

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

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Becky Bennett, Osman Dervish, Robert Benham and
Wendy Brice-Thompson

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group** +David Durant

Apologies were received for the absence of Councillors Jeff Brace, Roger Evans, Robby Misir, Fred Osborne and Mark Logan.

+Substitute members: Councillor Becky Bennett (for Fred Osborne), Osman Dervish (for Roger Evans), Robert Benham (for Jeff Brace), Wendy Brice-Thompson (for Robby Misir) and David Durant (for Mark Logan).

Councillors Gillian Ford and Keith Darvill were also present for parts of the meeting.

15 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.

No declarations of interest were made.

16 PLANNING OBLIGATIONS

The Committee considered a report that updated Members on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation.

This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2013.

The Committee **NOTED** the report and the information contained therein.

17 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 9 February 2013 and 31 May 2013.

The report detailed that 23 new appeals had been received since the last meeting of the Monitoring Committee in March 2013.

The Committee **NOTED** the report and the results of the appeal decisions received.

18 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in March 2013.

Schedule A showed notices currently with the Secretary of State for the Environment (the Planning Inspectorate being the executive agency) awaiting appeal determination.

Schedule B showed current notices outstanding, awaiting service, compliance, etc. with up-dated information from staff on particular notices.

The Committee **NOTED** the information in the report.

19 **PROSECUTIONS UPDATE**

The report updated the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service.

The Committee **NOTED** the report.

20 **P0400.13 - 24 SEVERN DRIVE, UPMINSTER**

The report before members sought permission for a side and rear single storey extension, a canopy, a garage conversion, external works including

two dropped kerbs, width increases and a change of use from a dwelling to a day care nursery.

The proposed nursery would operate within three age ranges (under 2's, 2 to 3 and 3 to 5).

Members were advised that one late letter of representation had been received which raised concerns regarding traffic congestion in the area.

Officers advised that there were a couple of amendments to the report:

Condition 8 should have read that the number of children accommodated within the building would not exceed 52 at any time.

Condition 13 should read that the maximum number of children using the rear garden for outdoor play should not exceed 16 at any time in accordance with Development Control policies DC56 and DC61.

Condition 18 should also make reference to Development Control Policy DC32.

Members noted that the application had been called in by Councillor Gillian Ford unless it was refused under delegated powers, on the grounds of the existing traffic problems due to school traffic, the area was primarily residential, potential for noise and disturbance and drainage concerns.

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

With its agreement Councillor Gillian Ford addressed the Committee.

Councillor Ford commented that as the Vice-Chairman of the Children's Overview and Scrutiny Committee she was well aware of the shortfall of nursery places within the borough.

Councillor Ford also commented that the location of the proposed development was a busy area and the Police's local Safer Neighbourhood Team had been involved in several local incidents in the area.

Councillor Ford advised members that the area suffered from a high number of vehicular movements and also commented that she was concerned regarding the impact on the amenity of neighbouring properties due to children playing in the garden of the proposed site.

During the debate members questioned whether the yellow lines and dropped kerbs surrounding the entrance to the proposed site would be altered or removed. Members also discussed access and egress arrangements of the site.

Officers confirmed that prior occupation of the site could not take place until condition 9 (provision of parking) had been addressed.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 7 votes to 2 with 1 abstention it was **RESOLVED** that planning permission be refused on the grounds of impact on residential amenity, through noise and disturbance arising from the intensity of use of the property and its curtilage and the impact on the streetscene arising from the extent of the parking to the front and rear of the property.

The vote for the resolution to refuse planning permission was carried by 7 votes to 3. Councillors Tebbutt, McGeary and Durant voted against the resolution to refuse planning permission.

21 **P0365.13 - BRIAR SITE 6A_2 - OPEN SPACE ADJACENT TO 8-26 COLTSFOOT PATH & 40-98 BARBERRY CLOSE, ROMFORD**

The application before members was linked to another application, reference P0364.13 which would involve the extension of the existing Coltsfoot Path highway, which currently ended at the eastern end of the site. The extended highway would enable vehicular access into the site. The application proposed the construction of a terrace of nine dwellings, aligned in a north/south direction and fronting the eastern boundary of the site. The houses would be a mix of 2, 3 and 4 bedrooms.

Officers confirmed that the London Fire and Emergency Planning Authority had raised no concerns regarding any of the proposed schemes for the Briar Road Estate.

With its agreement Councillor Keith Darvill addressed the Committee.

Councillor Darvill reminded members of the concerns he had raised at previous meeting regarding the proposed development of the Briar Road Estate and commented that again he had concerns that additional parking schemes had not been considered before the planning applications had been submitted. Councillor Darvill also commented on the area of green space that was being lost to make way for the proposed development and that the planning standards that applied on construction of the Briar Road Estate should not be eroded.

During the debate members discussed the green areas on the estate and made note of the petition that had been submitted regarding the application.

Members also discussed the waste management arrangements that were proposed for the development.

Following a motion to refuse planning permission which was lost by 4 votes to 6 it was **RESOLVED** that:

The development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £18,540.00. This was based on the creation of 927m² of new gross internal floor space.

That the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £54,000 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the 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 as set out in the report and to include an additional condition requiring the submission of a waste management scheme.

The vote for the resolution was carried by 5 votes to 4 with 1 abstention. Councillors Hawthorn, Ower, McGeary and Durant voted against the resolution to grant planning permission. Councillor Binion abstained from voting.

22 P0364.13 - BRIAR SITE 6A_1 - OPEN SPACE AND FOOTWAYS ADJACENT 43 BARBERRY CLOSE, 1-12 BETONY ROAD, 20-26 LAVENDER CLOSE & 8, 71, 73, 75 COLTSFOOT PATH, ROMFORD

The application before members would involve the extension of the existing Coltsfoot Path highway, which currently ended at the eastern end of the site. The extended highway would enable vehicular access into the site. It was proposed to construct a terrace of five dwellings, adjacent to the flank wall of no. 43 Barberry Close, which would sit in a central part of the site extending in a west to east direction. Each of the houses would have 2 bedrooms.

With its agreement Councillor Keith Darvill addressed the Committee.

Councillor Darvill re-iterated points previously mentioned regarding the loss of parking and of green spaces with mature trees.

During a brief debate members discussed the loss of a green space and clarified whether any Tree Preservation Orders (TPOs) were in place on the development site.

Officers confirmed that there were no TPOs on the site.

Following a motion to refuse planning permission which was lost by 4 votes to 6.

It was **RESOLVED** that:

The development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £8,480.00. This was based on the creation of 424m² of new gross internal floor space.

That the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of 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 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the 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 as set out in the report and to include an additional condition requiring submission of a waste arrangement scheme.

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

23 P0389.13 - BRIAR SITE 9L- OPEN SPACE ADJACENT TO 28 COLTSFOOT PATH, ROMFORD

The proposal before members was for the construction of a single, detached three bedroom dwelling house sited adjacent to the flank wall of no.28 Coltsfoot Path. The dwelling had a width of 6m and a depth of 10.2m and was set 900mm from the flank wall of the neighbouring dwelling. The dwelling was a two storey building, with a gable ended roof, which rose to a maximum ridge height of 9.1m above ground level. The dwelling would have a private rear amenity area.

With its agreement Councillor Keith Darvill addressed the Committee.

Councillor Darvill re-iterated his concerns regarding parking in the area and in particular the distance the parking spaces were from the proposed dwelling.

During a brief debate members questioned parking provision in the area.

It was **RESOLVED** that:

The development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1,920.00. This was based on the creation of 96m² of new gross internal floor space.

That the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of 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 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate planning obligations monitoring fee prior to the 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 as set out in the report.

The vote for the resolution was carried by 8 votes to nil with two abstentions. Councillors Hawthorn and Durant abstained from voting.

24 **P0381.13 - BRIAR SITE 10M - PARKING COURT AND OPEN SPACE BETWEEN 48 & 50- 68 CHARBURY CRESCENT, ROMFORD**

The report before members detailed an application which would involve alterations to the existing parking area, which would include the removal of existing areas of verge at the site frontage and the extension of parking facilities across the southern end of the site, which was currently an area of open space, it was proposed to construct a terrace of six dwellings, 2 two bedroom and 4 three bedroom.

With its permission Councillor Keith Darvill addressed the Committee.

Councillor Darvill commented that he had concerns regarding the impact on amenity on neighbouring properties particularly those in Charlbury Crescent.

During a brief debate members questioned the provision of amenity space and trees.

Officers confirmed that the proposed development allowed for sufficient amenity space.

Following a motion for refusal which was lost by 4 votes to 6.

It was **RESOLVED** that:

The development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £11,200.00. This was based on the creation of 560m² of new gross internal floor space.

That the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £36,000 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the 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 as set out in the report.

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

25 **P0378.13 - BRIAR SITE 9Q- 118-122 STRAIGHT ROAD, ROMFORD - DEMOLITION OF EXISTING GARAGES AND ERECTION OF THREE STOREY BUILDING PROVIDING 3 FLATS (1 X 1 BED AND 2 X 2 BED); CREATION OF PARKING**

The Committee considered the report, noting that the development attracted a Mayoral CIL contribution of £2,920 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the 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 as set out in the report.

The vote for the resolution to grant planning permission was carried by 8 votes to 1 with 1 abstention. Councillor Durant voted against the resolution to grant planning permission. Councillor McGeary abstained from voting.

26 **P0377.13 - BRIAR SITE 9P - 130-134 STRAIGHT ROAD, ROMFORD - DEMOLITION OF EXISTING GARAGES AND ERECTION OF THREE STOREY BUILDING PROVIDING 6 FLATS (6 X 2 BED); CREATION OF PARKING**

The Committee considered the report, noting that the development was liable for a Mayoral CIL contribution of £7,460 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £36,000 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the 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 as set out in the report.

The vote for the resolution to grant planning permission was carried by 7 votes to 2 with 1 abstention. Councillors Ower and Durant voted against the resolution to grant planning permission. Councillor Hawthorn abstained from voting.

27 **EXCLUSION OF THE PUBLIC**

Following the completion of normal business, the committee decided to exclude the public for the remainder of the meeting on the grounds that it was likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act 1972. It was decided to exclude the public on those grounds, the Committee to **RESOLVED** accordingly on the motion of the Chairman.

28 **CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION**

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 9 February 2013 and 31 May 2013.

The Committee **NOTED** the report and **AGREED** the actions being taken.

Chairman