

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
5 December 2013 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 10

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

Residents' Group Linda Hawthorn and Clarence Barrett

Labour Group Paul McGeary

Independent Residents Group

UKIP Group Fred Osborne

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

+ Substitute members Councillor Osman Dervish (for Rebbecca Bennett) and Councillor Clarence Barrett (for Ron Ower)

Councillors Lesley Kelly, Eric Munday, June Alexander and Pat Murray were also present for parts of the meeting.

12 members of the public 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.

151 DECLERATIONS OF INTEREST

Councillor Clarence Barrett declared a prejudicial interest in Agenda Item 13 Planning Application P1135.13 – 99 Front Lane, Upminster by way of pre-determination.

Councillor Barrett left the room during the discussion and took no part in the voting.

152 **P0469.13 - LAND AT OAK FARM, MAYLANDS FIELDS ROMFORD**

Officers advised that the application had been withdrawn by the applicant prior to the meeting.

153 **P0151.13 - FORMER COACH DEPOT, REGINALD ROAD HAROLD WOOD**

This report before members concerned an application for the demolition of the existing coach works buildings and the associated bungalow and the erection of nine dwellings in the form of eight houses and one flat over garages. The proposal would also involve the removal of extensive hard landscaping and the creation of an open space and flood alleviation measures adjoining the Ingrebourne River.

Officers advised that the flood risk posed by the development did not meet the sequential test but met the terms of the exceptional test.

Members were advised that a letter of representation had been received from LFCDA requesting that the access road be of a minimum width of 4.7 metres.

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 waste collection and the development of Unit 9 as this unit fell within open Green Belt land and was considered to be out of keeping with the streetscene. The objector suggested that units 1-8 would be consistent with the design of other properties in the area.

Speaking in response the applicant confirmed that the intention of the development was to improve the area through the removal of the coach depot and the return of a significant proportion of the site to open Green Belt land.

During the debate members received clarification on the historic use of the site; the site's proximity to neighbouring properties; provision for refuse storage; and protection of that part of the site to be retained as undeveloped Green Belt land.

Members commented that the current use of the land was not in keeping with the streetscene and felt that the proposed development would improve the site.

Members noted that the proposed development would be liable for a Mayoral CIL payment of £8,960 and it was **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 £48,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums would 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.
- A scheme of management and maintenance of the new open area adjoining the River Ingrebourne in perpetuity
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement was completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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 and to include an additional condition requiring the demolition of the existing coach depot buildings prior to the occupation of Unit number 9.

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

Councillor Barrett abstained from voting.

154 **P1062.13 - SOUTH ESSEX CREMATORIUM**

The planning application before members was for a Council owned site that proposed the erection of an extension to an existing café to provide additional capacity.

With its agreement Councillor Lesley Kelly addressed the Committee.

Councillor Kelly commented that the café was very popular and was well used by visitors to the crematorium. Councillor Kelly also commented that

the proposal was an appropriate development and asked that the Committee grant planning permission for the proposed development.

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

155 **P0988.13 - 3 MOUNTBATTEN HOUSE, ELVET AVENUE**

The application before members sought full planning permission for reconfiguration and refurbishment and creation of a new office involving a change of use from C3 (Residential dwelling) to B1 (Office).

The report was deferred from the Regulatory Services Committee meeting of 14 November 2013 in order to consider the application in greater detail and address the concerns of Members.

Members noted that the application had been called in by Councillor Eric Munday on the grounds that the proposal was contrary to the Council's Housing policy.

Members were presented with a late letter of representation which objected to the application on the grounds that there was a greater need for the property to remain in residential use.

With its agreement Councillors Eric Munday and Lesley Kelly addressed the Committee.

Councillor Munday commented that a similar proposal on the same estate had previously been submitted concerning Victoria House which had subsequently been refused planning permission. Councillor Munday also advised that the DELTA Tenant Management Organisation (TMO) had successfully operated for a period of approximately seven years from a portacabin situated on the estate. Councillor Munday stated that the flat had last been occupied by tenants in December 2007 from when it was used for storage purposes. Councillor Munday questioned the loss of a residential unit and the storage use of the property. Councillor Munday commented that granting planning permission would not stand up to scrutiny and that granting planning permission would also be a breach of the Council's Housing Policy.

In reply Councillor Lesley Kelly commented that the Right to Manage legislation placed an onus on local authorities to provide facilities for TMOs. Councillor Kelly confirmed that investigations had taken place looking into the possibility of replacing the existing portacabin but quotes received had been in the region of £220,000 to £250,000 and it would be preferable to invest this money in new family homes. Councillor Kelly also advised members that it was important for TMO officers to be able to talk to residents from the estate in private surroundings and therefore a new office facility was of great importance.

During the debate members received clarification on other TMO office provision within the borough and the planning history of the portacabin.. Members noted the Council's obligations to provide suitable office space for the TMO. Members noted that the removal of the existing portacabin would remove an eyesore on the estate.

A member questioned whether the provision of office accommodation to the TMO was an exceptional situation to justify the loss of housing.

Following a motion to refuse planning permission which was not seconded it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include a further condition that the new office would not be occupied until and unless a programme for vacation and complete removal of the current portacabin was submitted to and agreed in writing with the Local Planning Authority and that the office approved above should not continue in use unless the above programme for the removal of the portacabin had been implemented as agreed.

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.

156 **P1135.13 - 99 FRONT LANE CRANHAM**

The application before members related to a Council owned premises and proposed the change of use from an existing vacant retail (A1) unit to a hot food takeaway (A5) and the addition of a rear external extract duct.

Members noted that the application had been called in by Councillor Gillian Ford for the following reasons:

- Increased Litter
- Increased parking pressures
- The application would increase the number of takeaways, proportionally at odds with the size of the shopping centre
- Increase in anti-social behaviour
- Increased noise in the neighbourhood.

With its agreement Councillor June Alexander, speaking on behalf of Councillor Ford who was not able to attend the meeting, addressed the Committee.

Councillor Alexander commented that there were already six fast food takeaways in the parade of shops containing the application site and that adding another would be at odds with the rest of the shops. Councillor Alexander also commented that the Council should be encouraging different uses for shopping areas. Councillor Alexander re-iterated Councillor Ford's points regarding noise, litter and anti-social behaviour and also advised that

the glazing supplies business situated in the parade of shops had concerns regarding possible grease build up from the extract duct. Councillor Alexander also made mention of the Council's Health and Wellbeing document and stressed that the Council should be tackling child obesity levels and should not be encouraging takeaways to be opened in close proximity to schools.

During the debate members discussed the importance of filling vacant retail units and the parking provision at the site.

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 8 votes to 0 with 1 abstention.

Councillor Hawthorn abstained from voting.

As mentioned previously in the minutes Councillor Clarence Barrett declared a prejudicial interest in application P1135.13 by way of pre-determination.

Councillor Barrett left the room during the discussion and took no part in the voting.

157 **P1072.13 - TOMKYNS MANOR, TOMKYNS LANE**

The report before members concerned an application for the retention of a building to be used as stables and agricultural storage of hay, straw and machinery and for the retention of an access road.

During a brief debate members received clarification on when enforcement action had been taken with regards to the residential property.

Members noted that the proposed development would be liable for a Mayoral CIL payment of £4,220 and 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 Brace abstained from voting.

158 **P0611.13 - 225 RUSH GREEN ROAD ROMFORD**

The application before members was for the change of use from C3 (Dwelling) to D1 (Day nursery). The nursery would employ 5 full time members of staff at a single time and would cater for up to twenty 3 month - 5 year old children, and offer a breakfast/after school facility for children of 5 years and over, up to 11 years old. The proposed opening hours would be

7.30am to 6.30pm Monday - Friday. The Nursery would be closed on Saturdays, Sundays and Bank Holidays.

Members noted that the application had been called in by Councillor Robert Benham on the grounds of resultant traffic, parking problems and the nature of the proposed use.

With its agreement officers read a prepared statement, from Councillor Benham, to the Committee. In the statement Councillor Benham commented that he had concerns over the changing character of residential roads through the conversion of residential properties into those of a commercial nature. Councillor Benham also commented on the neighbouring property to the application site which was occupied by recently retired couple whose amenity would be affected by the proposal. Councillor Benham also re-iterated his points regarding extra traffic and parking provision and advised that following brief checks other childcare facilities in the area had spaces available.

During the debate members received clarification on the exact location of the site. Members were advised by officers that due to the location of the site should planning permission be granted a separate application for planning permission would also need to be submitted to the London Borough of Barking and Dagenham.

Members also received clarification on the staff to children ratio and of the drop off zone/parking provision at the site.

Members questioned whether the figures for the number of staff and children attending the facility could be accurate as it was not clear how many children would attend. Members noted that the more children attending the facility would lead to a consequential increase in staffing numbers and any increase in staff may have an adverse effect on parking in the area. Members also noted the potential effect to the residential amenity of neighboring occupiers through noise disturbance and over development of the site. Members also questioned the workability of the parking arrangements on the site.

The report recommended that planning permission be granted however, following a motion to refuse planning permission which was carried by 9 votes to 1 it was **RESOLVED** that planning permission be refused on the grounds of:

- Loss of a residential unit;
- Inadequate parking and drop off facilities likely to adversely affect the adjoining highways both in terms of safety and amenity;
- Excessive mass/bulk and overbearing impact of the extended building within the streetscene;
- Excessive levels of activity on a limited size site causing noise and disturbance to the locality through intensive use;

- Noise and disturbance to shared semi-detached neighbour

Both the vote for the motion and resolution to refuse planning permission were carried by 9 votes to 1.

Councillor McGeary voted against the motion and resolution to refuse planning permission.

159 **P1152.13 - 67 CORBETS TEY ROAD, UPMINSTER**

The planning application before members proposed the demolition of an existing building and its replacement with a 2-3 storey terrace of 7 flats and 2 houses, including private and shared amenity spaces, car parking spaces, refuse and recycling storage, and bicycle storage.

During the debate members received clarification on the possible provision of a sprinkler system and to the access/egress arrangements for the site.

Members also sought clarification on the possible safety measures that would be implemented at the entrance to the site.

Members noted that the proposed development would be liable for a Mayoral CIL payment of £16,650 and it was **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 £54,000 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 completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured within 2 months of the committee date, grant planning permission subject to the conditions as set out in the report and to add two further conditions covering a fire sprinkler system and a traffic management scheme covering the use of the access between the site and Corbets Tey Road.

The vote for the resolution to grant planning permission was carried by 6 votes to 4.

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

160 **P1014.13 - HAROLD WOOD PARK PAVILLION, HAROLD VIEW**

The application before members related to a Council owned site that sought planning permission for a shed and change of use of the sports pavilion to a mixed D1/D2 use (including a pre-school nursery).

During a brief debate members received clarification that the existing use of the facility would be continued in line with the proposed activity.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional condition that was to be carried forward from the existing pavilion planning permission that:

“With the exception of 12 social functions per annum the premises should not be used for the purposes permitted above other than between the hours of 8.00am and 9.30pm Mondays to Sundays unless otherwise agreed in writing by the Local Planning Authority for the reason of the residential amenity of the adjoining residents”.

161 **P1061.13 - SITE AT RONEO CORNER, JUNCTION OF ROM VALLEY WAY AND RUSH GREEN ROAD - VARIATION OF CONDITIONS 3,4,6,9,14,17,19, 21,22 AND 23 OF P1918.11 IN ORDER TO ALLOW FOR PHASING OF DEVELOPMENT**

The Committee considered the report and without debate **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 on 30 March 2012 (the original agreement) in respect of planning permission P1918.11 by varying the definition of Proposed Development in Recital E, Planning Application and Planning Permission in Clause 1 of the original agreement which would mean either Proposed Development planning permission P1918.11 as originally granted or planning permission P1061.13.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 30 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 30 March 2012 would remain unchanged.

The applicant would also be required to pay the Council's reasonable legal costs in association with the preparation of a Deed of Variation, prior to completion of the deed, irrespective of whether the deed was completed.

That staff be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the conditions as set out in the report.

162 **P0203.13 - THE ALBANY COLLEGE, BROADSTONE ROAD**

The application before members sought planning permission for a new build for a children's day nursery, new access road and secure outside play area with canopy.

The proposed vehicular access to the nursery comprised of Council owned land being grass verge on a piece of land adjoining the eastern side corner of Hartland Road and Broadstone Road, which ran to the north of adjoining properties 36-42 Hartland Road, and to the south of property 55 Broadstone Road. The planning merits of the application were to be considered separately from the land interest.

The application was reported back to the committee following deferral from the 14 November 2013 meeting.

During a brief debate members received clarification on the number of children that would be attending the nursery and the parking arrangements on site.

Officers also advised members that the reason for the application was due to the re-location of the nursery from the former Dukes Hall site. Members raised concerns relating to parking congestion and the effect on the amenity of occupiers of neighbouring properties.

The report recommended that planning permission be granted however, following a motion to refuse which was carried on the Chairman's casting vote it was **RESOLVED** that planning permission be refused on the grounds that the application was:

- An overdevelopment of the school site
- Noise and disturbance to neighbouring rear garden environments
- Possible harm to residential amenity from vehicular parking/traffic and activity in adjoining roads

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

Councillors Hawthorn, Barrett and McGeary voted against the resolution to refuse planning permission.

163 **P1250.13 - CORBETS TEY SCHOOL - TWO STOREY FLAT ROOF EXTENSION WITH ADJOINING SINGLE STOREY FLAT ROOF EXTENSION AND A MONO PITCH GLASS ROOF PORCH ENTRANCE FACING THE SWIMMING POOL BUILDING**

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

164 **P1215.13 - TOWERS JUNIOR SCHOOL - ERECTION OF AN EXTENSION TO THE EXISTING JUNIOR SCHOOL BUILDING TO INCREASE THE CAPACITY OF THE SCHOOL FROM 2 FORM ENTRY TO 3 FORM ENTRY. DEMOLITION OF EXISTING SCHOOL CARETAKER'S HOUSE, ERECTION OF TIMBER DECKING, RECONFIGURATION OF CAR PARKING SPACES, AND NEW LANDSCAPING WORKS**

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

165 **STOPPING UP ORDER - THE ARCADE HAROLD HILL - APPLICATION FOR THE STOPPING UP (UNDER SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990) OF HIGHWAY AT THE ARCADE, HAROLD HILL BETWEEN EAST DENE DRIVE AND FARNHAM ROAD SHOWN ZEBRA HATCHED ON THE PLAN**

The Committee considered the report and without debate **RESOLVED** that subject to the payment of the disbursements costs pursuant to advertising notices that:-

- The Council made a Stopping Up Order to stop up highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of Public Footpath Number 40 (highway) zebra hatched black on the plan ("the Public Footpath Stopping Up Plan") as the land was required to enable development for which the Council had granted planning permission under planning reference P0875.13 to be carried out to completion.
- In the event that no relevant objections were made to the proposal or that any relevant objections that were made are withdrawn then the Order be confirmed without further reference to the Committee.
- In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for

London to determine whether or not the Council could proceed to confirm the Order.

- In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

166 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

The Committee considered a report that updated Members on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation. This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2013.

The Committee **NOTED** the report and the information contained therein.

167 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC ENQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 27 July 2013 and 1 November 2013.

The report detailed that 29 new appeals had been received since the last meeting of the Monitoring Committee in September 2013.

The Committee **NOTED** the report and the results of the appeal decisions received.

168 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in September 2013.

Schedule A showed notices currently with the Secretary of State for the Environment (the Planning Inspectorate being the executive agency) awaiting appeal determination.

Schedule B showed current notices outstanding, awaiting service, compliance, etc. with up-dated information from staff on particular notices.

The Committee **NOTED** the information in the report.

169 **PROSECUTIONS UPDATE**

The report updated the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service.

The Committee **NOTED** the report.

170 **EXCLUSION OF THE PUBLIC**

Following the completion of normal business, the committee decided to exclude the public for the remainder of the meeting on the grounds that it was likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act 1972. It was decided to exclude the public on those grounds, the Committee **RESOLVED** accordingly on the motion of the Chairman.

171 **CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION**

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 27 July 2013 and 1 November 2013.

The Committee **NOTED** the report and **AGREED** the actions being taken.

Chairman