the proposal within the 28 day period specified or that any objections which may be made are withdrawn and/or resolved then the Order be confirmed by the London Borough of Havering without further reference to the Committee on the grounds that: (i) the Council is satisfied that the new path is not substantially less convenient to the public as a result of the diversion and that the interests of the owner are considered in balance with any possible inconvenience to the public; (ii) that confirmation is expedient having regard to the effect of the diversion on public enjoyment of the path as a whole and on the land served by the existing path or to be crossed by the new one; and (iii) the Council is satisfied that the new path does not alter the point of termination otherwise than to another point on the same highway [Dennis Road] which is substantially as convenient to the public. This decision will be made with due regard to the Havering Rights of Way Improvement Plan (in draft).
- 2.4 In the event that the objections submitted cannot be resolved the matter be remitted to a subsequent meeting of the Regulatory Services Committee after the close of the consultation period to determine whether or not to submit the order with the objections to the Secretary of State for confirmation or decide not to confirm the order.

90 **P1413.11/P1414.11 178 CROW LANE**

The Committee considered the reports and without debate, **RESOLVED** that in respect of planning application P1413.11 the Committee noted that the development was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee was based on an internal gross floor area of 555m² and amounts to £11,110.

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:

- To limit the height of container storage on the Land in the Area marked 'A' on the Plan to a maximum of five (5) containers at all times
- Not to stack any containers on the Land in the Area marked 'B' on the Plan at any time
- To pay towards the Councils costs in preparing this Agreement
- To pay towards the Councils costs of monitoring the obligations contained in the Agreement

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 informative set out below:

INFORMATIVE

Reason for Approval:

Any harm to the Green Belt is outweighed by the applicant's demonstration of very special circumstances, and therefore the development complies with Policy DC45 and the National Planning Policy Framework.

In respect of planning application P1414.11 the Committee noted that the development was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 237.25m² and amounts to £4,745.

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:

- To limit the height of container storage on the Land in the Area marked 'A' on the Plan to a maximum of five (5) containers at all times
- Not to stack any containers on the Land in the Area marked 'B' on the Plan at any time
- To pay towards the Councils costs in preparing this Agreement
- To pay towards the Councils costs of monitoring the obligations contained in the Agreement

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 condition and informative set out below:

1. The building hereby permitted shall not be used other than for purposes ancillary to the main use of the site.

Reason: To ensure that the use of the building does not result in adverse impacts upon the surrounding area.

INFORMATIVE

Reason for Approval:

Any harm to the Green Belt is outweighed by the applicant's demonstration of very special circumstances, and therefore the development complies with Policy DC45 and the National Planning Policy Framework.

The vote for the resolution to grant planning permission was carried by 7 votes to 0 with 1 abstention. Councillors Oddy, Binion, Brace, Kelly, Misir, Hawthorn and Ower voted for the resolution to grant planning permission. Councillor Durrant abstained from voting.

As stated at the beginning of the minutes Councillor Tebutt declared a pecuniary interest in the application. Councillor Tebutt advised that the applicant was a member of family. Councillor Tebutt left the room during the discussion and took no part in the voting.

As stated at the beginning of the minutes Councillor Binion declared an interest in the application. Councillor Binion advised that she was a close friend of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.

Chairman