

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
9 January 2014 (7.30 - 9.45 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Ron Ower and Gillian Ford

Labour Group Paul McGeary

**Independent Residents
Group** David Durant

Apologies were received for the absence of Councillors Jeff Brace and Linda Hawthorn.

+Substitute members Councillor Lesley Kelly (for Jeff Brace) and Councillor Gillian Ford (for Linda Hawthorn)

Councillors Frederick Thompson, Ray Morgon, Keith Darvill and Denis O'Flynn were also present for parts of the meeting.

45 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.

**188 P1054.13 - LAND NORTH OF 8 JACKSON CLOSE, HORNCHURCH -
ERECTION OF SIX DWELLINGS**

The consideration of this planning application was deferred at staff's request to allow an opportunity for the applicant to address Air Quality issues.

189 **P0945.13 - THREE HORSESHOES FARM, NOAK HILL ROAD, ROMFORD**

The planning application before members proposed the demolition of existing stabling, storage, and residential buildings and the erection of five houses, along with landscaping and associated works.

The application was brought before Members on 24 October 2013. Members resolved to defer the application to allow for a committee site visit and for clarification relating to several issues. The applicants had subsequently decided to appeal against non-determination and members were therefore asked to give a determination as to the Council's case at appeal.

Members were advised that the Certificate of Lawfulness reference number referred to on page twenty four of the report should have read E0020.12 and not E0029.12.

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

The objector commented that as no site visit had taken place members could not fully appreciate the affect that the proposed development would have on the local area. The objector commented that the proposed development would: lead to a net loss of open greenbelt; be on a different footprint to the existing building; be significantly higher than the existing buildings. Questions were raised as to whether adequate restrictions could be placed on further development being carried out on the site. The objector also raised issues on intrusive lighting from the new buildings and the new access road.

In response the applicant commented that the report clarified members' previous concerns regarding the proposed development specifically noting that: a large proportion of the site would be returned to open green belt; the applicant had no control over the land surrounding the development site; no animals were kept in the residential units currently on the application site. With its agreement Councillors Denis O'Flynn and Keith Darvill addressed the Committee.

Councillor O'Flynn commented that some local residents were unaware of the existence of the certificates of lawful existing use for the existing buildings on the development site. Councillor O'Flynn also commented that a petition with seventy nine signatures and eleven letters of representation had been submitted to the Council objecting to the proposal. Councillor O'Flynn suggested that the development would harm the outlook of existing properties and the semi-rural nature of the area stating that the application represented a threat to the green belt. Councillor O'Flynn questioned why there was no objection from the Highways Authority despite there being issues relating to a sinking road and the potential for future drainage problems and increased traffic volume in the area.

Councillor Darvill commented that the proposal was an inappropriate development of the site which was an area of special character. Councillor Darvill also commented that the proposal was being built on higher ground than the existing buildings which would lead to intrusive lighting affecting neighbouring properties.

During the debate members discussed the current use of the land and received clarification on the boundary of the site. A Member stated that he had gained admittance to the site and was disappointed that other members had been refused entry. The member also queried the ownership of the land surrounding the site. Members discussed the possible precedent that could be set by building on Green Belt land. Members received clarification on the position of the existing buildings on the site. Members also considered the height, mass and scale of the proposed buildings. Members considered the visual impact of the proposed development on the open nature of the green belt. A member noted that it may have preferable for the proposed dwellings to be built on the same footprint of the existing dwellings on the site.

The report recommended that planning permission be granted however following a motion to refuse planning permission it was **RESOLVED** that the Council object to the non-determination appeal on the grounds of:

Inappropriateness:

The proposed development would, by reason of its height/bulk/massing, be harmful to the openness of the Green Belt and would therefore constitute inappropriate development in the Green Belt. Very special circumstances, that overcome the harm by reason of inappropriateness and other harm, have not been demonstrated in this case. The proposal was therefore considered to be contrary to the guidance contained in the NPPF.

Visual Amenities:

The proposed development, by reason of its height/bulk/massing, would be detrimental to the visual amenities and open character of the Green Belt, and was therefore contrary to Policy DC61 of the LDF and the guidance contained in the NPPF.

Absence of Legal Agreement:

In the absence of a completed legal agreement there would be inadequate provision made for the securing of contributions towards infrastructure costs, contrary to Policy DC72 of the LDF, or the removal of existing structures benefitting from certificates of lawfulness, contrary to Policy DC61 of the LDF and the Green Belt guidance contained in the NPPF.

190 **P1388.13 - LAND AT HAYDOCK CLOSE, HORNCHURCH**

The report before members detailed a proposal for the erection of nine flats which would consist of one 1-bed flat and eight 2-bed flats.

Members were advised that a flood risk assessment had been carried out on the area and that there was a low risk of flooding.

Members were advised of an additional letter of representation objecting to the application due to increased traffic congestion and failure to protect trees.

Members were also advised that condition three of the report should have read four visitor parking spaces and not two as shown in the report.

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

The objector commented that they were speaking on behalf of the residents of Haydock Close and Gatwick Way. The objector commented that there was a lack of parking provision in both roads and that the proposed development would exacerbate the problem. The objector also commented that the emergency access to the site was not sufficient and that there had recently been an incident where an ambulance had not been able to access Gatwick Way.

In response the applicant commented that the application was in accordance with all policy; specifically the parking provision met planning guidelines and there had been no objection from the Highways Authority. The applicant stated there was no evidence of parking problems in the area.

With its agreement Councillor Ray Morgon addressed the Committee.

Councillor Morgon commented that there had been an underestimation of the parking provision and that users of the nearby social hall in Haydock Close often parked in the road when the hall's car park was full.

The committee noted that the proposed development would be liable for a Mayoral CIL contribution of £15,100 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 £54,000 to be used towards infrastructure costs 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.

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 was carried by 8 votes to 2 with 1 abstention.

Councillors Ford and Ower voted against the resolution to grant planning permission.

Councillor Durant abstained from voting.

191 **P1357.13 - FORMER PETROL STATION, ADJACENT TO 2A SUTTONS LANE, HORNCHURCH**

The report before members concerned an application for a mixed use development comprising of a retail store on the ground floor with five flats over the first and second floors. The provision for on-site parking comprised of five car spaces for the flats and eleven car spaces for the retail store. The proposal included the provision of a new service lay-by off Suttons Lane.

Members noted that nine additional letters of representation and a petition had been received.

Members also noted that the application had been called in by Councillor Ray Morgon on the grounds of the impact on parking in the local area, visual and noise impact and delivery arrangements.

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

The objector commented that there were strong local objections to the opening of a new supermarket because it would be detrimental to existing businesses. The objector stated that the proposed use would result in increased traffic and noise and disturbance compared to the previous use. The objector also commented that the report before members had been completed before the close of the public consultation meaning that the report was not accurate.

The applicant commented that the application was policy compliant and catered for local needs. The applicant also confirmed that deliveries to the supermarket would be made by smaller vehicles and not HGVs and that all deliveries would be carried out with respect for neighbouring properties. The applicant also noted the creation of a new vehicle loading bay.

With its agreement Councillor Ray Morgon addressed the Committee.

Councillor Morgon commented that there was some limited support in the local area for the proposed development but that the vast majority of people strongly objected to the proposal. Councillor Morgon also commented that the proposal would result in parking problems in local streets. Councillor Morgan raised safety concerns over the access / egress arrangement to the site, raising concerns over restricted site lines when the loading bay is in use. Councillor Morgon advised that he wished to see a restriction on delivery hours to protect neighbouring resident's amenity.

During the debate members received clarification on the size of the entrance to the site and on boundary treatment. Members also discussed the parking arrangements for the site and the proximity of the site to the neighbouring nursing home. Members also gave consideration to the arrangements for deliveries to the new retail store including size of delivery vehicles and delivery times.

Members noted that the development would be liable for a Mayoral CIL payment of £17,680.08 and **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), and to include revised/additional conditions to:

- Control / limit weight and length of delivery vehicles serving the store to a maximum of 18 tonnes/11m with specific reference made to MOT descriptors.
- Parking management scheme to prevent misuse (including commuters) of shopper parking spaces.
- Scheme to prevent any other use of dedicated residential parking spaces.
- Delivery times 7am to 22.00 Monday to Saturday and 8am to 22.00 Sundays and Public Holidays.

The vote for the resolution was carried by 7 votes to 3 with 1 abstention.

Councillors Tebbutt, Ford and Durant voted against the resolution to grant planning permission.

Councillor McGeary abstained from voting.

192 **P1134.13 - 17 BOXMOOR ROAD - CHANGE OF USE OF THE EXISTING VACANT RETAIL (A1) UNIT TO A HOT FOOD TAKEAWAY (A5) WITH NEW REAR EXTERNAL EXTRACT DUCT**

It was **RESOLVED** that consideration of this application be deferred to allow objectors to have the opportunity to present their representations in light of their late awareness of the proposal.

193 **P0721.13 - HILL VIEW BOWER FARM ROAD, HAVERING-ATTE-BOWER
- REPLACEMENT STABLES WITH TACK ROOM, HAY STORE AND WC**

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

194 **P1095.13 - 89 MAIN ROAD ROMFORD**

The report before members concerned an application for a change of use from Retail (A1) to Hot Food Takeaway (A5) and the installation of extract ducting.

Members noted that an additional letter of representation had been received.

Members noted that Councillor Frederick Thompson had called the application in only if it was not recommended for refusal.

During a brief debate members discussed the local parking provision adjacent to the site and the planning uses of other units in the parade of shops.

It was **RESOLVED** that planning permission be refused for the following reasons;

1. The proposal, by reason of the resultant reduction of the number of units in retail use in the relevant frontage of the core area of the Gidea Park Major Local Centre would, adversely impact on the vitality and viability of the retail function of the Centre as a whole, contrary to Policy DC16 of the Development Control Policies Development Plan Document.
2. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the Development Control Policies Development Plan Document.

195 **P1238.13 - 3 FESTIVAL COTTAGES NORTH ROAD, HAVERING ATTE
BOWER - SINGLE STOREY REAR EXTENSION**

The Committee 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 to grant planning permission was carried by 10 votes to 1.

Councillor Lesley Kelly voted against the resolution to grant planning permission.

196 **P1159.13 - LAND REAR OF 4-12 TANSY CLOSE, 10-50 DEWSBURY ROAD AND 1-9 WOODLANDS HOUSE HAROLD HILL - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 5 NEW DWELLINGS, PRIVATE AMENITY SPACE, PARKING AND AN ACCESS ROAD**

The Committee considered the report noting that the proposed development attracted a Mayoral CIL payment of £5,276.15 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 £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 agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay 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.

197 **P1136.12 - 1A HILLVIEW AVENUE HORNBURCH - SINGLE STOREY HOUSE (OUTLINE APPLICATION)**

The Committee considered the report noting that the proposed development would be liable for a Mayoral CIL payment and that the applicable charge would be calculated at the submission of reserved matters application and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the developer / owner(s) entering into a

Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- Prior to commencement of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, shall remain as clear and unobstructed pedestrian visibility splays for the lifetime of the development. No obstruction above 0.6 meters in height shall be placed within these visibility splays.
- A financial contribution of £6k per dwelling unit towards the infrastructure costs arising from the development would be required at the time of the reserved matter application to fulfil the requirements of 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 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.

198 **P1137.13 - 55 WHITE HART LANE, ROMFORD - CHANGE OF USE OF AN EXISTING VACANT RETAIL (A1) UNIT TO A HOT FOOD TAKEAWAY (A5) WITH NEW REAR EXTRACT DUCT**

The Committee noted 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 8 votes to 0 with 3 abstentions.

Councillors Ford, Ower and Durant abstained from voting.

199 **P1405.13 - CAR PARK, REAR OF TOWN HALL, MAIN ROAD,
ROMFORD - INSTALLATION OF AN EMERGENCY POWER
GENERATOR**

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