

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
30 January 2014 (7.30 - 9.25 pm)**

Present:

COUNCILLORS: 9

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Rebecca Bennett, Jeffrey Brace, Wendy Brice-
Thompson and Robby Misir

Residents' Group Linda Hawthorn and Ron Ower

Labour Group

**Independent Residents
Group**

Apologies were received for the absence of Councillors Paul McGeary and David Durant.

+Substitute members Councillor Wendy Brice-Thompson (for Roger Evans) and Councillor Robby Misir for (for Steven Kelly)

Councillor Michael Armstrong was also present for part 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.

200 DECLARATIONS OF PECUNIARY INTEREST

Councillor Barry Tebbutt declared a personal and prejudicial interest in item P1367.13. Councillor Tebbutt advised that a family member lived adjacent to the application site. Councillor Tebbutt left the room during consideration of the item and took no part in the voting.

201 **MINUTES**

The minutes of the meeting held on 5 December 2013 were agreed as a correct record and signed by the Chairman.

202 **P1053.13 - LAND OFF HARLOW GARDENS ROMFORD - THE ERECTION OF FIVE 2-BEDROOM CHALET BUNGALOWS**

This item was deferred at the request of staff to address issues relating to trees on the site.

203 **P1430.13 - 179 CROSS ROAD ROMFORD**

The application before members proposed the demolition of an existing dwelling and the erection of a two storey terrace of four houses, on land to the rear of 179 Cross Road, Romford. The proposal would include a parking area, private and communal amenity spaces, cycle storage and bin refuse/recycling storage.

The application was brought before Members on the 19 December, 2013. Members resolved to approve the application subject to conditions, the completion of a legal agreement, and no further material planning considerations being raised prior to the expiration of the statutory consultation period. Objections had been received from neighbouring occupiers since the last committee meeting, some of which raised material considerations that were not addressed in the last committee report.

Officers advised that they were now seeking a further condition to ensure that the dwellings were Lifetime Homes compliant.

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

The objector commented that the proposal would be detrimental to the amenity of the existing surrounding properties and was contrary to the area's Special Design Policy. The objector also raised issues regarding noise intrusion, pressures on local parking provision and the possibility of flooding from the River Rom.

In reply the applicant commented that the application had been completely re-designed to address the concerns raised by the Council's planners. The applicant confirmed that no objections had been raised by the Environment Agency or the Highways Authority and that the development's scale and bulk were not out of character with the streetscene.

Following a brief debate the Committee noted that the proposal would be liable for a Mayoral CIL payment of £11,800 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:

- The sum of £30,000 towards the costs of infrastructure associated with the development to be paid prior to commencement of the development in accordance with the draft Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That 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.

In the event that the Section 106 agreement was not signed and completed by the 30 March, 2014, that planning permission be refused on the grounds that the proposal did not make adequate arrangements for the provision for meeting the necessary infrastructure costs arising from the development.

The vote for the resolution to grant planning permission was carried by 7 votes to 2.

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

204 P1134.13 - 17 BOXMOOR ROAD ROMFORD

The application before members was for the change of use of a vacant A1 (Retail) premises to A5 (Takeaway) and involved the installation of an extract duct to the rear of the property.

The application was brought to committee as the proposal related to a council owned site. The application was deferred at the committee meeting on 9 January 2014, to enable objectors to have the opportunity to present their case in light of their late awareness of the proposal.

Members noted that eleven late letters of representation had been received detailing objections to the proposal mainly regarding noise and litter nuisances.

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

The objector commented that there were over twenty nearby takeaway premises in the area. The objector also commented that all the other shops in the parade were closed by 19.00 hours and that having a takeaway in the parade would increase litter nuisances and Anti-Social behaviour.

During the debate members received clarification of refuse storage arrangements and the length of time the premises had been vacant.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 6 votes to 3 it was **RESOLVED** that planning permission be refused on the grounds of harmful levels of noise and general disturbance detrimental to residential amenity, harmful impact of rear flue on living conditions of the residents in the flats above and that the impact of use of a rear flue would be detrimental to the enjoyment of the amenity space to the rear.

The vote for the resolution to refuse the granting of planning permission was carried by 8 votes to 1.

Councillor Brace voted against the resolution to refuse planning permission.

205 **P1367.13 - ROYAL JUBILEE COURT MAIN ROAD ROMFORD - CONSTRUCTION OF A NEW 3.7M WIDE ACCESS ROAD OFF MAIN ROAD**

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

As mentioned previously in the minutes Councillor Barry Tebbutt declared a personal and prejudicial interest in item P1367.13. Councillor Tebbutt advised that a family member lived adjacent to the application site. Councillor Tebbutt left the room during consideration of the item and took no part in the voting.

206 **P1268.13 - BUDDHA LOUNGE, ROMFORD**

The proposal before members was for planning permission to extend the hours of use from those approved in 2011, which was itself a variation of the hours of use condition attached in 1996 (planning approval P0823.96). The hours approved in 1996 for the night club were between 9am and 11pm

every day (Condition 2). In 2006, an application sought the extension of those hours delaying morning opening until 11am but varying closing time to between 3am and 5am the following day. This was granted temporary consent for two years. The proposal was to retain the hours approved in 2011 until 1st October 2020, except on Fridays when it was proposed to change the closing time from 4am to 3.30am on Saturday mornings.

The applicant was advised, by officers, that the proposal to keep the extended hours for a further 6 - 7 years would be likely to be unacceptable. In response, the applicant had offered to enter into a legal agreement that in return for granting the extended hours to the expiry of their current lease term they would not seek lease renewal thereby closing the Club at the end of the current lease on 1 October 2020. Unless the Council should subsequently grant planning permission to extend the hours, the applicant had asserted that this offer would effectively preclude the continued operation of the premises as a nightclub, given the reduced opening hours.

During the debate members sought clarification from the Legal Officer as to the Committee's options regarding granting of the planning permission.

The legal officer advised that the offer not to renew the lease carried no material planning weight. The lease was not a contracted out lease under the Landlord and Tenant Act 1954 Part II and a planning obligation would not be effective in restricting the statutory rights to renew. The owners would if they sought to discontinue the current use offer to co-operate with the Council and not oppose a Discontinuance Order and agree not to seek compensation. As no such offer had been made no weight could be accorded to the proposed Section 106 proposed by the applicants.

The report recommended temporary planning permission be granted until 10 December 2018 however following a motion to approve the granting of temporary planning permission until 30 September 2020 which was carried by 6 votes to 0 with three abstentions. It was **RESOLVED** that temporary planning permission be granted until 30 September 2020 subject to the conditions as set out in the report.

The vote for the resolution to grant temporary planning permission was carried by 7 votes to 0 with 2 abstentions.

Councillors Bennett and Brice-Thompson abstained from voting.

207 **P1270.13 - BUDDHA LOUNGE, ROMFORD**

The proposal before members was for the extension of the temporary period approved in 2011 and was for the retention of the smokers roof terrace, landscaping and surrounding fencing and for the hours of use of the smokers area to match those being sought for the night club itself, until 1 October 2020. The existing approval P1816.11 allowed the smokers roof

terrace to be used until 7 June 2017, in three and a half years time. Nonetheless the applicant was concurrently seeking a temporary hours of use extension for the whole building until 2020 (P1268.13) and was looking to have the two tied together for the next 7 years. The applicant had indicated that this was to provide a period of stability so that investment in other works could be undertaken, for example new enclosed fire escape stairs which would provide access to the smokers roof terrace (which would be subject of a separate planning application if the time extension was granted).

The applicant had been advised that the proposal to keep the extended hours for a further 6 - 7 years would be likely to be unacceptable. In response, the applicant had offered to enter into a legal agreement that they would return to the hours originally granted in 1996 from 30 September 2020, prior to closing the Club at the end of the current lease on 1 October 2020. Unless the Council should subsequently grant planning permission to extend the hours, the applicant had asserted that this offer would effectively preclude the continued operation of the premises as a nightclub, given the reduced opening hours.

The report recommended that temporary planning permission be granted until 10 December 2018, however following a motion to grant temporary planning permission until 30 September 2020 which was carried by 7 votes to 0 with 2 abstentions it was **RESOLVED** that temporary planning permission be granted until 30 September 2020 subject to the conditions as set out in the report.

The vote for the resolution to grant temporary planning permission was carried by 7 votes to 0 with 2 abstentions.

Councillors Bennett and Brice-Thompson abstained from voting.

- 208 **P1331.13 - QUEEN'S HOSPITAL, ROM VALLEY WAY, ROMFORD - PROPOSED ALTERATIONS AND EXTENSION TO EXISTING MULTI STOREY CAR PARK TO PROVIDE UP TO 256 ADDITIONAL CAR PARKING SPACES TO SERVE QUEENS HOSPITAL, ROMFORD, TOGETHER WITH REVISED ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.**

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

- 209 **P1415.13 - 134 UPMINSTER ROAD, HORNCHURCH - CHANGE OF USE FROM A1 (RETAIL) TO A5 (TAKEAWAY) USE CLASS TOGETHER WITH THE INSTALLATION OF AN EXTRACT DUCT AT THE REAR**

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

report and to amend condition eight to read 22.00 hours as opposed to 20.00 hours as shown in the report.

210 **P1290.13 - THE SQUIRRELS PUBLIC HOUSE 420 BRENTWOOD ROAD ROMFORD**

The planning application before members related to the demolition of The Squirrels Public House and the construction of seven 4-bedroom dwellings and two 2-bedroom flats.

Following a brief debate where members obtained clarification of the access/egress points of the proposed development it was noted that the development would be liable for a Mayoral CIL payment of £20,520 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 and paid prior to the commencement of the 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 associated with the preparation of 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 that upon the completion of the legal agreement that planning permission be granted subject to the conditions as set out in the report.

211 **P1330.13 - 13 BURNTWOOD AVENUE EMERSON PARK HORNCHURCH**

The report before members concerned an outline planning application for the demolition of the existing care home and the erection of four new dwellings and an access road.

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

Councillor Ramsey requested that the application be called in to committee, on the grounds of its impact on surrounding properties and density. Councillor Ower requested the application be called in to committee, on the grounds of traffic implications and the local Emerson Park Special Planning Policy.

During the debate members received clarification regarding boundary distances and the retention of mature trees on the development site.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 7 votes to 2.

It was **RESOLVED** that planning permission be refused on the grounds of overdevelopment contrary to the Emerson Park Special Planning Policy, layout and impact harmful to character and appearance of Emerson Park, harmful impact on the outlook of the neighbouring property and the consequent failure to secure an infrastructure tariff.

The vote for the resolution to refuse planning permission was carried by 7 votes to 2.

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

- 212 **P1493.13 - SCARGILL INFANT AND JUNIOR SCHOOL MUNGO PARK ROAD SOUTH HORNCHURCH - CONSTRUCTION OF A SINGLE STOREY, FLAT ROOFED, TWO CLASSROOM EXTENSION TO THE JUNIOR BLOCK AND A STAND-ALONE SINGLE STOREY, FLAT ROOFED SINGLE CLASSROOM TO THE INFANT SIDE AT SCARGILL INFANT AND JUNIOR SCHOOL**

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

- 213 **P1380.13 - 6 HACTON PARADE HORNCHURCH - CHANGE OF USE FROM RETAIL (A1) TO TAKE AWAY (A5) AND INSTALLATION OF EXTRACTION FLUE SYSTEM TO REAR SIDE OF 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.

- 214 **P1321.13 - 27 HORNFIELD WAY ROMFORD - DEMOLITION OF EXISTING BUNGALOW AND GARAGE AND REPLACE WITH ONE DETACHED 2 STOREY 3-BEDROOM HOUSE WITH ROOF ACCOMMODATION AND TWO 2-STOREY 3-BEDROOM SEMI-DETACHED HOUSES WITH ROOF ACCOMMODATION INCLUDING A NEW VEHICULAR ACCESS TO HIGHWAY AND ANCILLARY PARKING SPACES**

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

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

The Committee considered the report noting that the proposed development would be liable for a Mayoral CIL payment 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.

216 **AVELEY MARSHES - ALLEGED BREACH OF PLANNING CONTROLS**

The Committee considered the report and without debate **RESOLVED** it expedient to issue Enforcement Notices on the owners / occupiers of the property requiring, within 3 months, that:

- (i) Cease the use of the land as a scaffolding yard and for the storage of scaffolding equipment, the storage of crane parts, the storage of scrapped HGV's and HGV bodies, the storage of containers, the storage of plant and equipment, parking and storage of vehicles
- (ii) Cease the use of the land for the storage of agricultural equipment not associated with the agricultural holding
- (iii). Remove all plant & machinery, building materials, associated spoils and rubble brought onto the land in connection with the unauthorised use mentioned above

That power to issue enforcement notice(s) against the owners / occupiers of the property including the precise wording of the breach, reasons for service and requirements is delegated to the Head of Regulatory Services, in consultation with the Assistant Chief Executive.

In the event of non-compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

Chairman