

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
6 March 2014 (7.30 - 9.15 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Rebecca Bennett, Jeffrey Brace, Lesley Kelly, Robby Misir and Eric Munday

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group David Durant

UKIP Group Fred Osborne

Apologies were received for the absence of Councillors Barry Tebbutt and Roger Evans.

+Substitute members Councillor Eric Munday (for Barry Tebbutt) and Councillor Robby Misir (for Roger Evans).

Councillors Ted Eden, Billy Taylor and Linda Van den Hende were also present for parts of the meeting.

5 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.

228 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Linda Hawthorn declared a prejudicial interest in item L0010.13. Councillor Hawthorn advised that she was the Secretary of the Friends of Parklands Park and had previously expressed a view on the proposed development. Councillor Hawthorn left the room prior to the discussion of the item and took no part in the voting.

229 **MINUTES**

The minutes of the meeting held on 9 January 2014 were agreed as a correct record and with the following amendment signed by the Chairman.

Councillor Fred Osborne to be shown as in attendance.

230 **P1524.13 - R/O 38 CORBETS TEY ROAD UPMINSTER**

The report before members detailed an application for the proposed development of a pair of semi-detached dwellings and associated landscaping and car parking.

Members noted that the application had been called in by Councillor Linda Van den Hende on the grounds of overdevelopment, concerns in regards to access and parking and the effects it had on residents of Stewart Avenue.

With its agreement Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that the proposal was an overdevelopment and that the required parking provision for such a development had not been met.

During the debate members received clarification on the number of letters of objection and whether a second parking space could be provided for the second property. Officers confirmed that a street tree prevented the provision of a dropped kerb that would allow extra parking to the site.

Following a motion to refuse planning permission which was lost by 3 votes to 6 with 2 abstentions the Committee noted that the proposed development would be liable for a Mayoral CIL contribution of £3060 and **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 £6k per dwelling unit, £12,000 in total, towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

The vote for resolution to grant planning permission was carried by 6 votes to 3 with 2 abstentions.

Councillors Oddy, brace, Munday, Misir, Kelly and Osborne voted for the resolution to grant planning permission.

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

Councillors Bennett and McGeary abstained from voting.

231 P1463.13 - CHANGE OF USE TO D2 GYM WITH ASSOCIATED INTERNAL ALTERATIONS

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

232 P1490.13 - ERECTION OF A TWO-STOREY EXTENSION ADJACENT TO THE EXISTING DRURY FALLS WING CONSISTING OF 9 CLASSROOMS, OFFICE, STAFF ROOM AND TOILET FACILITY.

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

233 P1563.13 - 50 MARLBOROUGH ROAD ROMFORD - SINGLE/TWO STOREY SIDE EXTENSION (GRANNY ANNEXE)

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

234 **P0024.13 - 134 DAVENTRY ROAD HAROLD HILL - TWO STOREY SIDE EXTENSION INCLUDING RE-LOCATION OF FRONT DOOR FROM SIDE TO FRONT OF PROPERTY**

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

235 **P1474.13 - WHITE BUNGALOW, SOUTHEND ARTERIAL ROAD**

The application before members sought planning permission for the demolition of an existing bungalow and the erection of one single storey dwelling. The application was brought before the Committee as the applicant was a Councillor.

Members were advised that a late letter of representation had been received from the LFCDA requiring the installation of a domestic sprinkler system.

During the debate members discussed the current dilapidated building that was situated on the site and received clarification from officers as to whether the outbuildings on the site were to be demolished.

Members also discussed the size of the proposed development which was disproportionate in size compared to the existing dwelling and the dwelling approved under application P1079.11.

Several members commented that the proposal would improve the streetscene of the area and was of sufficient distance from the adjacent road to be an overdevelopment of the site.

Mention was also made of the 50% rule in Policy DC45 and it was suggested that perhaps the policy was in need of updating to take into account a decent standard of conventional modern family occupation.

Members received clarification from the Legal Adviser that the proposed development would by virtue of its large footprint and resultant impact on the open nature and character of the Green Belt constitute inappropriate development in the Green Belt. The Legal advisor advised on the application of Policy DC45 in the Development Plan and the relevant paragraphs of the NPPF. Reference was made to the constitutional guidance on applications contrary to the development plan which are subject to motions against the recommendation of officers. It was stressed that the constitutional provisions were in the form of guidance.

The Legal Adviser also confirmed that it was for the applicant to demonstrate a high level of very special circumstances that would outweigh the harm to the open character and appearance of the Green Belt.

The report recommended that planning permission be refused, however following a motion to approve on the following grounds:

- Resultant building was not a disproportionate increase in comparison with extant approval.
- The building reflected the size necessary to achieve a decent standard of conventional modern family occupation.
- The proposal significantly enhanced the site's impact in streetscene, a main thoroughfare into the Borough.
- Due to topography the proposal had limited impact on visual amenity and character.
- The proposed development could be further screened by imposition of a Landscaping condition.

Members noted that the proposal would be liable for a Mayoral CIL payment of £3,220 and **RESOLVED** that it be delegated to the Head of Regulatory Services to grant planning permission contrary to recommendation subject to prior completion of a legal agreement to revoke without compensation the previous permission, payment of the Council's Legal fees for the agreement and Planning Obligation Monitoring Fee and subject to conditions based on those same as the previous permission and any other conditions considered necessary by Head of Regulatory Services including requirement for a domestic sprinkler system.

The vote for the resolution to delegate the granting of planning permission to the Head of Regulatory services subject to the foregoing was carried by 8 votes to 2 with 1 abstention.

Councillors Oddy, Bennett, Brace, Misir, Munday, Hawthorn, Ower and Osborne voted for the resolution to delegate the granting of planning permission.

Councillors McGeary and Durant voted against the resolution to delegate the granting of planning permission.

Councillor Kelly abstained from voting.

236 **L0010.13 - PARKLANDS BRIDGE, PARKLANDS PARK, CORBETS TEY ROAD, UPMINSTER - LISTED BUILDING CONSENT FOR THE REPAIR AND RESTORATION OF THE GRADE II LISTED BRIDGE**

The Committee considered the report and without debate **RESOLVED** that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and

Reason for Approval contained within the report be considered in respect of such consent:

As mentioned previously in these minutes Councillor Linda Hawthorn declared a prejudicial interest in item L0010.13. Councillor Hawthorn advised that she was the Secretary of the Friends of Parklands Park and had previously expressed a view on the proposed development. Councillor Hawthorn left the room during the discussion of the item and took no part in the voting.

237 **P1477.12 - ESSEX HOUSE, 1 HAROLD COURT ROAD, ROMFORD - CONVERSION OF A MIXED USE BUILDING B1(COMMERCIAL) AND RESIDENTIAL INTO A1 USE (PLUMBING SUPPLIES) AND FOUR SELF-CONTAINED FLATS WITH ASSOCIATED EXTERNAL ALTERATIONS.**

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 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.
- 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.

238 **P1547.13 - STORE AT JUNCTION OF CHUDLEIGH ROAD/LINDFIELD ROAD, HAROLD HILL - DEMOLITION OF EXISTING DILAPIDATED BUILDINGS ON THE SITE AND REPLACEMENT WITH A MODULAR UNIT FOR STORAGE AND DISTRIBUTION PURPOSES.**

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

239 **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.

240 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES /HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 2 November 2013 and 14 February 2014.

The report detailed that 30 new appeals had been received since the last meeting of the Monitoring Committee in December 2013.

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

241 **SCHEDULE OF ENFORCEMENT NOTICES**

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

242 **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.

243 **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.

244 **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 2 November 2013 and 14 February 2014.

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

Chairman