

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
8 May 2014 (7.30 - 9.20 pm)**

Present:

COUNCILLORS:	10
Conservative Group	Barry Oddy (in the Chair) Rebecca Bennett, Jeffrey Brace, Roger Evans and Lesley Kelly
Residents' Group	Linda Hawthorn and Ron Ower
Labour Group	Paul McGeary
Independent Residents Group	+Michael Deon Burton
UKIP	Fred Osborne

Apologies were received for the absence of Councillors Barry Tebbutt and David Durant.

+Substitute members: Councillor Michael Deon Burton (for David Durant)

Councillor Barbara Matthews was also present for part of the meeting.

25 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.

289 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Lesley Kelly declared a prejudicial interest in application P1644.11. Councillor Kelly advised that as the Cabinet member for Housing and Public Protection she held a prejudicial interest in the application. Councillor Kelly left the room prior to the discussion of the item and took no part in the voting.

290 MINUTES

The minutes of the meetings held on 3 April and 24 April 2014 were agreed as a correct record and signed by the Chairman.

291 **P0585.13 - ST MARY'S & ST PETERS CHURCH, WENNINGTON ROAD, RAINHAM**

The proposal before Members was to demolish the existing buildings and erect a single-storey building to be used as a church hall with a small stage area, storage space, an office and toilet and kitchen/bar facilities. It was intended that the building would be used to meet the needs of the Church and the local community and it was envisaged that the building would be used for youth clubs, social events, lunches for senior citizens, mother and toddler groups, children's groups including cubs, scouts, girl guides, parties, wedding receptions, art and sport clubs/groups, religious group meetings.

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 had been thirty six letters of objection to the proposal from local residents. The objector also commented that: the existing building could be used as a church hall and that the application represented a modest increase in floor space; there were limitations on access and egress to and from the site. The objector also commented that the proposed floor area, quoted in the report, had been miscalculated and that the proposed building would in fact be 60% larger than the existing building.

In response the applicant commented that the Church had noted the concerns from neighbouring properties and that the proposal had been fully scrutinised by officers who had, following consideration, recommended that planning permission be granted. The applicant also commented that the new hall would be an excellent facility for the community that would be run by the Church. The applicant also confirmed that the proposal was to be funded by a private owner on behalf of the community. The applicant also confirmed that the Church was omitting the bar area from the application proposed.

During the debate Members discussed the current and proposed parking provision at the site raising concerns that the application may provide an insufficient level of parking leading to overspill parking in nearby side roads.

Members also sought clarification on the number of users that the hall could accommodate should planning permission be granted.

Members also considered the effect of increased noise and vehicle movements on the residential amenity of occupiers of neighbouring properties and the possible loss of a tree in the car park that was preserved by means of a Tree Protection Order.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 5 votes to 4 with 1 abstention. It was **RESOLVED** that planning permission be refused on the grounds:

- Harm to immediate neighbours' residential amenity caused by noise and disturbance including external user and vehicular activity plus the impact of functions held within the building and the possible impact on neighbours' reasonable use of their rear gardens.
- Harm to broader residential amenity caused by overspill car parking into Wennington Road because of shortfall of on-site parking in relation to likely hall capacity.
- Green Belt harm due to bulky and intrusive building.
- Loss of Tree Presentation Order.
- Prejudices pedestrian safety due to site access sightline deficiencies.

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

Councillors Hawthorn, Ower, McGeary, Osborne and Burton voted for the resolution to refuse planning permission.

Councillors Oddy, Bennett, Evans and Kelly voted against the resolution to refuse planning permission.

Councillor Brace abstained from voting.

292 **P0256.14 - 57 SUTTONS LANE, HORNBURCH**

The proposal before Members sought permission for the Change of Use from A1 (Retail) to a Mini Cab Office, the applicant stated that the office would open 24 hours 7 days a week for telephone bookings, and a system was to be installed to be operated via the internet, such system would not require the drivers to stay at the premises. It was proposed to open to the public from 7am until 11pm each day. The application site had a yard to the rear of the property which adjoined on to Winifred Avenue where there was dedicated parking space for users of the premises. There would be 2 full-time staff and 3 part-time staff working at the premises.

Members noted that the application had been called in by Councillor Ray Morgan on the grounds of parking, and the potential noise it could have on the neighbouring residential area.

Officers advised that they were seeking two further conditions:

- No drivers calling at the premises between the hours of 23.00 and 07.00 each day

- No washing or servicing of vehicles to take place at the premises

Members were also advised that the term Sui Generis was to be removed from the proposed application.

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

The objector commented that of the 61 neighbouring properties consulted during the public consultation 42 objections had been received. The area lacked sufficient levels of parking and suffered from illegal parking. This resulted in a number of road traffic accidents in the vicinity of the application site. The objector noted that there was an existing children's nursery situated opposite the application site and two schools within a short walk of the site. The objector commented that the proposed change of use would exacerbate existing highways problems and lead to an increase in the levels of noise and litter in the area.

With its agreement Councillor Barbara Matthews addressed the Committee.

Councillor Matthews commented that she agreed with the objectors comments and that the noise of vehicles using the premises would be detrimental to the amenity of the area. Councillor Matthews raised concerns over the access way into the rear yard of the application site which runs adjacent to the flank wall of a neighbouring property. Councillor Matthews commented that the proposed use of the premises would require a minimum of 20 cars to remain viable and was not suitable for the area she asked that Members refuse the proposal.

During the debate members considered other mini cab offices within the Hornchurch area and considered possible conditions that could be applied to the proposal to limit the effect on neighbouring properties. Members also discussed the possible impact that the business operation could have on amenity in the local area.

A member commented that vehicles would be regularly stopping at the premises in order to pick up fares or make use of bathroom facilities. The member suggested that drivers would remain in the vicinity of the premises while waiting for fares. Members noted the effect of noise on the residential amenity of neighbouring properties.

The report recommended that conditional planning permission be granted, however following a motion to refuse it was **RESOLVED** that planning permission be refused on the grounds that:

- The proposed use of the premises would be inappropriate due to its close proximity to residential properties and its position in a predominantly residential side street.

- Harm to residential amenity caused by noise and general disturbance associated with customers attending the premises, including noise and disturbance at anti-social hours.
- Harm to residential amenity caused by the general activity associated with the operation of the mini-cabs in the rear yard, use of the access road and likelihood drivers would use the side residential road, including use at anti-social hours, to park to return takings, use facilities etc with attendant vehicular noise including radios, door slamming etc.
- That the above harmful impacts could not practically be mitigated through the use of planning conditions.

293 **P1053.13 - LAND OFF HARLOW GARDENS, ROMFORD**

The application related to Council owned undeveloped land. The application proposed the erection of three 2 bedroom chalet bungalows and two 2 bedroom bungalows.

Members were advised that a late letter had been received detailing the land levels on the site and raising concerns over overlooking.

Officers also advised that condition 6.9 in the report should be amended to read that two trees were to be removed from the site one of which was the subject of a Tree Preservation Order. Members were informed that, following investigation by the Council's Tree Officer, the TPO tree had been subject to major decay and that its removal was not deemed to be a reason for refusal of the application.

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

The objector commented that the proposed site was the only open green space in the area and was well used. . The objector also commented that no consultation had taken place with local residents regarding the proposed development. The objector also commented that if the development was to proceed then the existing properties would be the subject of overlooking from the new build due to the sloping nature of the land on the site. Concerns were also raised regarding the narrowness of the proposed access road and provision of parking possibly being detrimental to existing residents. The objector also commented on the loss of the protected tree.

The applicant's written response concluded that the scheme was a sensible solution and constituted an acceptable form of development that respected the intrinsic scale of the surrounding area whilst providing much needed housing within the borough.

Following a brief debate during which members raised concerns over the site levels it was **RESOLVED** that consideration of the scheme be deferred to allow Committee members the opportunity to carry out a site visit.

The vote for the resolution to defer the consideration of the proposal was carried by 9 votes to 1.

Councillor Brace voted against the resolution to defer consideration of the proposal.

294 **P1644.11 - ONGAR WAY AND RAINHAM ROAD, SOUTH HORNCHURCH**

The application before Members was for the redevelopment of a site to create 12 units, comprising a mix of one, two, three and four bedroom houses and bungalows. The application site comprised of land in the ownership of the Council.

Officers advised that paragraph 6.3.2 of the report should be amended to read that all units in the proposed development would meet Policy 3.8 of the Mayor's London Plan.

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

The objector raised concerns over the density and quality of the proposed development commenting that the design of the development now proposed departed from a previous design that had been agreed with local residents. The objector raised concerns over the relationship of the development site with an adjacent village green.

In reply the applicant commented that a previous scheme for the site had been approved by the Committee subject to completion of a Section 106 agreement. The applicant commented that the scheme made a number of concessions including the provision of parking for existing residents and lifetime homes and shared ownership possibilities.

During a brief debate members sought clarification on the extent of the existing Village Green and the impact of the proposed development on the Village Green.

The Committee noted that the proposed development attracted a Mayoral CIL contribution of £19,976 and it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the granting of planning permission was carried by 4 votes to 4 with 1 abstention. The Chairman exercised his casting vote for the resolution and planning permission was granted.

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

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

Councillor McGeary abstained from voting.

As mentioned previously in these minutes Councillor Lesley Kelly declared a prejudicial interest in application P1644.11. Councillor Kelly advised that as the Cabinet member for Housing and Public Protection she held a prejudicial interest in the application. Councillor Kelly left the room prior to the discussion of the item and took no part in the voting.

295 **P0888.13 - STONEBRIDGE FARM, WARWICK LANE, RAINHAM - PERMANENT PERMISSION TO RETAIN A MOBILE HOME FOR AGRICULTURAL USE RE P1437.09**

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

The vote for the granting of planning permission was carried by 9 votes to 1.

Councillor Brace voted against the resolution to grant planning permission.

296 **P0778.12 - LAND R/O 411-419 SOUTH END ROAD & 1-17 CORONATION DRIVE, ELM PARK**

The application related to a Council owned garage court. The application proposed the demolition of 15 garages and the erection of five two storey dwellings. The application was submitted in outline form with all matters such as access, appearance, layout and scale to be submitted at a later stage as a reserved matter submission.

The Committee considered the report noting that the proposed development was liable for a Mayoral CIL contribution which would be calculated at the reserve matters stage 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:

- A financial contribution of £30,000 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 as set out in the report.

297 **P1388.13 - LAND AT HAYDOCK CLOSE, HORNCHURCH - ERECTION OF NINE FLATS (ONE 1 BEDROOM AND EIGHT 2 BEDROOM) WITH ASSOCIATED LANDSCAPING AND OFF STREET PARKING**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £15,100 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:

- A financial contribution of £30,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of 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.

298 **P0370.14 - UNITS 4A & 4B MARKET PLACE, ROMFORD - CHANGE OF USE OF UNITS 4A AND 4B (FIRST FLOOR LEVEL) FROM USE CLASS D1/B1 TO RESIDENTIAL UNITS (CLASS C3), INSERTION OF MEZZANINE FLOORS AND EXTERNAL ALTERATIONS AT FIRST FLOOR LEVEL AND GROUND FLOOR ENTRANCE**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £14,180 and without debate **RESOLVED** that the proposal is unacceptable as it stood but would be acceptable subject to:

The applicant entering into a unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and section 16 of the Greater London Council (General Powers) Act 1974, to secure the following:

- A financial contribution of £48,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- 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
- 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 unilateral undertaking to the date of receipt by the Council.
- The Council's reasonable legal fees for preparation, review and completion of the undertaking shall be paid prior to completion of the undertaking
- The Council's planning obligation monitoring fees shall be paid.

That staff be authorised to grant planning permission subject to the prior completion of an effective unilateral undertaking and subject to the conditions as set out in the report.

299 **P0080.14 - HIGHVIEW 2 WARLEY ROAD, UPMINSTER**

The proposal before Members was for the conversion of an existing integral garage into a habitable room, construction of a new detached garage and the provision of a front dormer window with a hipped roof design. In order to reduce the volume of cumulative additions to the property the proposal included the demolition of the existing single storey swimming pool building in the rear garden.

The application was deferred at the Committee meeting on 3rd April 2014 in order for staff to explore scope for a legal agreement. The purpose of the legal agreement would be to require demolition of the swimming pool building and any subsequent buildings built as permitted development prior

to implementation of proposal and the prevention of any further permitted development post implementation.

The report recommended that planning permission be refused, however following a motion to grant planning permission and without further debate it was **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to prior completion of a legal agreement to secure the following:

Prior to the commencement of development pursuant to planning permission (reference P0080.14) (“the Planning Permission”)

- (a) the swimming pool and swimming pool building shall be removed from the land together with all machinery, apparatus, equipment and installations connected with the swimming pool use; and
- (b) the site of the former swimming pool shall be back filled with appropriate topsoil, soft landscaped and returned to garden use within the first planting season following removal of the swimming pool; and
- (c) all development carried out under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (no. 2) (England) Order 2008, (or any order revoking and re-enacting that order with or without modification) (“the GPD Order 1995”) following the resolution to grant Planning Permission shall be removed from the land unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

to the satisfaction of the Local Planning Authority

Following commencement of development pursuant to the Planning Permission all rights under the GPD Order 1995 shall be removed from the land unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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.

and subject to conditions delegated to the Head of Regulatory Services.

The reason for approval was that removal of the existing swimming pool building and control of any further permitted development structures through a legal agreement significantly improved the sites contribution to openness

of the Green Belt and that the garage caused no physical harm to the Green Belt.

Chairman