

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
4 April 2013 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Mark Logan.

+Substitute members: Councillor David Durant (Mark Logan)

Councillors Rebecca Bennett and Pam Light were also present for parts of the meeting.

8 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.

184 P1497.12 - MELVILLE COURT SPILSBY ROAD, HAROLD HILL

The report before members detailed an application for planning permission for a change of use from B1 to D1. The proposed change of use would cover an area of 800m².

Units C and D would be occupied by The Learning Centre (TLC Romford) Ltd, which was an independent day service for adults who had learning disabilities. TLC Ltd had 30 students plus per day and provided services for 60 students per week, who attended for between one to five days. The majority of students were collected from and returned home by two minibuses. These vehicles would not remain at the premises overnight.

The existing areas of hard standing provided off street parking for 28 vehicles.

The application site comprised of Units C & D, a two storey building located in Melville Court, a small complex of light industrial based units located on the northern side of Spilsby Road. The site was covered in hard standing which provided on-site car parking.

Members noted that the application had been called in by Councillor Barry Tebbutt to ensure consistency of the decision as the Council had previously been using a building on the site for educational purposes themselves.

With its agreement Councillor Pam Light addressed the Committee.

Councillor Light commented that the premises had been empty for a period of over twelve months despite extensive marketing.

Councillor Light also advised that there were several units on the site that remained empty and that this was a good opportunity increase usage of the units.

Councillor Light asked that the Committee give special consideration to the application and recommended approval.

During the debate members discussed the current levels of occupancy of the units on the site and the previous use of one of the buildings by the Council for educational purposes.

Members also debated whether there was a need for Local Authorities to be more flexible with applications of this type at a time where there are significant numbers of vacant commercial units. Members acknowledged that the application conflicted with Development Control Policies contained within the Local Development Framework but considered that there were special circumstances to justify a departure from policy that included the generation of employment and bringing a long term vacant unit back into use.

Members debated whether planning permission should be granted on a temporary basis. A majority of members held the view that the nature of the application, requiring the applicant to make a significant investment warranted a grant of planning permission for a period of ten years.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried with 10 votes to 0 with 1 abstention, It was **RESOLVED** to delegate to Head of Development & Building Control to grant planning permission, for a period of 10 years, subject to agreeing reasonable restrictive conditions on hours of use and the nature of use within Class D1. If the Council was unable to

satisfactorily agree with the applicant, the aforementioned conditions, then the application would be brought back to the Committee.

The reasons for approval were that: the application would bring a long term vacant unit back into use; there is an end user in place; the application would revitalise activity in the industrial estate with a deterrent effect on crime; the application would generate employment and provide a much needed community facility; there would be no adverse effect on traffic or parking.

The vote for the motion to approve and the resolution were both carried by 10 to 0 with 1 abstention.

Councillor Durant abstained from voting.

185 **P0082.13 - 9 STEPHEN AVENUE, RAINHAM**

The report before members detailed an application which sought permission for the extension of an existing semi-detached pair of properties, to create a new three bedroom, two storey dwelling. The proposal also involved the addition of a first floor rear addition to the donor property, No. 9.

Members noted that the application had been called in by Cllr Barry Oddy in order to ensure that there were consistent decisions in relation to corner plots.

With its agreement Councillor Rebecca Bennett addressed the Committee.

Councillor Bennett commented that were several similar corner plot sites across the borough that had been granted planning permission for additional dwellings. Councillor Bennett noted that no objections had been received from neighbouring occupiers.

Councillor Bennett also advised that she felt the application would fit in well within the streetscene, that the area had good transport links and asked that the Committee grant planning permission.

During the debate members discussed parking issues at the site and agreed that no parking should be allowed to the front of the site. Members gave consideration to the separation distance between the new development and the footway, noting that it did not meet minimum standards for separation distance as set in guidance. A Member took the view that the proposed development was too bulky for the site. Members noted that there were a number of existing examples of similar corner plot developments in close proximity to the application site that failed to meet existing standards for separation distance.

Members noted that the application qualified for a Mayoral CIL payment of £1,720.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried by 9 votes to 1 with 1 abstention. It was **RESOLVED** to delegate to Head of Development & Building Control to grant planning permission, contrary to recommendation, subject to prior completion of a legal agreement (infrastructure tariff and legal fees) and subject to conditions covering the following:

- Time limit
- Materials
- No parking at front
- Landscaping
- Boundary treatment
- Windows (obscured glazing)
- Parking provision
- Permitted development restriction
- Construction hours.

The reasons for approval were that the siting and design of the development was in keeping with the prevailing character of the local area and streetscene. The development does not present harm to visual or residential amenity.

The vote for the motion and the resolution were both carried by 9 votes to 1 with 1 abstention.

Councillor Durant voted against the motion and resolution to grant planning permission.

Councillor McGeary abstained from voting on the motion and resolution to grant planning permission.

186 **P1477.12 - ESSEX HOUSE, 1 HAROLD COURT ROAD, ROMFORD**

Members considered a report which detailed an application which related to the conversion of a mixed use building B1 (commercial) into A1 use (plumbing supplies) at the lower ground floor and four self-contained flats over the lower ground, ground and 1st floors.

With its agreement Councillor Pam Light addressed the Committee.

Councillor Light commented that although she had no issues with the conversion of the building she did have concerns regarding the lack of parking that was available on the site and in the adjacent roads. Councillor Light asked that the Committee give consideration to the possibility of increasing car parking at the site.

During a brief debate members received clarification that each of the 4 flats had 1 allocated parking space and that there was insufficient space for any further parking provision.

Members noted that the development qualified for a Mayoral CIL payment of £5,040 and **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 £24,000 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, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of 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 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 and to also amend condition 3 to require a scheme of allocation of parking spaces to be submitted by the applicant.

187 **P1726.11 - BEREDENS FARM, FOLKES 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.

188 **P0761.12 - 17 HALL LANE, UPMINSTER**

The application was for extensions to the dwelling house, comprising a first floor side/rear extension over the existing side garage; alterations to the front of the dwelling to form two storey, gabled front bays; a part single/part two storey rear extension and alterations to the roof to convert the loft into habitable space, including 2 rear dormer windows.

Members noted that the application had previously been called in by Councillor Clarence Barrett on the grounds that the extensions would be out of character and overbearing in the street and would impact on light. The

Chairman advised members that Councillor Barrett had since withdrawn his call in following discussions with the applicant.

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

During a brief debate members discussed the possibility of adding extra condition covering Permitted development rights and sub-division of the dwelling.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional three conditions covering removal of Permitted development rights, No subdivision of the dwelling and confirmation of construction hours.

189 **P0949.12 - 4 ELMER GARDENS, SOUTH HORNCHURCH**

This item was deferred at the Chairman's request to allow the "calling-in" member the chance to address the Committee at a later date.

190 **P1196.12 - 8 FAIRLAWNS CLOSE, EMERSON PARK, HORNCHURCH**

Members considered the report and that the development qualified for a Mayoral CIL payment of £4,084.00 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

191 **P1241.12 - 2 FESTIVAL COTTAGES, NORTH ROAD, HAVERING-ATTE-BOWER**

The report before members detailed a retrospective planning application seeking permission for a single storey outbuilding.

Following a brief presentation of the plans it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

192 **P1415.12 - 77/79 BUTTS GREEN ROAD, HORNCHURCH**

The report before members detailed an application for a variation of Condition 9 of the approval granted on appeal (Planning Ref.P1495.11). This condition related to delivery/servicing hours and the proposal was to enable the delivery of newspapers/magazines outside the times currently indicated in Condition 9.

The application had been deferred from a previous Regulatory Services Committee at Officer's request in order to assess a late amendment put forward by the applicant to alter the proposal by seeking to have three deliveries between 5am and 7am. Staff also wished to include a full set of

conditions that would be related to the original scheme and reflected details already approved.

Members were advised that condition 1 in the report should have read 1 August 2014 and not 3 April 2014 as stated.

During the debate members considered the potential affect of the proposal on the amenity of neighbouring occupiers. Members considered the acceptability of the hours proposed by the applicant for newspaper deliveries. Members concluded that the hours proposed were not acceptable.. A member noted that the application if granted would permit all 3 deliveries to the application site to be made at an unacceptably early hour of the morning. Members considered the proposal to be detrimental to the amenity of neighbouring occupiers.

The report recommended that planning permission be granted, however following a motion to refuse planning permission It was **RESOLVED** that planning permission be refused on the grounds that the early morning deliveries/activity would cause material noise and disturbance harmful to the amenity of nearby residents.

193 **P0025.13 - FORMER LANDFILL SITE, SOUTH EAST OF EASTER PARK, COLDHARBOUR LANE, RAINHAM**

The report before members detailed an application for the restoration of the site through the importation of inert material. The applicants have stated that the previous restoration of the site was of a poor standard and that there are concerns that, over time, surface water penetration of the existing cap could result in contaminants leaching out of the site.

The proposal was to place a new cap over the top of the existing land mass using imported materials, following some excavation of the existing landmass to re-level the land. The cap would comprise various layers, including a compensation layer of material to even out the existing surface, a geomembrane sealing layer, a drainage layer, and soils. These layers, which would have a total depth of approximately 1.3m, would be completed by a landscaping scheme.

Officers advised that no objections had been received from Highways, Transport for London or Natural England.

It was **RESLOVED** that planning permission be granted subject to the conditions as set out in the report and to include to further conditions covering the details of access to the site and a construction method scheme (Condition 15) to include any lorry routing not to go through Rainham Village.

194 **P1498.12 - WOOLPACK INN & CAR PARK, ANGEL WAY. VARIATION OF CONDITIONS**

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 Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 29 March 2012 in respect of planning permission P0759.11 by varying the definition of Planning Permission which shall mean either planning permission P0759.11 as originally granted or planning permission P1498.12.

The Developer / Owner shall bear the Council's legal costs in respect of the preparation of the deed of variation irrespective of whether or not it is completed.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 29 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 29th March 2012 will remain unchanged.

That Staff be authorised to enter into a Deed of Variation to secure the above and upon completion of the agreement to grant planning permission subject to the conditions as set out in the report:

195 **P1901.11 - BEAM REACH 8**

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 Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), to vary the legal agreement completed on 31 October 2005 in respect of planning permission P2078.03 and amended by planning permission U0011.06 to vary the definition of Planning Permission which shall mean either planning permission P2078.03 as originally granted, planning permission P2078.03 as varied by Planning Permission U0011.06, or planning permission P1901.11 as proposed and set out in the report.

The developer / owner shall pay the Council's legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation set out above and any necessary consequential amendments to the Section 106 agreement dated 31 October 2005 all recitals, terms, covenants and obligations in the said section 106 Agreement shall remain unchanged.

That Staff be authorised to enter into a Deed of Variation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

196 **P0079.13 - PARSONAGE FARM PRIMARY SCHOOL, FARM ROAD,
RAINHAM**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional condition covering working hours

Chairman