

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
21 February 2013 (7.30 - 10.45 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 Ron Ower

Labour Group Paul McGeary

Independent Residents Group David Durant

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

+Substitute members: Steven Kelly (for Sandra Binion) and David Durant (for Mark Logan)

Councillors Georgina Galpin, Lesley Kelly, Osman Dervish, Linda Trew, Frederick Thompson, John Mylod and John Wood 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.

156 MINUTES

The minutes of the meetings held on 13 December 2012 and 10 January 2013 were agreed as correct records and signed by the Chairman.

157 **P1513.12 - SUITE 1, GROUND FLOOR, CROWN HOUSE, 40 NORTH STREET, HORNCHURCH**

The report before members detailed an application for a change of use from office use (B1) to a tuition centre (D1).

Members noted that Councillor Georgina Galpin had requested that the proposal be put before the Committee on the grounds that the proposed change of use, given the size of the proposed premises and the proposed opening hours could be utilised for uses other than what was applied for and could have an impact on neighbouring amenity.

With its agreement Councillors Galpin, John Mylod and John Wood addressed the Committee.

Councillor Galpin commented that the application had been misleading and that the hours applied for were excessive and that use should be restricted to (D1) use. Councillor Galpin sought clarification from the Legal Advisor as to the scope of members' call-in and advice was provided on the scope of members call-in powers.

Councillor Mylod commented that the tutorial centre only taught academic subjects to pupils from reception age to nineteen years of age. Councillor Mylod also advised that all the teachers were vetted by the Council and that the pupils were taught in a ratio of one teacher to four pupils. Councillor Mylod advised that he supported the application.

Councillor Wood advised that he had met with the applicant and it had been confirmed that the centre would only be used for teaching academic subjects. Councillor Wood also advised that the landlord of the property would monitor the property's use. Councillor Wood also advised that the tuition centre was accredited by OFSTED and was regularly monitored.

During the debate a member of the Committee advised that he had visited the centre and believed it to be an asset to the educational needs of children in the borough.

Members discussed the hours applied for, and following a question regarding the length of the hours applied for were advised by officers that the centre could offer adult teaching classes in the future. Members also made note of the fact that Hornchurch library situated next door to the application site did not close until 10pm.

Members also defended the call in of the application commenting that the call in had made the application better and clearer for members to understand.

It was **RESOLVED** that planning permission be granted subject to a correction to the description of the proposal to state use part of ground floor.

158 **P1210.12 - 59, 61 63-66, 68 AND 70 WARWICK ROAD**

The report before members detailed a planning application for the demolition of existing industrial buildings and a residential development of 16 residential units comprising 12 houses and 4 flats with a new road access and associated landscaping.

Officers advised that numbers 60-71 Warwick Road had been the subject of previous enforcement action which had been upheld at appeal.

Members noted that ten letters of representation had been received.

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

During the debate members questioned the reasons why previous refusals of planning permission had been refused and what enforcement action had been taken.

Members also discussed the density that further residential properties and additional car parking would place on Warwick Road as it was a particularly narrow road. . Members were advised of a correction to the description of the proposal by deleting reference to "69" on the front page of the report under Subject Heading. Members were also updated on an omission from the Relevant History section of the report on page 64 which should have included reference to an enforcement notice being served on 60-71 Warwick Road which was recently upheld at appeal.

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 £96,000 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 and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;

- 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, and that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions set out in the report along with two

further conditions relating to details of site levels and the scheme demonstrating an allocation of car parking spaces to nominated properties within the development and also the amendment of condition 3 to insert the word “parking” before “provision”.

The vote for the resolution was carried by 10 votes to 1.

Councillor Durant voted against the resolution to grant planning permission.

159 **P1480.12 - LAND TO THE REAR OF 179 CROSS ROAD, ROMFORD**

The planning application before members proposed the demolition of an existing dwelling and the erection of a two storey block of six apartments, to include accommodation in the roof space, on land to the rear of 179 Cross Road, Romford. The proposal would include a parking area, private and communal amenity spaces, cycle storage, and bin refuse/recycling storage.

Members noted that one late letter of representation had been received.

Members noted that the site was located in a flood risk area that had been categorised as Flood Zone 1, however the Environment Agency had raised no objection to the scheme.

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

With its agreement, Councillors Osman Dervish and Linda Trew addressed the Committee.

Councillor Dervish commented that the site was very close to a balancing lake and that the issue of overlooking neighbouring properties needed to be addressed. Councillor Dervish also questioned whether there would be sufficient space on the site to be able to turn a car around.

Councillor Trew commented that the erection of the flats would be detrimental to the amenity of neighbouring properties and that the issue of overlooking was significant. Councillor Trew also made mention of the possibility of flooding to the site.

During the debate members discussed the issue of overlooking and the detriment to the amenity of neighbouring properties.

The report recommended that planning permission be granted, however following a motion to refuse which was carried 5 votes for refusal, 5 votes against and 1 abstention, by the Chairman casting his vote in favour of the motion to refuse. It was **RESOLVED** that planning permission be refused on the grounds of excessive bulk and intrusive impact in the rear garden scene and outlook and amenity of neighbouring properties, harmful degree of noise and vehicular disturbance caused by traffic using the proposed

access road and by reason of scale and bulk and causing a harmful impact on the setting of adjacent Green Belt land.

The vote for the resolution was 5 votes for and 5 votes against with 1 abstention. The Chairman's casting vote carried the resolution.

Councillors Oddy, Hawthorn, Ower, McGeary and Durant voted for the resolution to refuse planning permission. Councillors Brace, Kelly, Misir, Osborne and Pain voted against the resolution to refuse planning permission. Councillor Tebbutt abstained from voting.

160 **P1070.12 - 37-39 MANOR ROAD, ROMFORD**

The report before members related to the demolition of an existing office building and the erection of a block of 42 flats on 5/6-storeys with parking and amenity space.

Members were advised that there were several amendments to the conditions contained in the report.

Condition 6 was no longer required as the application related to the construction of flats rather than dwelling-houses

The precise wording of Condition 21 in respect of obscure glazing of windows in the flank elevations was to be delegated to the Head of Development and Building Control.

Condition 24 was to be deleted as it was a repeat of condition 9.

Officers advised that reference to 100% of the units to be affordable housing to be replaced by 50% of dwelling units to be affordable housing.

Members noted that 4 late letters of representation had been received.

Officers advised that there were two additional conditions to be added to the report relating to CCTV and lighting to the underground parking area.

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

With its agreement Councillors Andrew Curtin and Frederick Thompson addressed the Committee.

Councillor Curtin commented that the proposal for a six storey building was unacceptable and that the design led to a lack of amenity space and would be detrimental to neighbouring properties.

Councillor Thompson commented that the proposal was to be built on higher ground than neighbouring properties and would lead to issues of

overlooking. Councillor Thompson suggested that the proposal should be rejected on the grounds of bulk and mass as it was not in keeping with the local street scene.

During the debate members discussed the bulk and mass of the proposal and its effect on the street scene.

The report recommended that planning permission be granted, however following a motion to refuse it was **RESOLVED** that planning permission be refused on the grounds of excessive height, scale and obtrusive bulk that would be harmful to visual amenity and the character of surroundings.

The proposal would also be obtrusive and have an oppressive impact on the rear garden scene and outlook from neighbouring properties harmful to residential amenity.

The proposal would also create excessive levels of additional traffic activity that was harmful to the amenity of the nearby resident's living conditions.

The design of the development including form, external appearance and layout was insufficient to justify the excessively high density proposed in the location in accordance with planning principle (DC2).

The votes for the motion to refuse and the resolution were both passed by 6 votes to 5.

Councillors Oddy, Misir, Hawthorn, Ower, McGeary and Durant voted for the motion and resolution to refuse planning permission.

Councillors Tebbutt, Brace, Kelly, Osborne and Pain voted against the motion and resolution to refuse planning permission.

161 **P1534.12 - FORMER AMBERLEY HOUSE, NEW ROAD, RAINHAM**

The report before members detailed an application that proposed the erection of 51 dwelling units. The proposal would include parking spaces, private and communal amenity spaces, cycle storage, vehicle access, hard and soft landscaping, bin refuse/recycling storage, a pumping station, and associated works.

Members noted that two late letters of representation had been received, one from the London Fire and Emergency Planning Authority and one from Savills on behalf of Havering College.

During the debate members discussed the ownership of the site and the possibility of odours emanating from the Riverside Sewage Works. Advice was given to members with respect to their duties as decision makers pursuant to Circular 04/2000. The HSE consultation process was explained. Reference was made to reports on other applications in the area falling within the Consultation Zones for the pipelines.

Members noted that a Mayoral CIL contribution of £115,380 was liable for the proposed development and **RESOLVED** subject to no contrary direction pursuant to the objection of the Health and Safety Executive resulting in the application being called in for determination by the Secretary of State within the consultation period that the proposal was unacceptable as it stood but would be acceptable subject to

- a) the prior completion of a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:
- The sum of £229,500 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
 - The delivery of a minimum of 50% of the residential units as affordable housing units for affordable rent;
 - 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 and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
 - The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

And Provided That no objections being received from the owners of the land following the service of notice in the local press, 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 and to include the following, amendment to conditions, additional conditions and Heads of terms;

Affordable housing to be a minimum of 50% for affordable rent.(Head of Terms Section 106).

Condition 4 – at point 5) add the wording - to the extent that they are not the statutory responsibility of the drainage authority
Condition 16 – Mayor's play space guidance reference to new SPG – Shaping Neighbourhoods Play and Informal Recreation SPG dated 25th September 2012 in Reason .

Condition 28 – Reference to PPG24 in the Reason to Condition 28 to be replaced by reference to NPPF.

- a Additional condition covering details of foundations design and piling to be submitted and approved prior to commencement.

.Additional condition or amendment to condition to require that the width of the internal access road met LFEPA requirements.

Subject to:-
Recommendation B

In the event that the Section 106 agreement is not signed and completed by the 15th March 2013 that authority be delegated to Head of Development and Building Control to decide whether planning permission should be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing and for meeting the necessary infrastructure costs arising from the development.

162 **P1268.11 - ENTERPRISE HOUSE, 34 FARINGDON AVENUE, HAROLD HILL**

The report before members detailed an application for planning permission which was sought for a change of use from B8 (storage and distribution with ancillary offices) to A1 (retail with ancillary offices).

The application was deferred from the meeting held on 3 November 2011 in order for a number of questions to be addressed. Since then, the application had been revised by removing part of the building that covers the loading area and reducing the overall proposed retail floor area from 2810m² to 2435 m².

With its agreement, Councillor Lesley Kelly addressed the Committee.

Councillor Kelly commented that the building had been empty for some time and even extensive marketing to find a new owner had proved fruitless.

Councillor Kelly also commented that the reasons for refusal contained in the report were negligible and the site had good transport links to the town centre and would provide employment opportunities for local residents.

During the debate members discussed the possible employment opportunities and possible restrictions on what goods could be sold from the premises.

Members also discussed neighbouring sites and the exceptional factors that benefitted the site from being placed back into use.

The report recommended that planning permission be refused, however following a motion to grant planning permission on the grounds that members identified exceptional circumstances in the balance of policy with material considerations, with approval justified on grounds that the proposal addressed a vacant eyesore located on a prominent thoroughfare, employment job creation and no adverse amenity, parking, traffic or other environmental impacts it was **RESOLVED** that planning permission be granted subject to conditions with delegated authority to the Head of Development and Building Control to settle the precise wording covering;

- Time limit.
- A parking scheme.
- Accordance with plans.
- Cycle storage.
- No sub-division into smaller units.
- Waste storage and collection.
- Lighting of car park (time restricted to coincide with approved opening hours).
- Travel plan.
- Opening hours Monday to Fridays 7am to 8pm, Saturday 8am to 6pm and Sundays 10am to 4pm.

The Reason for approval was based on Members identifying exceptional circumstances in the balance of policy, though contrary to policy, with material considerations, with approval justified on grounds that the proposal addresses a vacant eyesore located on a prominent thoroughfare, potential employment/job creation and no adverse amenity, parking, traffic or other environmental impacts.

The vote for resolution was carried by 10 votes to 1.

Councillor Durant voted against the resolution to grant planning permission.

163 **P1571.12 - THE THATCH, BROXHILL ROAD, HAVERING ATTE BOWER, ROMFORD**

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

164 **CHIPPENHAM GARDENS 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 plan as the land was required to enable development for which the Council had granted planning permission under planning reference P1279.12 to be carried out to completion.
- 2.2 In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections were 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 could proceed to confirm the Order.
- 2.4 In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

Chairman