

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
12 September 2013 (7.30 - 9.00 pm)**

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Roger Evans, Rebecca Bennett and Steven Kelly

Residents' Group Linda Hawthorn and +Brian Eagling

Labour Group Paul McGeary

Independent Residents Group

Apologies were received for the absence of Councillors Ron Ower and Mark Logan.

Substitute members: Councillor Brian Eagling (for Ron Ower)

Councillor Clarence Barrett was also present for parts of the meeting.

27 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.

98 P1510.12 - R/O 57 BROOKDALE AVENUE, UPMINSTER

The report before members detailed an application for the erection of two semi-detached bungalows to the rear of 57 Brookdale Avenue.

Members noted that the application had been called in by Councillor Ron Ower on the grounds of access issues, size of the dwellings and the impact the dwellings would have on existing properties in Brookdale Avenue.

Members were advised that one late letter of representation had been received that claimed the application site was in a state of neglect but was not derelict.

Officers advised of the following amendments to the report:

Page 33 – the description of the proposal should read 2 semi-detached houses, not two detached houses;

Paragraph 2.8 of the report should have read “the proposal would **NOT** result in the removal of trees from within the site”

Paragraph 6.5.7 of the report should be amended to reflect that the fence, referred to therein, was installed by the occupants of number 51 Brookdale Avenue and not the applicant and that the fence is outside the control of the applicant.

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

With its agreement Councillor Clarence Barrett addressed the Committee on behalf of Councillor Ron Ower. Councillor Barrett commented that the application was for the erection of two bungalows in a back garden environment. Councillor Barrett also raised concerns regarding noise levels and disturbance that would be suffered by existing residents during the construction period. Councillor Barrett also highlighted the loss of amenity that residents would suffer from once the proposed dwellings had been built. In summation Councillor Barrett commented that the proposal was an out of place development on a small piece of land that would be of detriment to residential amenity.

During the debate members received clarification on the width of the driveway leading to the proposed properties and the current condition of the site. A member raised safety concerns over the width of the drive way.

In reply to a question officers confirmed that the number of dwellings proposed was well within the Council’s guidelines. A member noted a number of similar development sites that had been granted planning permission within the borough.

Following a motion to refuse the granting of planning permission which was lost by 3 votes to 7.

The committee noted that the proposed development would be liable for a CIL payment of £3,026.32. It was **RESOLVED** that:

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 £12,000 to be used towards infrastructure costs in accordance with the draft 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 3.

Councillors Hawthorn, Eagling and Osborne voted against the resolution to grant planning permission.

99 P0518.13 - 111-115 NORTH STREET ROMFORD

The report before members detailed a proposal for the change of use of an existing office building to a mix of D1 uses, primarily a centre of worship and educational facility. According to the submitted plans, the proposal would include the following elements:

- a) A multi-purpose hall with capacity for 90 people at ground floor level;
- b) Classrooms, break out areas, playroom, therapy room, office and waiting area at first floor level. These aspects of the proposal would relate to a school for autistic children, community education, marriage and educational counselling, and tuition for school age children;
- c) An office, resident pastor's office, library, and two accommodation units each containing living areas and two bedrooms at second floor level for use by the resident pastor and caretaker.

The proposed use would include various weekly clubs, including children's clubs during the school holidays and lunch clubs for the elderly.

The proposal would also include 25 car parking spaces along with a bicycle storage area.

During the debate members queried the age range and care needs of the proposed users as this had not been made clear in the application. A member noted that the application failed to provide evidence supporting the necessity of such a facility.

Members also questioned why there was mention of living areas and bedrooms when there was no apparent need for residential accommodation.

Members also sought to clarify what safeguards were to be put into place to prevent children accessing busy roads surrounding the application site.

Several members queried the lack of information submitted by the applicant in the report.

It was **RESOLVED** that consideration of the report be deferred to allow the applicant to clarify the following points:

- Exactly what education facilities were being proposed?
- What defined age range of children/young people were proposed?
- What was the defined educational need, by whom and why no supporting evidence, eg agencies?
- What was the basis of the autistic education and what safety measures would be in place to safeguard children?
- Confirmation of the teacher/pupil ratios, class sizes and numbers.
- What justification was there for residential on site if not to permit access to others overnight?
- How was "family" defined and what was proposed for "family" use?
- Confirmation as to whether or not parking provision was adequate for the component parts of the use, once clarified.

100 **P0641.13 - COOPERS COMPANY AND COBORN SCHOOL, ST MARY'S LANE, UPMINSTER**

The report before members detailed a proposal to construct a new car park area within the existing grassed area between the school access road and the small piece of land adjacent to the Royal British Legion building to the west of the school site. The parking would provide spaces for 70 vehicles with a drop off point for school/buses and pupils. Low level lighting would also be provided to ensure sufficient lighting levels for pupils and visitors to access their vehicles. The proposed car park would be surrounded by grass and landscaped verges and the whole area would be enclosed by a security weld mesh fence.

During a brief debate members sought clarification as to where the exit of the car park was situated in conjunction with the zebra crossing located outside of the school.

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

101 **P0630.13 - 88 NORTH STREET ROMFORD - CHANGE OF USE OF SHOP FROM A1 USE TO USE FOR THERAPEUTIC MASSAGE (SUI GENERIS)**

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

102 **P0038.13 - 34 MAYGREEN CRESCENT, HORNCHURCH - DEMOLITION OF PRAM SHEDS, EXTERNAL ALTERATIONS, EXTERNAL RAMP AND CONVERSION OF EXISTING BEDSIT TO CREATE ONE 2 BEDROOM FLAT FOR WHEELCHAIR USE**

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

103 **PLANNING CONTRAVENTION - REAR OF 39 COLLIER ROW LANE**

The Committee considered the report and considered it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

1. Cease the use of the single storey building shown crosshatched on the attached plan constructed within the rear garden of the land at 39 Collier Row Lane for mixed martial arts studio/gymnasium purposes.
2. Demolish the single storey building shown crosshatched on the plan within the rear garden of the land at 39 Collier Row Lane.
3. Remove from the land at 39 Collier Row Lane all rubble and waste materials, resulting from compliance with (2) above.

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

104 **P0585.12 - 65 GUBBINS LANE, HAROLD WOOD - SIXTEEN NEW BUILD RESIDENTIAL FLATS AND HOUSES AS 1 BEDROOM, 2 BEDROOM AND 3 BEDROOM UNITS IN TWO BLOCKS FROM 2 TO 4 STOREYS IN HEIGHT WITH CAR PARKING BAYS AND ASSOCIATED COMMUNAL LANDSCAPED AREAS AND PRIVATE GARDENS**

The Committee considered the report and following a motion to refuse planning permission which was lost by 5 votes to 5, with the Chairman exercising his casting vote.

It was **RESOLVED**:

That the Committee noted 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 fee was based on an internal gross floor area of 1238m² and amounted to £24,760.

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 sum of £96,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- The sum of £37,978 towards the costs of affordable housing within the borough, in accordance with Policies DC6 and DC72 of the LDF;
- 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 completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

And that the following covenant be entered into by the owner of the land pursuant to Section 16 General London Council (General Powers) Act 1974:-

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme. For the avoidance of doubt this

covenant will bind successors in title of any owner entering the agreement and any person claiming through or under them.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured by 13th November 2013 thus extending the previous time extension by 2 months, grant planning permission subject to the conditions as set out in the report.

The vote for the resolution was carried by 5 votes to 5 with the Chairman exercising his casting vote.

Councillors Oddy, Tebbutt, Bennett, Evans and Kelly voted for the resolution to grant planning permission.

Councillors Brace, Eagling, Hawthorn, McGeary and Osborne voted against the resolution to grant planning permission.

Chairman