

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
14 March 2013 (7.30 - 9.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Sandra Binion, Jeffrey Brace, 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 Robby Misir and Mark Logan.

+Substitute members: Councillor Steven Kelly (for Robby Misir) and Councillor David Durant (for Mark Logan)

Councillors Rebecca Bennett, Damian White and Linda Van den Hende were also present for parts of the meeting.

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.

172 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Sandra Binion declared a non-pecuniary personal interest in item A0002.13 – 63 Pettits Lane. Councillor Binion advised that she knew of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.

Councillor Steven Kelly declared a non-pecuniary personal interest in item P0558.12 – Land to the west of Fairview Industrial Park, Rainham. Councillor Kelly advised that he was a Local Authority Representative on

the Board of ELWA. Councillor Kelly left the room during the discussion and took no part in the voting.

173 **MINUTES**

The minutes of the meeting held on 31 January 2013 were agreed as a correct record, subject to the following additional comment, and signed by the Chairman.

Minute 146 for Former Boyd Hall, St Mary's Lane, Upminster will include the observation that of approximately 34 trees the subject of a Tree Preservation Order approximately 32 of the trees were either dead, dying or inferior.

174 **P0986.12 - 90 RAINHAM ROAD, RAINHAM**

The report before members detailed an application for the erection of a smoking shelter.

The application had been brought before the Committee on 31 January 2013 and was deferred to allow further information to be gathered.

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

With its agreement Councillor Rebecca Bennett addressed the Committee.

Councillor Bennett commented that she had visited the site again and disagreed with the officers' report. Councillor Bennett stated that by having the barrier around the shelter this would alleviate the problem of overlooking on neighbouring properties. Councillor Bennett suggested that the shelter could be used between 18.30 hours and 22.30 hours Monday to Saturday with no use on a Sunday.

During the debate members asked whether the applicant had applied for a certificate of lawfulness for the premises in particular in respect of a shed structure or was aware of the fact that he could make such an application. Members also discussed the issue of possible overlooking.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried with 9 votes for and 2 abstentions it was **RESOLVED** that planning permission be granted subject to conditions (the precise wording of which to be delegated to the Head of Development and Building Control to cover the hours of use of the shelter, boundary treatment around the perimeter of the roof and a lighting scheme be included.

The Reason for Approval based on the reasoning of members in balancing policy in particular Policy DC61 against all other material considerations was

that planning conditions covering hours of use of the shelter, boundary treatment around the perimeter of the roof and a lighting scheme could mediate any significant adverse impacts the proposed development might otherwise have on amenity.

The vote for the motion to approve and resolution were both carried by 9 votes to 0 with 2 abstentions.

Councillors Brace and Durant abstained from voting.

175 **P1501.12 - TOWERS INFANTS SCHOOL, OSBORNE ROAD, HORNBURCH**

This application had been brought before members as the application site was Council owned. The application sought full planning permission for a single storey extension with three classrooms and hard standing play areas and an extension to the car park.

With its agreement Councillor Damian White addressed the Committee.

Councillor White commented that although he agreed there was a need for extra school places in the borough, an overwhelming number of local residents were opposed to the expansion of the school. The main reason for the opposition was the extra vehicular movements that the proposal would attract with parents dropping off and picking up children from the school. Councillor White asked that consideration be given to include extra conditions covering speed limits, speed humps and dedicated drop off points.

During the debate members discussed condition 4 regarding parking restrictions and it was unanimously agreed that the review of parking restrictions should come into place with immediate effect and that a school travel plan be introduced.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an amendment to condition 4 that the review of parking restrictions which was to take place within 18 months of the development being brought into use should take place immediately on the development coming into use and to include additional conditions covering times of construction and a construction method statement. The precise wording of the additional condition to be settled under delegated authority by the Head of Development and Building Control.

176 **A0002.13 - 63 PETTITS LANE, 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.

As stated at the beginning of the minutes Councillor Sandra Binion declared a personal interest in application A0002.13. Councillor Binion advised that she knew of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.

177 **P0030.13 - WHITEHOUSE KENNELS, ST MARY'S LANE, UPMINSTER**

The report before members detailed an application proposing the demolition of the existing kennels, cattery, office, and various out buildings and the change of use of the site to a small holiday park, comprising 9 accommodation units, along with associated landscaping, surfacing, and other works.

Members were advised that the first bullet point on page 96 of the agenda was to be deleted and replaced with the following:

- That the proposed holiday accommodation comprising 9 units to be used solely as holiday lets and for no other purpose and that the seasonal occupation as holiday lettings be restricted to 10 months in any calendar year, the precise dates of the restrictions to be agreed or in default of agreement be set by the Council.
- That the applicant/owner of the application site agreed that on the issue of the Decision Notice pursuant to the Planning Application (Reference P0030.13) the following certificates of Existing Lawful Use or Development (certificates) granted under Section 191 of the Town and Country Planning Act 1990 (as amended) have no further legal effect in respect of the unrestricted use of accommodation units existing on site for unrestricted residential use. For the avoidance of doubt from the issue of the Decision Notice the units subject to the following Certificates shall no longer be used lawfully for unrestricted residential use:

1. Certificate reference E0014.00 issued on 29 August 2002
2. Certificate reference E0012.11 issued on 6 March 2012
3. Certificate reference E0022.12 issued on 8 March 2013

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

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

Councillor Van den Hende commented that the application site was on Green Belt land the proposal was detrimental to the adjacent occupiers. Councillor Van den Hende also commented that cars and children's play areas would be detrimental to noise levels. Councillor Van den Hende advised that the proposed change of use from a cattery/kennels to a holiday park would be visually intrusive and asked that that the Committee considered refusing planning permission.

During the debate mention was made of a possible condition or planning obligation that if the cattery/kennels were removed then the land had to be returned to the Green Belt and could not be built on.

Following a brief adjournment to check the files taken to committee for evidence of such a condition or planning obligation, it was **AGREED** that the application be deferred to enable the planning history to be checked pursuant to the assertion that there may exist a condition or planning obligation attached to the site which requires the removal of all the structures should the cattery/kennels use ever cease and the return of the land to open land within the Green Belt.

178 **P0071.13 - UPMINSTER CEMETERY**

The Committee considered the report and without debate **RESOLVED** that subject to no contrary direction by the Secretary of State exercising powers to call-in the application following the notification of the application to Secretary of State that the proposal be granted planning permission subject to the conditions as set out in the report, and amendment to conditions 4, 6 and 7 to reflect phasing and drawing numbers, on expiry of a period of 21 days beginning with the date which the Secretary of State told the authority in writing is the date they received the material specified in paragraph 10 of Circular 02/2009.

179 **P0558.12 - LAND ADJACENT TO FAIRVIEW INDUSTRIAL ESTATE**

Members considered the report and following a brief debate **RESOLVED** to delegate its authority to the Head of Development and Building Control to approve written requests pursuant to a Section 106 Agreement dated 30th August 2012 to source waste fuel from given locations, subject to a sequential assessment being submitted demonstrating that as much fuel as possible is sourced in descending order of priority from the preferred locations and then from the wider ELWA area, prior to waste being imported from further afield commensurate with the continued economic viability of the Development.

The vote for the resolution was carried by 9 votes to 1.

Councillor Durant voted against the resolution.

As mentioned previously in the minutes Councillor Steven Kelly declared a non-pecuniary personal interest in item P0558.12 – Land to the west of Fairview Industrial Park, Rainham. Councillor Kelly advised that he was a Local Authority Representative on the Board of ELWA. Councillor Kelly left the room during the discussion and took no part in the voting.

180 **P1474.12 - HAROLD COURT PRIMARY SCHOOL**

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

181 **P0058.13 - 2 WILLOW PARADE, MOOR LANE, CRANHAM**

On the advice of staff it was **RESOLVED** that consideration of the matter be deferred to enable further publicity to be carried out.

182 **P1443.12 - RISE PARK INFANTS SCHOOL, ANNAN WAY, 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.

183 **P1563.12 - GAYNESBOROUGH, LITTLE GAYNES 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.

Chairman