

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
13 March 2014 (7.30 - 10.15 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Jeffrey Brace, Roger Evans, Robby Misir and
+Billy Taylor

Residents' Group Linda Hawthorn and Ron Ower

Labour Group +Pat Murray

**Independent Residents
Group** David Durant

UKIP Group Fred Osborne

Apologies were received for the absence of Councillors Rebecca Bennett, Lesley Kelly and Paul McGeary.

+Substitute members Councillor Robby Misir (for Rebecca Bennett), Councillor Billy Taylor (for Lesley Kelly) and Councillor Pat Murray (for Paul McGeary).

Councillor Linda Van den Hende was also present for part of the meeting.

20 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.

245 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Linda Hawthorn declared a prejudicial interest in applications P0137.14 and L0002.14. Councillor Hawthorn advised that she had connections with Upminster Windmill and considered herself to have had a pre-determined position on the consideration of both applications. Councillor Hawthorn left the room prior to the discussion of both items and took no part in the voting.

246 **MINUTES**

It was **NOTED** that Councillor Fred Osborne had been present at the meeting dated 30 January 2014.

Subject to the amendment shown above, the minutes of the meetings held on 30 January and 20 February 2014 were agreed as a correct record and signed by the Chairman.

247 **P0047.14 - ORCHARD VILLAGE, RAINHAM**

The report before members concerned a reserved matters application for the fourth and final phase of the redevelopment of the former Mardyke Estate in Rainham (now called Orchard Village). The proposal was for the demolition of the remaining 24 original residential properties and the commercial units on the site and redevelopment to provide a 5 storey block providing 80 residential apartments, together with a terrace of 7 two storey houses. This final phase would provide 87 new residential units of market housing.

Members were advised that two late letters of representation had been received which correctly highlighted inaccuracies in the report relating to window patterns in the proposed development and the corrections were detailed by the officer presenting the report.

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

The objector commented that he lived in the schoolhouse connected with Newtons Primary School. The objector stated that he had concerns regarding the loss of identity of his residence (postcode, street address) which would be lost if the proposed development went ahead.

In reply the applicant commented that the plans were in accordance with the previously submitted Outline planning permission which had been granted in November 2009. The applicant confirmed that discussions with the Royal Mail were on-going regarding street naming and numbering which in any event falls under separate statutory provision to the Planning Acts and that all the distances were within the parameters of the local Development Plan. Officers confirmed that the distance from lowen Road for refuse collection was acceptable.

During the debate members received clarification of the exact layout of the site and sought to address the objectors concerns regarding the loss of identity of his property.

Members also discussed the access road that would lead to the development and received clarification regarding the refuse collection arrangements and lighting to the parking area.

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

248 **P0193.14 - THE FRANCES BARDSLEY ACADEMY FOR GIRLS
BRENTWOOD ROAD, ROMFORD**

The proposed development before members consisted of front, side and rear extensions to the existing Rose building. The proposed additions would meet the urgent need for additional space to the existing The Sixth Form Centre.

Members noted that one late letter of representation had been received detailing concerns regarding light pollution, noise disturbance during construction and declining property values.

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 proposed development would lead to an overshadowing in his rear garden and noise pollution both during the construction period and when the development was in use.

In reply the applicant commented that the Academy was extremely successful and needed to expand from September 2014. The applicant confirmed that the Academy had failed to consult with neighbouring residents prior to the plans being submitted and wished to apologise to neighbouring residents for this oversight. The applicant also confirmed that the residences closest to the development would not be overlooked as a hedge separated the two buildings and the height of the development had been reduced to prevent overshadowing.

During the debate members received clarification as to whether a daylight assessment had been carried out. Officers advised that this was something that was usually carried out by the applicant before submitting an application.

Members also discussed the possibility of adding a condition that would restrict the hours of use of the proposed development.

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 10 votes to 1.

Councillor Tebbutt voted against the resolution to grant planning permission.

249 **P1542.13 - 190 UPMINSTER ROAD SOUTH, RAINHAM**

The application before members sought planning permission for the change of use of the ground floor premises from a shop (A1 use) to a dog grooming salon (Sui Generis). The application indicated the provision of a reception, a work room, a holding area with dog cages, a kitchen and W.Cs. The existing workshop would be used for storage and the potential for adverse impact on the goodwill established overtime if there were confusion between the businesses.

Officers confirmed that competition between businesses was not a material planning consideration. Members noted that a petition, containing approximately 200 signatures, objecting to the proposal had been submitted possibly by the lead objector on the grounds of commercial competition.

Members noted that the proposal was contrary to Policy DC16 but officers felt that the proposal was conducive to the vitality of the Major Local Centre and brought an empty retail unit back into use.

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

The objector commented that a good reputation was important in attracting and keeping customers ensuring a vibrant business, the objector advised that there was already a number of dog grooming parlours in the Rainham area and that some of the businesses were possibly unlicensed making it harder for legitimate businesses to thrive.

In reply the applicant commented that the vitality of the area had suffered in the past due to a decline in the uptake of properties and that the proposal would be bringing an empty unit back into use. The applicant also confirmed that the previous use of the premises had not been a retail one as only specialist businesses were now interested in taking over leases in the parade of shops.

During the debate members discussed the proposed environmental improvements that were planned under a separate re-generation of the area and the possible impact this may have on an upturn in retail lets.

It was **RESOLVED** to delegate to Head of Regulatory Services to grant planning permission provided no further representations being received within the remaining consultation period which raised new material considerations. Should any such representations be received then the application was to come back to the Committee for further consideration.

The vote for the resolution to delegate the granting of planning permission was carried by 9 votes to 2.

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

250 **P1140.12 - BROOKSIDE YARD CLOCKHOUSE LANE, COLLIER ROW, ROMFORD**

The proposal before members was a retrospective application for the retention of the two conservatories together with a covered way to the north elevation, and to retain a swimming pool and pump room to the north eastern corner of the site with hardstanding and a retaining wall together with the change of use of the land to residential curtilage.

Members noted that the application had been called in by Councillor Barry Oddy on the grounds that the application had been outstanding and undetermined for a considerable length of time.

During the debate members discussed the planning history of the site and properties of a similar nature in the area.

Members received guidance from the Legal Advisor who explained the relevance of LDF Policy DC45, the application of national guidance in the NPPF, the appropriateness or otherwise of the development within the Green Belt and the very special circumstances that the applicant needed to present to allow approval of the scheme. The Legal Advisor pointed out that those Very Special Circumstances were not presented to the Local Planning Authority by the applicant whose role it was to do so.

Members also discussed the buildings that were on the site and their appropriateness and received clarification of the residential curtilage. Members explored the possibility of an application being submitted under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Existing Lawful Use or Development in respect of the built form. Clearly if the built form fell outside of the residential curtilage and the residential curtilage were controlled and demarcated by a planning condition the period that would need to be evidence in terms of breach may be 10 rather 4 years.

The report recommended that planning permission be refused, however following a motion to it was **RESOLVED** that consideration of the planning application be deferred to allow the applicant the opportunity to clarify the dates of additions to the dwelling and dependant on that, to consider the merits subject entirely to the objective facts of submitting an application under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Existing Lawful Use or Development .

The vote for the resolution to defer the consideration of the planning application was carried by 9 votes to 2.

Councillors Murray and Durant voted against the resolution to defer consideration of the planning application.

251 **P1451.13 - 155 BILLET LANE, HORNCHURCH**

The proposal before members detailed a retrospective change of use from an A3 cafe and restaurant use to an A4 drinking establishment, operating between the hours of 09:00 to 23:30 on Monday to Wednesday, 09:00 to 00:30 on Thursday, 09:00 to 01:30 on Friday, Saturday and Bank Holidays and 09:00 to 23:30 on Sunday.

Members noted that the application had been called in by Councillor Barry Tebbutt on the grounds of the change of use and operating hours.

Members were advised that Environmental Health officers had raised objections on the grounds of noise nuisance with continuing complaints relating to noise and disturbance being received which had in turn led to an Abatement Notice being served on the owner of the premises in August 2011.

During the debate members commented that the premises which situated within fifty yards of another drinking establishment that had longer opening hours than those recommended for approval in this particular application.

Members also discussed the commercial properties that were adjacent to the premises and highlighted that only one letter of representation, recommending refusal, had been received. Members considered the hours of use proposed in the report and initially tabled a motion to approve the application subject to the applied for hours. Having further considered the matter members withdrew that motion and gave consideration to deferral to seek further information.

The report recommended that planning permission be granted for the reduced number of hours, however following a motion it was **RESOLVED** that the consideration of the planning application be deferred to allow staff to seek further information concerning (a) whether the applicant was willing to adjust the proposed hours to coincide with those of the Chequers Public House (with permitted hours/licence conditions of the Chequers itself to be checked) (b) what measures the applicant could take to seek to address the noise complaints (c) what action had been taken to date or was anticipated by Environmental Health in addressing third party noise complaints about prevailing use, including clarification of the previously served Noise Abatement notice.

The vote for the resolution to the consideration of the planning application was carried by 8 votes to 3.

Councillors Ower, Murray and Durant voted against the resolution to defer the consideration of the planning application.

252 **P1453.13 - 39 CORBETS TEY ROAD, UPMINSTER - CHANGE OF USE FROM A2 (FINANCIAL AND PROFESSIONAL SERVICES) TO A3 (FOOD AND DRINK) RESTAURANT AND NEW SHOP FRONT**

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

The vote for the resolution to grant planning permission was carried by 10 votes to 1.

Councillor Ron Ower voted against the resolution to grant planning permission.

253 **P0042.14 - RICON ASHTON ROAD, HAROLD HILL - DEVELOPMENT OF 4060SQM OF INDUSTRIAL AND WAREHOUSE UNIT(S) (WITHIN B1C,B2,B8 USE CLASSES) TOGETHER WITH ANCILLARY OFFICES, SERVICE AREAS, CAR PARKING, GATE HOUSES, SERVICE/ANCILLARY STRUCTURES AND INFORMAL LANDSCAPING. RESERVED MATTERS APPLICATION.**

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

254 **P0092.14 - 28 CRANBOURNE GARDENS UPMINSTER - TWO STOREY SIDE EXTENSION**

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

255 **P0863.13 - PLOT 2 FORMER WHITWORTH CENTRE - CREATION OF 105 ONE AND TWO BEDROOM APARTMENTS AND TWO, THREE AND FOUR BEDROOM HOUSES, PLUS ASSOCIATED ROADS, PATHS, CAR PARKING, ANCILLARY STRUCTURES AND LANDSCAPING**

The Committee considered the report noting that the proposed development was liable for a Mayoral CIL payment of £218,320 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the conditions set out in the report and:

A. No direction to the contrary on referral to the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008); and

B. The applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The provision on site of 15% of the units within the development (comprising 6 no. one bed apartments, 9 no. two bed apartments and 1 no. two bed house) as affordable shared equity ownership units and should any owners of shared equity units staircase to 100% equity provision shall be made for any subsidy (if relevant) to be recycled for alternative affordable housing provision in accordance with Annexe 2 of the National Planning Policy Framework .
- A financial contribution of £630,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- A travel plan to encourage the use of sustainable modes of transport, including a scheme for submission, implementation, monitoring and review.
- The contribution sums shall be subject to indexation on the basis of the Retail Price Index or an alternative index acceptable to the Council from the date of the agreement to the date of payment.
- All contribution sums once received shall include any interest accrued to the date of expenditure.
- The Council's legal fees for preparation of the agreement shall be paid on or prior to completion and the Council's planning obligation monitoring fees shall be paid as required by 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.

256 **P1570.13 - RAINHAM QUARRY, LAUNDERS LANE, RAINHAM - VARIATION OF CONDITIONS 5 AND 6 OF PLANNING PERMISSION P1323.11 TO ALLOW ADDITIONAL PROCESSING PLANT**

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 Section 106 planning obligation completed on 1st March 2012 in respect of planning permission P1323.11, by substituting that planning permission reference with a new reference to reflect the new consent.

The developer / owner shall pay the Council's legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation set out above and any necessary consequential amendments to the Section 106 planning obligation dated 1 March 2012 all recitals, terms, covenants and obligations in the said section 106 Agreement shall remain unchanged.

That staff be authorised to enter into a Deed of Variation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report with an additional Informative on the decision notice informing the applicant of their potential liability under the Highways Act 1980 should the highway be damaged as a consequent of their activities.

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

Councillor Durant voted against the resolution to grant planning permission.

257 **P1481.13 - 51 HIGH STREET, HORNCHURCH - PARTIAL CONVERSION OF EXISTING FIRST FLOOR TO A RESIDENTIAL DWELLING TO PROVIDE ANCILLARY ACCOMMODATION FOR STAFF USE**

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:

- The residential dwelling would remain ancillary to Tarantino's restaurant – 51 High Street, Hornchurch.
- The residential dwelling not to be let, leased, transferred or otherwise alienated separately from the original property and land comprising No. 51 High Street, Hornchurch.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement prior to the 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 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.

258 **P0137.14 - UPMINSTER WINDMILL, UPMINSTER - CONSTRUCTION OF A NEW FACILITY TO SUPPORT AND PROMOTE THE REPAIR, MAINTENANCE AND UNDERSTANDING OF THE ADJOINING LISTED MILL. THE BUILDING PROVIDES A WORKSHOP, EDUCATION ROOM, OFFICE AND ANCILLARY SPACES**

The Committee considered the report and without debate **RESOLVED** that subject to no material objections to the proposal being received by the expiry of the consultation period on 14 March (and should further material planning considerations be raised in representations on or before 14 March 2014 the matter be remitted to the Regulatory Services Committee for further consideration) that planning permission is granted subject to the conditions as set out in the report and to include an amendment to condition four (landscaping) the reference to Rec C should read Rev D.

As mentioned previously in these minutes Councillor Linda Hawthorn declared a prejudicial interest in applications P0137.14 and L0002.14. Councillor Hawthorn advised that she had connections with Upminster Windmill and considered herself to have had a pre-determined position on the consideration of both applications. Councillor Hawthorn left the room prior to the discussion of both items and took no part in the voting.

259 **L0002.14 - UPMINSTER WINDMILL, UPMINSTER - LISTED BUILDING CONSENT FOR REPAIR OF MILL. REOPENING OF DOORWAY ON NORTH SIDE**

The Committee considered the report and without debate **RESOLVED** that subject to no material objections to the proposal being received by the expiry of the consultation period on 14 March (and should further material planning considerations be raised in representations on or before 14 March 2014 the matter be remitted to the Regulatory Services Committee for further consideration), it was recommended 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 applications P0137.14 and L0002.14. Councillor Hawthorn advised that she had connections with Upminster Windmill and considered herself to have had a pre-determined position on the consideration of both applications. Councillor Hawthorn left the room prior to the discussion of both items and took no part in the voting.

260 **PLANNING CONTRAVENTION - 11 KINGS ROAD, ROMFORD**

The Committee considered the report and without debate **RESOLVED** it expedient that an Enforcement Notice be issued and served to require within 3 months of the effective date of the enforcement notice:

- i) To relay the hard surface with porous materials; or
- ii) Provision shall be made to direct runoff water from the hard surface area to a permeable or porous area or surface within the curtilage of the dwelling house; or
- iii) Take up the hard surface
- iv) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance of (i, ii, iii) above.

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.

261 **ALLEGED BREACH OF PLANNING CONTROL - 30 KIMBERLEY AVENUE, ROMFORD**

The Committee considered the report and without debate **RESOLVED** that it expedient that an Enforcement Notice be issued and served to require, within 2 months of the date of the notice coming into force:

The removal of the containers from the land.

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.

262 **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.
