

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
2 April 2015 (7.30 - 10.30 pm)**

Present:

COUNCILLORS:	11
Conservative Group	Robby Misir (in the Chair) Ray Best (Vice-Chair), Philippa Crowder, Steven Kelly and John Crowder
Residents' Group	Reg Whitney and Nic Dodin
East Havering Residents' Group	Linda Hawthorn and Ron Ower
UKIP Group	David Johnson
Independent Residents Group	Graham Williamson

Apologies were received for the absence of Councillors Michael White, Phil Martin and Stephanie Nunn.

+ Substitute Member: Councillor John Crowder (for Michael White), Councillor David Johnson (for Phil Martin) and Councillor Dodin (for Stephanie Nunn).

Councillors Alex Donald, David Durant, Brian Eagling, Michael Deon-Burton, Robert Benham, Phil Martin, Keith Roberts, Frederick Thompson and Jeffery Tucker were also present for parts of the meeting.

About 40 members of the public were present for parts of the meeting.

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.

231 MINUTES

The minutes of the meetings of the Committee held on 29 January, 19 February and 5 March 2015 were agreed as a correct record and signed by the Chairman subject to an amendment that Councillor Linda Hawthorn declared an interest as a Friend of Upminster Windmill, and not as stated in the minute Old Windmill Hall, at the 5 March 2015 meeting.

232 **P0014.15 - 5 PETERSFIELD CLOSE, ROMFORD**

The report before the Committee sought permission for a first floor side extension over the existing garage and the creation of loft accommodation with a rear dormer window and roof lights. The report detailed that associated works included three roof lights on the front roof slope and a first floor flank window in the side of the extension.

Members were informed of three late letters in support of the development.

Members noted that the application had been called in by Councillor Phil Martin for the Committee to consider. The reasons for the call in were the proposal fitted in with the street scene and replicated the terrace properties of which it was a part, the symmetry of the terrace was preserved and the proposed dormer was behind the house and hidden from the street which preserves the streetscene. No objections had been received from any of the neighbours.

With its agreement Councillor Phil Martin addressed the Committee. Councillor Martin commented that he was in support of the proposal. No objections had been received to the development. The roof line to the end of terrace property had been reduced to preserve a symmetry of the terrace. Councillor Martin also commented that the extension would blend in with the streetscene and that there were many similar properties with dormer windows in the vicinity. Councillor Martin concluded by commenting that the proposal would have a minimum impact in the area would not be intrusive or overbearing on the streetscene.

During a brief debate, the Committee sought clarification on the extent of any overlooking from the rear elevation; whether any objections were received; the retention of a parking provision at the property. The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried, it was **RESOLVED** to grant planning permission subject to conditions covering the following plus any further conditions that the Head of Regulatory Services considered reasonable and appropriate:

Standard Time Limit
Accordance with plans
Materials
Obscure Glazing

The reasons for approval were that the design and bulk of the development would be proportionate to the existing house and would not harm the appearance of the terrace in the streetscene.

233 **P0090.15 - 1 ALBERT ROAD, ROMFORD**

The application before Members sought planning permission for the demolition of an existing two storey commercial building and the

construction of five new two-storey four bedroom dwellings with off street car parking for ten vehicles, landscaping and private amenity space.

One late letter from English Heritage did not raise any issues about the development.

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

The objector commented that he had lived in the area for over twenty years. The objector disagreed that there was sufficient separation between the development and his property. The objector raised concerns about the height of a proposed brick wall which was described as being visually over bearing and unattractive. The objector also commented that the developer had made no attempt to soften the impact of the wall on neighbouring properties. The objector noted that a previous application, with marginally different separation distances, had been refused on the basis of insufficient separation with existing dwellings.

In response the applicant's agent commented that the development removed an industrial type use from the area and replaced it with new dwellings which had adequate separation from neighbouring properties. The speaker stated that the development would not result in a loss of amenity and endorsed the report.

During a brief debate a Member commented that this was a good proposal as it would remove an industrial use from a residential area. Members received clarification from officers that the development included a total of ten car parking spaces.

The Committee noted that the proposed development qualified for a Mayoral CIL contribution of £6,400 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 and paid prior to the commencement of development 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 in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.

- The Developer/Owner to pay the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services 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 Regulatory Services to grant planning permission subject to the conditions as set out in the report.

234 **P0021.15 - 43 GORDON AVENUE, HORNCHURCH**

The application before Members sought planning permission to retain the single storey rear extension which measured approximately five metres deep, 6.4 metres wide with a height of approximately 3.8 metres adjacent to the dwelling with this increasing to approximately 4.05 metres adjacent to the garden due to the substantial drop in ground level. The proposal outlined that steps would be provided from the extension into the rear garden.

The report detailed that the proposed single storey side extension could be completed under permitted development and would measure approximately 2.12 metres wide, 4.2 metres deep and 2.55 metres in height but the applicant had decided to show this element within the proposal due to the amount of interest in the application.

One late letter of representation from a local resident objecting to the proposal was received.

Members noted that the application had been called in by Councillor Jody Ganly on the grounds that the height of the proposed roof blocked out natural light to the neighbouring property and the proposal did not adhere to the original plans.

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 conduct of the applicant stating that the development that had been built was not that which had been shown on the approved plans of the original planning permission. The objector stated that the height of the extension blocked light from the dining room of the neighbouring property. In relation to working hours the objector commented that work had been carried out on the loft extension at 5am.

In response the applicant commented that during inspection, the building inspector had requested a different roof design on the extension. The applicant commented that the objections were more of a neighbour dispute than planning issues.

With its agreement Councillor Jody Ganly addressed the Committee. Councillor Ganly commented that the development had been built in breach of planning regulations. Councillor Ganly stated that the roof had been erected higher than that approved and this had led to unacceptable adverse impact on the amenity of neighbours. Councillor Ganly stated that the increased height had led to a loss of light in the neighbour's dining room. Councillor Ganly commented that the applicant had breached policy DC61 and conditions 2 and 4 of the original planning permission. Councillor Ganly stated that objections to the original planning application had only been withdrawn when the scheme had been revised to take account of neighbours' concerns. But the development was not carried out in accordance with the approved plans.

During the debate Members discussed the design and height of the roof and the hours of working at the site. Members raised concerns over the breach of planning control and the adverse impact of the development on the amenity of neighbours.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds that the design and bulk would harm the rear garden environment and amenity of the neighbouring properties.

The vote for the resolution to refuse planning permission was carried by 7 votes to 4.

Councillors Best, Philipa Crowder, John Crowder and Kelly voted against the resolution to refuse the granting of planning permission

235 **P0082.15 - 23 DORIAN ROAD, HORNCHURCH**

The application before members was for an outbuilding to be used as a playroom/gym at the rear of the garden. The report detailed that the proposed structure measured 9.70m in width, 5.00m in depth with a hipped roof eaves height of 2.50m and ridge height of 3.70m. Two windows and double glazed doors would be included to the front elevation with one small window to the flank.

Members noted that the application had been called in by Councillor Jody Ganly on the grounds that the scale of the outbuilding was too large for a playroom/gym and concerns had been raised relating to the excessive amount of concrete that had been laid within the garden area.

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

The objector raised concerns over the possible commercial use that the development could be put to in the future. The objector raised specific concerns about the hard standing concrete area that had been laid which

could be used in association with the applicant's double glazing business. The objector also objected to the removal of mature trees; the increase in noise and traffic disruptions to the road.

In response the applicant stated that the proposed development was to be used as a playroom and gym. The applicant also commented that the hard standing concrete area at the rear of the garden was to be used to secure his vehicle. The applicant explained that he had no intention of operating a business from this premises.

With its agreement Councillor Jody Ganly addressed the Committee. Councillor Ganly commented that there were concerns about the scale of the outbuilding as it appeared too large for a playroom and gym. Councillor Ganly also commented that a bathroom was to be installed as part of the development. Councillor Ganly commented that residents in Gardner Close were not notified of the application and that the development was in breach of policy DC 61. Councillor Ganly also commented that the development had an overbearing effect on a neighbouring property.

During the debate Members discussed the nature of the development, the extent of the hard standing and the potential for commercial use. Members gave consideration to the need for the self-employed to be able to park a commercial vehicle at a residential property.

The Committee also received clarification on whether a restriction on commercial vehicles could be imposed on the rear garden environment. Members were informed that the hard standing forming a drive way was permitted development and did not require planning permission.

Members had concerns that the rear building may be used for commercial purposes resulting in harm to the amenity of neighbours.

The report recommended that planning permission be granted however it was **RESOLVED** that consideration of the report be deferred to enable officers to:

- clarify with the applicant, the exact intended use for the building and driveway;
- and consider whether a restriction on any commercial vehicle parking/movement anywhere in the rear garden environment would be enforceable.

236 **P0219.15 - 44 BERWICK ROAD, RAINHAM**

The application before Members sought planning permission for the erection of a detached single storey rear outbuilding to form a 'granny annexe' in the rear garden.

The proposed building was intended to be used as annexe living accommodation for the elderly grandparents in association with the main family dwelling at 44 Berwick Road. The development would include an open plan kitchen and living area, double bedroom and en-suite, with the main entrance doorway to the building taken from the rear garden of the existing dwelling.

The application has been called-in by Councillor David Durant on the grounds that a 'granny annexe' would set an over-development precedent in the area.

With its agreement Councillor David Durant addressed the Committee. Councillor Durant commented that the development would be the first of its kind (crossing the back of the garden) in that part of Rainham and could set a precedent for Rainham and the rest of the borough. Councillor Durant commented that the proposal was contrary to policy DC61 and would adversely affect the character and appearance of the rear garden environment. Councillor Durant sought clarification on whether the annex, if approved, would set a precedent.

With its agreement Councillor Jeff Tucker addressed the Committee. Councillor Tucker stated that he was speaking in support of the applicant and the recommendation in the report. Councillor Tucker commented that the proposal did not affect the surrounding area and that no objections had been received to the application. Councillor Tucker added that the application was for use by the applicant's family who had lived in the area for many years

During the debate members sought and received clarification on whether controls could be put in place to regulate the occupancy of the annex. Members were of the view that the application was made in response to a genuine need by the family. Members received advice that an appropriately worded condition, restricting the occupation of the annex to those with a blood link to the occupants of the main dwelling house, could be appropriate in controlling its future use.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and subject to two additional conditions the precise wording of which was delegated to the Head of Regulatory Services concerning:

1. The future occupation of the annex to be restricted to immediate family members (e.g. parents, siblings) of the family occupying the main house at 44 Berwick Road for residential purposes and shall not be occupied by any other persons.
2. That the annex shall not be arranged or disposed of as a separate unit of accommodation from the use of the main dwelling.

237 **P0968.14 - 93 SHEPHERD HILL, HAROLD WOOD**

The planning application before Members sought retrospective consent for the change of use of the rear portion of the garden at 93 Shepherds Hill to a hardstanding car park (permeable surface), which was annexed to the Shepherd & Dog Public House as an overspill car park that comprised of 27 car parking spaces.

Members noted that the application had been called in by Councillor Eagling on the grounds that there was a parking concern for local residents and this overflow car park alleviated heavy parking when it occurred in Shepherds Hill.

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

The objector raised concerns over the nature of the application and its effect on Metropolitan Green Belt. The objector stated that there were no very special circumstances that would alleviate the harm to the green belt. Members were informed that the hardstanding surface caused disturbance from noise and car lights and attracted littering adversely affecting residential amenity. The objector also commented that the hardstanding surface did not have a soak away resulting in localised flooding of neighbouring gardens.

In response the applicant's agent stated that the applicant had put forward substantial very special circumstances justifying development in the Green Belt. The agent stated that the site originally had a concrete surface and that the surface was permeable. The speaker stated the reason for the application was to help alleviate parking issues that existed on busy nights at the Public House.

With its agreement Councillors Alex Donald and Robert Benham addressed the Committee.

Councillor Donald commented that the development had no real impact on neighbouring properties and that there were sufficient very special circumstances to justify approving the application. The Committee was advised that the land was predominantly covered in gravel which was pre-existing. Councillor Donald disagreed that the use was out of character in the rear garden environment stating that the use alleviated parking congestion on the public highway. Councillor Donald was of the view that the use removed cars from the highway into a contained area therefore reducing noise and disturbance to local residents.

Councillor Benham commented that the Shepherd & Dog Public House had been a victim of its own success. Councillor Benham commented that he disagreed with the refusal reasons and was of the view that the benefits of the application would outweigh the potential adverse impact. Councillor Benham stated that there were no parking restrictions in Shepherds hill and

when busy customers of the public house would be forced to park in neighbouring roads causing disturbance. Councillor Benham questioned who the application would adversely affect.

During the debate Members discussed the inappropriate nature of the development in the Green Belt land and whether the applicant had advanced sufficient very special circumstances to outweigh any harm. Members suggested that if the application was granted, parking restrictions should be considered on the road. Members were of the view that the application would improve highway safety and that a precedent for such already existed at Coopers Company & Coborn School. Members also noted that the site was previously used commercially. The committee received confirmation that there had not been any complaint since the site had been in operation as an overflow car park. Members were of the view that there was no material physical harm to the openness of the Green Belt and that the harm caused was outweighed by the removal of parked vehicles from the public highway improving safety and amenity.

The report recommended that planning permission be refused, however following a motion to approve planning it was **RESOLVED** that planning permission be granted subject to a condition requiring that the overspill car parking not to be used except during the licensed hours of the main premises (with the addition of a reasonable period of time for drivers to depart).

The vote for the resolution was carried by 10 votes to 1 against.

Councillor Whitney voted against the resolution.

The reason for approval was that the harm caused to the Green Belt by reason of the inappropriate development, but no material harm to openness, was outweighed by the proposal to reduce parking from the highway during busy periods to benefit safety and amenity.

238 **P1730.14 - 12 CARLTON ROAD, ROMFORD**

The Committee considered the report noting that a late letter objecting to the proposal had been received and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

239 **P0040.15 - 168/170 SOUTH STREET, ROMFORD**

The application before Members was for a change of use of the first floor retail and storage space to form three self-contained apartments. The development would consist of one one-bedroom flat and two two-bedroom flats with additional windows and alterations to the South Street elevation.

The Committee was informed that a prior approval had been granted for the conversion of the second floor of the building in to flats. One late letter was also detailed from the developer responding to the objections in the report.

Members noted that the application had been called in by Councillor Joshua Chapman on the grounds of overdevelopment of the site.

With its agreement Councillor Frederick Thompson spoke on behalf of Councillor Chapman and addressed the Committee. Councillor Thompson raised concerns over overdevelopment of the site and the refuse disposal arrangement not being adequately addressed.

Following clarification on parking issues, it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and delegated to the Head of Regulatory Services to enter into a Section 106 Legal Agreement under 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 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 would be prevented from purchasing parking 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 Agreement to the date of receipt by the Council.
- The Developer/Owner 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 was completed.
- of the Developer/Owner to pay the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

The vote for the resolution was carried by 10 votes to 0 with 1 abstention.

Councillor Best abstained from voting.

240 **P0152.15 - 2 BERTHER ROAD, HORNCHURCH**

The Committee considered the report noting that planning application P1243.12 was withdrawn and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

241 **P0182.15 - 361 LONDON ROAD, ROMFORD**

The planning application before Members proposed a two storey side extension, single storey front, side and rear extensions.

The Committee was informed that there had been two previous applications for this development.

Members noted that the application had been called into the Committee for a decision by Councillor Robert Benham for the reasons stated below:

"That the applicant had contacted him on three occasions to explain that he had a number of concerns with his previous application (P0172.14) and some of the conditions that had been placed upon it, namely multiple roof hips and one metre recess.

While visiting the location the applicant showed Councillor Benham a number of similar properties in the location that did not appear to have the same conditions on their extensions. The applicant commented that the conditions were perhaps unfair and would cost a considerable amount in extra building materials. The applicant had expressed a wish to present his plans to the Committee for them to take his arguments into consideration."

With its agreement Councillor Robert Benham addressed the Committee.

Councillor Benham commented that the main concern was a condition requiring a one metre recess from the front elevation at first floor level that was deemed unnecessary and the implementation of which would be costly for the applicant to incorporate. The Committee was informed that no objection had been received from neighbouring residents and that the application site had an eight feet hedge and fence that in his own view negated the impact of overbearing and did not harm anyone. Councillor Benham informed the committee that there were approximately 12 properties in close proximity to the application site, with similar extensions, where a recess had not been incorporated.

During a brief debate Members sought clarification on why the recess was required. In reply the committee was informed that in Havering, the rule was to apply and have a set back along the front of properties but older properties would not necessarily have such a recess. The committee was informed that this was guidance. The Committee was of the view that the extension would not have an unbalancing effect or cause a terracing effect harmful to streetscene.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried, it was **RESOLVED** to grant planning permission subject to conditions covering the following plus any further conditions that the Head of Regulatory Services considered reasonable and appropriate:

Standard Time Limit
Accordance with plans
Materials

The reason for approval was that the extension would not unbalance the pair of semidetached dwellings or cause a terracing effect harmful to the streetscene.

242 **P1467.14 - 1 FOUR WANTZ COTTAGES, HALL LANE UPMINSTER**

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

243 **P1468.14 - 45-47 WHITE HART LANE ROMFORD**

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

244 **P1589.14 - RISE PARK JUNIOR SCHOOL, ANNAN WAY**

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

245 **P1594.14 - PHASE4B, HAROLD WOOD HOSPITAL, GUBBINS LANE**

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

246 **P1448.14 - DOVETAIL HOUSE, 58-60 STATION ROAD, UPMINSTER**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £4,160 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 £30,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and 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 the Head of Regulatory Services 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 below.

247 **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