

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
19 December 2013 (7.30 - 11.30 pm)**

Present:

COUNCILLORS: 10

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

Residents' Group Linda Hawthorn and +John Mylod

Labour Group Paul McGeary

Independent Residents Group

Apologies were received for the absence of Councillors Rebbecca Bennett and Ron Ower.

+Substitute members; Councillor Billy Taylor (for Rebbecca Bennett) and Councillor John Mylod (for Ron Ower).

Councillors Roger Ramsey, Paul Rochford, June Alexander, Clarence Barrett, Linda Van den Hende, Keith Darvill, Pat Murray, Lawrence Webb and David Durant were also present for parts of the meeting.

70 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 Barry Tebbutt declared a personal and prejudicial interest in agenda item 11 Planning Application P1367.13 Royal Jubilee Court. Councillor Tebbutt advised that the proposed development site was situated adjacent to a family member's home.

173 **MINUTES**

The minutes of the meetings held on 24 October and 14 November 2013 were agreed as a correct record and signed by the Chairman.

174 **P1122.13 - LAND TO THE REAR OF 51 AND 53 KEATS AVENUE, ROMFORD**

The application before members related to a Council owned area of undeveloped land. The application proposed the erection of one 3 bedroom bungalow.

In accordance with the public speaking arrangements, the Committee was addressed by an objector without a response by the applicant.

The objector advised that neighbours of the development site had purchased their properties because of the privacy of the area and that this would be destroyed by overlooking from the proposed development. The objector also raised concerns regarding the welfare of the horses that were kept in a field at the end of the footpath located on the site.

With its agreement Councillor Keith Darvill addressed the Committee.

Councillor Darvill commented that he was objecting to the proposed development on behalf of the residents of Keats Avenue. Councillor Darvill advised that the development would affect the amenity of the neighbouring properties. Councillor Darvill also commented that the horses' welfare was of importance during the construction phase.

During the debate members clarified that the area was not deemed as a green space but a disused piece of land. Members also sought clarity on various issues including whether the gate to the access would be kept or not and what arrangements would need to be put into place to ensure the welfare of the horses stabled at the rear of the site be maintained.

The Committee noted that the proposed development would be liable for a Mayoral CIL payment of £1,644 and it was **RESOLVED** to delegate to the Head of Regulatory Services PROVIDED THAT it is confirmed that no part of the access forms part of a public right of way (if the access or any part thereof is confirmed a public Right of way the application be advertised in the appropriate manner and remitted following further consultation to the Committee) to approve subject to the prior completion of a legal agreement and 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 (and subsequently on taking transfer of title to the application site from the Council to enter a further Deed under section 106 of the Town and Country Planning Act 1990 confirming that the obligation set out below bind the applicant as transferee/owner of the application site):

- A financial contribution of £6,000 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 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, grant planning permission subject to the conditions set out in the report.

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

Councillor McGeary voted against the resolution to grant planning permission.

175 P1367.13 - ROYAL JUBILEE COURT, MAIN ROAD, ROMFORD

This item was deferred at the request of officers in order for consideration of issues that had been raised in a late letter of representation.

176 P1119.13 - 16 & 18 PROSPECT ROAD, HAROLD WOOD

The report before members concerned an application for the demolition of No's 16 and 18 Prospect Road and the erection of nine new houses and two replacement bungalows with an access road with ancillary car and cycle parking.

Members noted that the application had been called in by Councillors Roger Ramsey and Ron Ower.

Councillor Ramsey had called the application in on the grounds of impact on neighbouring properties and Councillor Ower had called the application in on the grounds of concerns on traffic, the in-fill and its closeness to the Green Belt.

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

The objector commented that the development would have an unacceptable effect on the streetscene and was contrary to Planning Policy DC61. The objector also commented that the proposal was not a sustainable development and would lead to a significant loss of privacy for existing neighbouring properties and asked that the Committee reject the proposal.

Speaking in response the applicant confirmed that the streetscene had been carefully considered and that the proposal was a high quality scheme for much needed housing on an underused site. The objector also confirmed that the only objections on the previously submitted scheme were to do with the streetscene which had now been addressed.

With its agreement Councillors Roger Ramsey and Paul Rochford addressed the Committee.

Councillor Ramsey commented that there had been a substantial number of objections to the proposed development from residents in the area and that most of these related to the loss of privacy to existing properties. Councillor Ramsey also mentioned the original refusal reason and commented that he believed the new proposal had not addressed the streetscene issues.

Councillor Rochford commented that the proposal was an artificial construction and was not acceptable both in terms of the streetscene and its effect on neighbouring properties.

During the debate members discussed the cramped nature of the development and its effect on neighbouring properties. Members also sought clarification of access/egress arrangements and the possible impact extra traffic would have on these.

The report recommended that planning permission be granted, however following a motion to refuse which was carried by 8 votes to 0 with 2 abstentions it was **RESOLVED** that planning permission be refused on the grounds that:

- The proposed development would result in the unbalancing of the of the semi-detached dwellings at no's 14 and 20 Prospect Road resulting in the remainder of the property appearing as a discordant and incongruous feature in the street scene and harmful to local character contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- The access arrangement depends on such an excessively narrow and contrived bungalow indicative of an unacceptably cramped overdevelopment of the site, harmful to local character and amenity.
- In the absence of a planning obligation to secure the infrastructure contribution in accordance with the Planning Obligations Supplementary Planning Document (SPD) that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of the necessary infrastructure costs

arising from the development in accordance with the Planning Obligations SPD.

The vote for the resolution to refuse planning permission was carried by 8 votes to 0 with 2 abstentions.

Councillors Tebbutt and McGeary abstained from voting for the resolution to refuse planning permission.

177 P1110.13 - 24 SEVERN DRIVE UPMINSTER

The proposal before members sought permission for side and rear single storey extensions, a canopy, a garage conversion, external works including two dropped kerb width increases and a change of use from a dwelling (C3) to a day care nursery (D1) entitled Little Explorers Day Care Nursery.

Councillor Gillian Ford requested the application be called in to committee unless it was refused under delegated powers, on the grounds of increased parking pressures with existing traffic problems due to school activity, the estate was designated as residential, increased noise activity and drainage concerns.

Councillor Steven Kelly requested the application be called in to committee if the recommendation was for refusal, on the grounds that the plan fitted in with the Local Development Framework and there were matters of judgement which would be best discussed by members of the Committee.

Councillor Barry Tebbutt requested the application be called in to committee if the recommendation was for refusal, on the grounds that there was not a transfer issue (as identified), the position of the nursery was not of any real concern and there was a need for a facility of this type.

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

The objector referred to the previous refusal and commented that there was nothing in the current application that changed the previous reason for refusal. The objector also commented on the unacceptable levels of noise, disturbance and parking problems that the proposal would create. Further that the applicant could not demonstrate that access to staff car parking had been secured into the future.

Speaking in response the applicant confirmed that the objections raised were not representative of all the local residents many of whom had submitted letters of support towards the scheme. The applicant confirmed that there was a need for the facility in the area and conditions could be agreed to limit the number of children in attendance at the facility.

With its agreement Councillor Clarence Barrett addressed the committee on behalf of Councillor Gillian Ford.

Councillor Barrett commented that there was very little difference between the current application and the previously refused application. Councillor Barrett also commented on the parking provision at the site which was considered inadequate and would lead to congestion both at the front and rear of the application site. Councillor Barrett compared the application to one recently refused elsewhere in the borough and commented that this particular application was in fact worse regarding parking provision.

During the debate members sought clarification on the ownership of the garages situated to the rear of the application site and questioned the suitability of the proposal in the area. Members also sought clarification on the addresses of the letters of support to ascertain whether they were from local residents or residents from outside of the local area.

Officers clarified a number of conditions that could be attached to the scheme if members were minded to approve planning permission.

Following a motion to approve planning permission which was lost by 5 votes to 4 with 1 abstention it was **RESOLVED** that planning permission be refused on the grounds that

The proposal, by reason of noise and disturbance arising from the intensification of the use of the property and its curtilage, would result in unacceptable levels of noise and disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

The proposal, by reason of the extent of parking to the front of the property, would adversely affect the character and appearance of the streetscene, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

The vote for the resolution to refuse planning permission was carried by 5 votes to 4 with 1 abstention.

Councillors Oddy, Evans, Hawthorn, Mylod and Osborne voted for the resolution to refuse planning permission.

Councillors Tebbutt, Kelly, Taylor and McGeary voted against the resolution to refuse planning permission.

Councillor Brace abstained from voting.

178 **P1081.13 - CHANLIN BROXHILL ROAD**

The report before members concerned an application for the retention for an additional five year period of a mobile home for residential use following the expiration of the previous 2010 permission.

Councillor Sandra Binion had called the application in on the grounds of wishing the Committee to hear the special circumstances.

Members were advised that one late letter of representation had been received.

With its agreement Councillor Sandra Binion addressed the Committee.

Councillor Binion advised that the applicants had previously been given incorrect planning advice, despite this the family had settled in the area and received positive local support. Councillor Binion advised that the applicant has successfully applied for a postcode and Council Tax banding for their accommodation. Members noted that the applicant was a full time carer for her mother who suffered from various medical conditions that required round the clock medical assistance. The applicant's daughter was studying at university locally and also lived at the property and assisted in providing medical care for her grandmother. Councillor Binion commented that paragraph 89 of the National Planning Policy Framework referred to "limited infilling in villages" as being appropriate and asked that the Committee consider the special circumstances of the family and grant planning permission.

During the debate members discussed travellers rights contained within the Development Plan Document and sought legal advice as to whether they applied in this instance. Members also received clarification of the Council's Green Belt Policy and the weighing of material planning considerations to determined a reasoned decision. It was further confirmed that the applicants were not under the law gypsies.

Members also discussed the special circumstances that were affecting the family and the financial circumstances that would prohibit the family from moving elsewhere.

The report recommended that planning permission be refused however following a motion to approve planning permission which was carried by 8 votes to 2 it was **RESOLVED** that permanent planning permission be granted and to delegate to the Head of Regulatory Services the precise wording of the appropriate planning conditions. The reason for approval related to no physical harmful impact and in principle Green Belt harm was outweighed by very special circumstances of the family concerning educational, medical and financial need.

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

Councillor Kelly voted against the resolution to grant planning permission.

179 **P0617.13 - DAMYNS HALL AERODROME AVELEY ROAD, UPMINSTER**

The report before members detailed an application that proposed to erect an extension to the administrative/clubhouse building. The extension would be single storey, 4.9 metres wide by 2.5 metres deep with mono-pitch roof from 3 to 3.5 metres high. The plans suggested that the area formed by the extension would provide an enlarged kitchen area.

The application had been called in by Councillor Linda Van den Hende on the grounds that a Planning Inspector had previously upheld an enforcement notice that the café use of the building cease and the extension seemed to be extending this use.

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

Councillor Van den Hende commented that the proposal was an intensification of the Green Belt and there would only be a need for an extension if the café was planning on trading to the general public.

During a brief debate members discussed the previous planning history of the site and the enforcement action that had been taken.

The report recommended planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 8 votes to 2 it was **RESOLVED** that planning permission be refused on the grounds that a further extension intensified activity on the site harmful to the site's impact within the Green belt and to local traffic conditions.

The vote for the resolution to refuse planning permission was carried by 8 votes to 2.

Councillors Tebbutt and Taylor voted against the resolution to refuse the granting of planning permission.

180 **P1123.13 - LAND TO THE SIDE OF 84 DORKING ROAD, ROMFORD**

The application before members related to Council owned undeveloped land. The application proposed the erection of two 1- bedroom chalet bungalows.

With its agreement Councillors Lawrence Webb, Pat Murray and Keith Darvill addressed the Committee.

Councillor Webb commented that the majority of local residents opposed the proposal and that they had previously submitted a petition to the Council making their views known. Councillor Webb also commented that the development site could be at risk from future flooding as it was situated on a major waterway. Councillor Webb also advised that the current resident of

84 Dorking Road maintained an area of landscaping to the side of his property and wished to continue doing so.

Councillor Murray commented that he was speaking for the residents of the area who were having to again defend the use of green spaces in the local area. Councillor Murray commented that the area was well used by local residents as a play area and that new housing developments in the area were eroding any green areas that remained.

Councillor Darvill re-iterated the points made by Councillors Webb and Murray and commented that the Council should be protecting green spaces in the borough.

During a brief debate members received clarification on the siting of windows in the proposed development which were to be facing the proposed parking site and noted that conditions contained in the report could be amended to allow for the provision of low level lighting on the access road.

Members noted that the proposed development would be liable for a Mayoral CIL payment of £1,500 and it was **RESOLVED** that planning permission be delegated to the Head of Regulatory Services to approve subject to the proviso that unless otherwise agreed in writing by the Fire brigade a planning condition requiring a domestic sprinkler system be installed and 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) (and subsequently on taking transfer of title to the application site from the Council to enter a further Deed under section 106 of the Town and Country Planning Act 1990 confirming that the obligation set out below bind the applicant as transferee/owner of the application site), to secure the following:

- A financial contribution of £12,000 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 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, 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 9 votes to 1.

Councillor McGeary voted against the resolution to grant planning permission.

181 **P1136.13 - 104 PETERSFIELD AVENUE, HAROLD HILL- CHANGE OF USE OF THE EXISTING VACANT RETAIL (A1) UNIT TO A HOT FOOD TAKEAWAY (A5) WITH NEW REAR EXTERNAL EXTRACT DUCT**

Members noted that one late letter of representation had been received concerning possible issues of anti-social behaviour, noise and litter nuisances.

Members considered the report, asked for clarification as to whether the application was compliant with retail policy and on receiving confirmation that it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution was carried by 9 votes to 0 with 1 abstention.

Councillor McGeary abstained from voting.

182 **P1133.13 - 108 PETERSFIELD AVENUE, HAROLD HILL - CHANGE OF USE OF THE EXISTING VACANT RETAIL (A1) UNIT TO A HOT FOOD TAKEAWAY (A5) WITH NEW REAR EXTERNAL EXTRACT DUCT**

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

The vote for the resolution was carried by 9 votes to 0 with 1 abstention.

Councillor McGeary abstained from voting.

183 **P1314.13 - BEAM VALLEY COUNTRY PARK, 170M NORTH OF 301 WESTERN AVENUE, DAGENHAM - A NEW BRIDGE OVER THE RIVER BEAM FOR WALKING AND CYCLING**

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

184 **P1175.13 - 59, 61, 63-66, 68 & 70 WARWICK ROAD, RAINHAM**

The planning application before members related to a variation of condition 6 to planning approval P1210.12 involving the replacement of the existing plans with a minor material amendment to the scheme for the demolition of the 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. The planning issues included the principle of development, design and street scene impact, parking and highway matters, amenity issues, trees, sustainability and affordable housing and planning obligations.

Members noted that the application had been called in by Councillor David Durant on the grounds that the application reduced amenity space and appeared to be an overdevelopment of the application site.

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented that the previous planning permission granted was an overdevelopment of the site and that the proposed changes would reduce amenity space even further. Councillor Durant also commented that the development was on a private road that was below adoption standard and although the residents were eager for a change from the previous industrial use they did not wish the area to fall into disrepair.

It was **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 in 18 September 2013 in respect of planning permission P1210.12 by varying the definition of Planning Permission which shall mean either planning permission P1210.13 as originally granted or planning permission P1175.13.

Save for the variation set out above and necessary consequential amendments required by the Assistant Chief Executive Legal and Democratic Services (Acting) the Section 106 agreement dated 18 September 2013 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 18 September 2013 would remain unchanged.

That Staff be authorised that upon the completion of the legal agreement that planning permission be granted subject to the conditions as set out in the report.

- 185 **P1295.13 - HAROLD WOOD HOSPITAL - THE APPROVAL OF SITING, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING (THE RESERVED MATTERS) PURSUANT TO THE OUTLINE PLANNING PERMISSION P0702.08 FOR PHASE 4A OF THE FORMER HAROLD WOOD HOSPITAL, FOR THE DEVELOPMENT OF 55 RESIDENTIAL DWELLINGS, PLUS ASSOCIATED INFRASTRUCTURE, OPEN SPACE AND CAR PARKING.**

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

The vote for the resolution to grant reserved matters permission was carried by 9 votes to 0 with 1 abstention.

Councillor McGeary abstained from voting on the resolution.

- 186 **P1430.13 - 179 CROSS ROAD, ROMFORD - RESIDENTIAL DEVELOPMENT TO PROVIDE FOUR 3-BEDROOM HOUSES. DEMOLITION OF THE EXISTING DWELLING AND GARAGE TO THE FRONT OF THE SITE.**

The Committee considered the report noting that the proposed development attracted a Mayoral CIL payment of £4,720 and without debate **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:

- The sum of £18,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- 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.

That, subject to no new and significant adverse comments being received prior to the expiration of the statutory consultation period, should material considerations be raised which were not considered by members prior to

the expiry of the statutory consultation period the report with the additional material considerations be remitted back to the Regulatory Services Committee for further consideration, officers subject to the foregoing 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 two further conditions:

- Removal of permitted development enabling the installation of any entry gates
- Removal of permitted development for any enlargements and additions.

187 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

Chairman