

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Thursday 21 July 2011 (7.30pm – 10:40pm)**

Present:

COUNCILLORS:	11
Conservative Group	Barry Oddy (in the Chair), Sandra Binion, Jeff Brace, +Steven Kelly, Fred Osborne, Garry Pain and Barry Tebbutt
Residents' Group	Linda Hawthorn Ron Ower
Labour Group	Paul McGeary
Independent Residents' Group	+David Durant

An apology for absence was received from Councillors Robby Misir and Mark Logan.

+ Substitute Member: Councillor Steven Kelly (for Robby Misir) and Councillor David Durant (for Mark Logan).

Councillors Rebecca Bennett, Andrew Curtin, Eric Munday and John Mylod were also present for the parts of the meeting.

Approximately 30 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.

38 DECLARATIONS OF INTERESTS

Councillor Sandra Binion declared a personal and prejudicial interest in reports P0322.11 and P0301.11. Councillor Binion advised that a family member worked for the applicant. Councillor Binion left the room during the discussion of the reports and took no part in the voting.

Councillor Ron Ower declared a prejudicial interest in respect of item P0004.11 Former Harold Wood Hospital through predetermination as he had publically declared his opposition to the proposal. Councillor

Ower left the room during the discussion of the report and took no part in the voting.

39 MINUTES

The minutes of the meeting held on 23 June 2011 were agreed as a correct record subject to an amendment. It was incorrectly shown that Councillor Eagling was present for the meeting. The minute was corrected to show that Councillor Ower was present. The minutes were subsequently signed by the Chairman.

The minutes of the meeting held on 30 June 2011 were agreed as a correct record and signed by the Chairman.

40 P0746.11 - LAND ADJACENT TO THE FORMER CHERRY TREE PUBLIC HOUSE, 119 RAINHAM ROAD, RAINHAM - Erection of restaurant with drive thru facility (Class A3/A5), parking and associated works

The report before members detailed an application which sought full planning permission for the construction of a new KFC restaurant including drive thru facility with associated parking and access road.

It was noted that the proposed single storey building would be aligned with the main façade of the adjoining public house on the Cherry Tree Lane frontage. To the rear of the restaurant was an enclosed storage and service yard. Both pedestrian and vehicular access would be via Cherry Tree Lane with 11 parking spaces provided in front of the building for patrons of the restaurant. A drive through lane would be provided running around the building which would also have two individual parking bays for vehicles awaiting food collection.

It was reported that 7 staff parking spaces would be provided. This area would also be utilised by service vehicles. The applicant had advised that servicing would only occur outside of opening hours. Cycle parking would be provided for customers adjacent to the main façade. Cycle parking for staff could be provided within the secure rear service yard.

The applicant had advised that the development would provide in the region of 25 full time and 15 part time new jobs. These would be advertised via the local job centre so as to be accessible to local people. The application sought hours of opening between 1100 and 2300 hours seven days a week.

It was noted that 25 letters of representation had been received which included representations from 3 local Ward Councillors, one of which was summarised at the meeting by staff as it had been received on the

day of the committee meeting. The Committee also noted that comments from 5 statutory consultees had been received.

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

With its agreement, Councillors Rebecca Bennett and Pat Murray addressed the Committee.

Councillor Bennett remarked that the proposal, if approved, would have a detrimental impact upon the amenity of local residents through increased noise and disturbance. She added that a condition within the report recommended that CCTV be installed at the premises which highlighted crime and disorder that the area within the immediate vicinity of the premises suffered from. Councillor Bennett commented that the local Safer Neighbourhood Policing Team had worked hard to reduce crime and anti-social behaviour levels within the area and feared that such a proposal would undermine that. Councillor Bennett was also concerned that the proposal would have a detrimental impact on the vibrancy of the local economy. She urged the Committee to refuse the application.

Councillor Murray, speaking on behalf of Councillor Breeding who was unable to attend the meeting, echoed many of the sentiments raised by Councillor Bennett and added that the junction of Cherry Tree Lane where the proposal was located had been the site of a number of road traffic accidents and that the proposal would increase the chances of further accidents occurring at that junction.

During the debate, members discussed the impact of the proposal on the amenity of local residents with specific attention focussed on the expected increase in the number of vehicular movements on and off the site, and the potential for increased anti-social behaviour within the immediate vicinity. Mention was also made of the high number of take-away restaurants already operating within the locality.

The report recommended that planning permission be granted but following a motion it was **RESOLVED** that planning permission be refused for the following reasons:

- The proposal would, by reason of the likely noise and general disturbance caused by vehicles manoeuvring through the drive thru lane, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of occupiers of 268 Cherry Tree Lane and to nearby surroundings including Cherry Tree Walk contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- The proposal would result in an adverse impact on crime and disorder

The vote for the motion to refuse planning permission was passed by 10 votes to 1. Councillor Oddy voted against the motion. The substantive motion to refuse planning permission was passed unanimously.

41 P0019.11 – 395-405 BRENTWOOD ROAD, ROMFORD – Change of use of part of former car showroom to Class A1 retail, change of use of first floor to form 3 residential units and construction of second floor extension to form 2 residential units together with alterations to the front façade of the building

The report before members detailed an application for the partial change of use of a former car showroom to form an A1 retail unit; a change of use of the first floor to form 3 residential units, and the construction of a second floor extension to form 2 residential units. A total of 6 parking spaces would be provided for the residential accommodation.

The application also sought permission for alterations to the façade of the building and an alteration to the front forecourt layout to provide a lay-by.

It was noted that 6 letters of representation had been received along with comments from 3 statutory consultees.

The report explained that consideration of the application had been deferred at a meeting of the committee in May in order that staff could invite the applicant to submit revised plans. It was noted that revised plans had since been submitted and that the retail unit would be occupied by Tesco, with a separate application granted for hours of use from 0700 to 2300 on any day.

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

With its agreement, Councillor Eric Munday addressed the Committee. Councillor Munday commented that the proposal would result in overlooking into neighbouring residential properties. He requested the application be refused.

A member of the Committee, who had called the application in for consideration by members, commented that the report failed to mention nearby developments which had recently been granted planning permission with a similar, if not greater, height. He added that the proposal would not look overly dominant in the street scene.

A motion was proposed that planning permission be granted; however, following legal advice, that motion was withdrawn and a further motion was proposed that consideration of the report be deferred to enable staff to draft a further report in the form of a Chief Executive's report which could incorporate heads of terms of a Section 106 legal agreement. It was **RESOLVED** that consideration of the application be **DEFERRED**.

The vote for the motion to defer consideration was passed 10 votes to 1. Councillor Oddy voted against the motion to defer consideration. The substantive motion to defer was passed unanimously.

42 P0612.11 – 15 PRINCES ROAD, ROMFORD – Single storey rear extension

The Committee considered the report detailing an application for a single storey rear extension, noting that 10 letters of representation had been received.

It was noted that Councillor Thompson had called the application in before the Committee on the grounds of insufficient off street parking for the likely increase in inhabitants following the extension, diminished amenity space at the rear and poor natural lighting in the kitchen/diner area.

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

With its agreement, Councillor Andrew Curtin addressed the Committee. Councillor Curtin commented that the relatively high number of representations was in response to a general concern among residents that the premises was being sub-divided into a number of residential units. Councillor Curtin added that the proposed extension would be detrimental to neighbouring amenity and increase parking problems already present within the area. He urged the Committee to refuse the application.

In response to the comments raised by Councillor Curtin, the Chairman reminded members that they had to consider the application before them and that matters relating to the multiple occupancy status of the premises were not pertinent to the application.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. The vote was 10 votes to nil with one abstention. Councillor Hawthorn abstained from voting.

43 P0322.11 – 63 PETTITS LANE, ROMFORD - Revised parking layout to create additional parking spaces with relocated boundary fencing

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 stated at the beginning of the minutes, Councillor Sandra Binion declared a personal and prejudicial interest the application. Councillor Binion advised that a family member worked for the applicant. Councillor Binion left the room during the discussion of the reports and took no part in the voting.

44 P0301.11 – 63 PETTITS LANE, ROMFORD - Variation to condition 4 of P2091.04 to increase the number of children on site from 20 to 30

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 stated at the beginning of the minutes, Councillor Sandra Binion declared a personal and prejudicial interest the application. Councillor Binion advised that a family member worked for the applicant. Councillor Binion left the room during the discussion of the reports and took no part in the voting.

45 P0748.11 – 115 HIGH STREET, HORNCHURCH – Change of use from retail (Class A1) to licensed betting office (use Class A2) with external alterations to the rear elevation

The report detailed an application which sought planning permission for the change of use of a ground floor unit from a retail store to a licensed betting office.

It was reported that the proposing opening hours would be from 08:30 until 22:00 Mondays to Saturdays and from 10:00 until 19:00 on Sundays.

It was noted that 2 letters of representation had been received.

With its agreement, Councillor John Mylod addressed the Committee. Councillor Mylod remarked that there were a number of similar establishments trading within the immediate vicinity of the application site. He added that the number of non-retail uses in the shopping district already exceeded policy levels and that to simply ignore policy

even further and increase the number could not be justified. He urged members to refuse the application.

It was **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 passed by 7 votes to 3 with 1 abstention. Councillors Hawthorn, Ower and Durant voted against the resolution to grant planning permission. Councillor Brace abstained from voting.

46 P0596.11 – 145 HIGH STREET, HORNBURCH – Change of use from retail (A1) to adult amusement centre (sui generis)

The Committee considered the report noting that 1 letter of representation and comments from 3 statutory consultees had been received.

With its agreement, Councillor John Mylod addressed the Committee. Councillor Mylod commented the application was unsuitable given its close proximity to a primary school and a youth centre. Councillor Mylod also suggested that the proposal would be a magnet for anti-social behaviour.

It was **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 passed by 6 votes to 4 with 1 abstention. Councillors McGeary, Hawthorn, Ower and Durant voted against the resolution to grant planning permission. Councillor Binion abstained from voting.

47 P0851.11 – 315 COLLIER ROW LANE, ROMFORD – Refurbishment of the first and second floors from office accommodation to 3 residential flats with amenity. New dormer window to front elevation. Part demolition of first and second floors

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

48 THE PROPOSED STOPPING UP OF ADOPTED HIGHWAY AT LAND BETWEEN 52 AND 64 DAVENTRY ROAD, HAROLD HILL

The Committee considered the report and **RESOLVED** that, subject to the developer paying the Council's reasonable charges in respect of the making, advertising and confirmation of the stopping up order

pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000:

1. The Council make a Stopping Up Order under the provisions of S.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway hatched blue on the attached plan to the report as the Land was required to enable development for which the Council had granted planning permission granted under planning reference P1732.10.
2. In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
3. In the event that relevant objections were made by 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 can proceed to confirm the order.
4. 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.

49 A0031.11 – BOOTS OPTICIANS, 16 FARNHAM ROAD, HAROLD HILL - Installation of 2 illuminated fascia signs

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

50 P0877.11 - 5 SLEWINS LANE AND LAND ADJACENT, THE DRILL ROUNDABOUT, HEATH PARK - Demolition of existing dwelling & the construction of a residential development comprising 8 2-bed flats including external works & access

The Committee considered the report, noting that 1 letter of representation had been received along with comments from 4 statutory consultees including a late response from the London Fire and Emergency Planning Authority who raised no objections to the proposals.

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 restriction on residents of the development, save for blue badge holders, applying for parking permits within the local area.

Staff were 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 and an additional condition requiring obscured glazing to rear dormer windows.

In the event that the applicant refused to enter into a Section 106 agreement or the agreement was not completed by the expiry of this application on 2 August 2011, the Head of Development and Building Control be authorised to refuse planning permission for the following reason:

The proposed development would, by the reason of the likely overspill of vehicles onto the highway, inhibit the free and safe flow of traffic, to the detriment of highway safety, contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.

The vote for the resolution to grant planning permission was passed by 10 votes to nil with 1 abstention. Councillor Durant abstained from voting.

51 PROPOSED VARIATION OF SECTION 106 AGREEMENT IN CONNECTION WITH PLANNING PERMISSION P0086.11 SNOWDON COURT, ELVET AVENUE, GIDEA PARK: Demolition of existing Snowdon Court buildings and the erection of two, new four storey buildings providing 38 sheltered flats and 60 extra care flats (total 98) with support facilities together with associated external landscaping.

The Committee considered the report and **RESOLVED** that the variation of the Section 106 agreement dated 29 March 2011 to change the tenure mix to that set out below by Deed of Variation under Section 106A of the Town and Country Planning Act (as amended), be approved:

The provision of 78 units for social rented accommodation, comprising 38 one-bed flats and 40 two-bed flats and the provision of 20 shared equity flats, comprising 10-one bed units and 10 two-bed units. Such units to be managed by the Registered Social Landlord or Registered Provider with the Council to receive 100% of the nomination rights which shall be subject to the sub regional nomination arrangements confirmed by the East London Housing Partnership (or its successor).

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 29 March 2011 and all

recitals, terms, covenants and obligations in the said Section 106 agreement dated 29 March 2011 remain unchanged.

The planning obligations recommended in the report had been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations were considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

52 P0905.11 – GARAGE SITE AT OAKLEY DRIVE, HAROLD HILL, ROMFORD - Extension of time application to P0888.08 for demolition of 16 disused garages and the construction of 2 3-bed family houses

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

53 P0004.11 – FORMER HAROLD WOOD HOSPITAL, GUBBINS LANE, HAROLD WOOD - Phase 1A of the development of the former Harold Wood Hospital. To include: Demolition of existing buildings and the construction of 20 residential units and associated infrastructure and landscaping

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to:

1. The applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) to secure the Heads of Terms set out in Annex 1 to the report as required under planning application P0702.08.
2. Staff were authorised to enter into such agreement and upon completion of it, to grant planning permission subject to the conditions as set out in the report with Condition 24 being deleted and with amendments to Conditions 13 and 23 to read the following:

Condition 13 – Delete bullet point ii) Reason – the site does not include any of these catchments.

Condition 23 – Amend wording,

Prior to the commencement of development adjacent to the Spine Road, a scheme detailing the measures to be taken to ensure “reasonable” (as defined in BS8233) internal noise levels with closed windows inside living and bedrooms which directly face the Spine Road, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall give details of double glazing and passive acoustic ventilators on affected facades in so far as such measures are appropriate. The scheme shall be fully implemented in each dwelling before the occupation of the relevant residential units and shall be permanently retained thereafter.

Reason: To protect future residents against the impact of road noise in accordance Development Control Policies Development Plan Document policy DC61 and DC55, and Planning Policy Guidance Note PPG24, “Planning and Noise.”

The vote for the resolution to grant planning permission was passed by 9 votes to nil with 1 abstention. Councillor Durant abstained from voting.

As stated at the beginning of the minutes, Councillor Ron Ower declared a prejudicial interest the application by virtue of predetermination. Councillor Ower advised that he had voiced opposition to the proposal. Councillor Ower left the room during the discussion of the reports and took no part in the voting.

54 P0229.11 – THE MOORHENS, ACACIA GARDENS, UPMINSTER – Hardstanding for access to stables for delivery of hay and food; access to stables for vet and emergency services

The Committee considered the report and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

55 P0369.11 – RYDAL MOUNT, NORTH ROAD, HAVERING-ATTE-BOWER – Proposed orangery to rear elevation and decking

The Committee considered the report and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

56 P0554.11 – BUSINESS INNOVATION CENTRE, CEME CAMPUS, MARSH WAY, RAINHAM – Change of use of c. 160sq.m. of Business Innovation Centre from B1 (Business) use to D1 (Education) use

The Committee considered the report and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

57 SUSPENSION OF STANDING ORDERS

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Meeting Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.