

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
19 June 2014 (7.30 - 9.00 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Ray Best, Philippa Crowder, Steven Kelly and Michael White

Residents' Group Nic Dodin, Linda Hawthorn, Stephanie Nunn and +Julie Wilkes

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

An apology for absence was received from Councillor Ron Ower.

+ Substitute members: Councillor Julie Wilkes (for Ron Ower)

Councillors John Crowder and Linda Van den Hende were also present for part of the meeting.

10 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.

1 COMMITTEE MEMBERSHIP

The new membership of the Committee was noted.

2 MINUTES

The minutes of the meeting of the Committee held 8 May 2014 were agreed as a correct record and signed by the Chairman.

3 **P0744.13 - 58-60 STATION ROAD UPMINSTER**

The application before members was for the redevelopment of the site following demolition of the existing end of terrace building and the single storey building to the rear. The new building would provide increased retail floor space and seven residential units on the upper floors.

Members were advised that former Councillor Barry Oddy had previously called in the application and had submitted a letter which was read to the Committee. In the letter Mr Oddy commented that the density of the proposed development appeared to be acceptable and that the area benefitted from a strong PTAL rating due to the amount of accessible transport links situated nearby.

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

The objector commented that the proposed development would be situated on the corner of Howard Road which was a narrow road which experienced issues of displaced parking and a general lack of parking provision for users of the town centre. The objector also commented that the appearance of the proposed development, particularly the extension on the upper floor, would be a gross overdevelopment of the site.

In response the applicant commented that alterations had been made to the plans and there were no longer any issues of loss of light on neighbouring properties that could be attributed to the proposed development. The applicant also commented that materials from the existing building would be salvaged from the demolition and used on the proposed development to retain a traditional building façade. The applicant also commented that if the proposals were not agreed to, then the developer could look at proposing a more contemporary building facade similar to that of the Marks and Spencer building opposite.

With its agreement Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende expressed her dis-satisfaction at the earlier comment from the applicant regarding the possibility of a more contemporary design being submitted if the considered proposal was not agreed. Councillor Van den Hende commented that the proposed development was too big and too bulky and would have an adverse effect on the streetscene.

During the debate members discussed the proposed development's appearance and commented that although the design might be within keeping of the streetscene it looked too big and too high compared with neighbouring properties. Members also discussed the lack of parking provision in the area.

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

4 **P0068.14 - STARDUST DANCE STUDIOS, ST NICHOLAS AVENUE, ELM PARK**

The application before members sought full planning approval for the construction of a first floor extension to the existing building in order to enable the creation of two 2-bedroom and two 3-bedroom self-contained flats.

Following a brief debate during which members raised concerns about the lack of parking provision in the area it was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

5 **P0288.14 - ASHLEY FARM, CLAY TYE ROAD, NORTH OCKENDON ESSEX**

The proposal before members was for the demolition of an existing stable building (former piggery), removal of an existing mobile home and the construction of a single storey two-bed dwelling.

With its permission Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that there had been quite an extensive planning history on the site and that all previous applications had been refused. Councillor Van den Hende also commented that the element of animal care was only a small part of the application and therefore the very special circumstances put forward by the applicant were quite weak and there also appeared to be several unauthorised uses taking place on the site.

Following a brief debate during which members discussed the Green Belt aspect of the site and the lack of very special circumstances it was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

6 **P0478.14 - 28 LITTEN CLOSE, COLLIER ROW ROMFORD**

The proposal before members was to convert an existing garage into a pool complex with rear and side extensions.

Following a brief debate during which members discussed the possible noise nuisance from plant and machinery situated on the site it was **RESOLVED** that planning permission be granted subject to the conditions set out in the report and to include the full wording of standard condition SC4 on time limit for implementation within 3 years and two additional conditions relating to gas protection measures and for plant/machinery for the development to be within noise limits, the precise wording of which was to be settled by the Head of Regulatory Services.

Condition one of the report also needed amending to read;

The development to which this permission related must be commenced not later than three years from the date of this consent.

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

Councillors Crowder and Kelly voted against the resolution to grant planning permission.

7 **P0492.14 - IVY LODGE EQUINE VETERINARY CLINIC, NAGS HEAD LANE UPMINSTER**

The proposal before members was for the retention of four buildings for use connected with the equine part of the vet practice. The buildings would be used as an examination/knock down box, office, stables and as a store.

Following a brief debate during which members received clarification from officers relating to the very special circumstances that the applicant had submitted it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

8 **P0455.14 - MARDYKE FARM, RAINHAM**

The planning application before members proposed the variation of planning conditions under the provisions of Section 73 of the Town and Country Planning Act 1990. Planning permission P0432.10 granted consent for the restoration, re-contouring and landscaping of land without complying with conditions 2 (time limit for completion), 9 (landscaping), 11 (phasing), 13 (drainage ditches), and 15 (clay cap) of planning permission P0186.93.

Planning permission P0432.10 allowed for a variation of the conditions attached to P0186.93 to allow for the continued restoration of the land, with amendments, to public open space. The application under consideration proposed variations to conditions 1 (time limit for completion) and 8 (landscaping arrangements), to allow for an additional three years to complete the development, and to reduce the number of public access points into the restored site from five to two.

During a brief debate members discussed the merits of reducing the time limit for completion to two years and sought clarification on the reduction of access points to the site.

Following a motion to reduce the time limit for completion to two years which was lost by 2 votes to 9 it was **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). The deed would vary the Section

106 planning obligations completed on 1 July 2010 in respect of planning permission P0432.10, the planning conditions for which were annexed to the report, by substituting that planning permission reference with a new reference to reflect the new consent and to amend the approved landscaping plan to reflect the proposed number of access points, along with any consequential amendments to the definitions, recitals and clauses of the section 106 dated 1 July 2010.

The developer/owner would 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 July 2010, all recitals, terms, covenants and obligations in the aforementioned Section 106 Agreement would 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 and to include an amendment to condition 8 of the report to incorporate a reference to the boundary treatment plan dated 9 June 2014.

9 **P0856.13 - LAND OFF DUDLEY ROAD, HAROLD HILL ROMFORD**

The application before members related to Council owned undeveloped land. The application proposed the erection of 2 two bedroom chalet bungalows.

Members were advised that a late letter of representation had been received raising concerns with parking provision and noise nuisance.

Members noted that the proposed development attracted a Mayoral CIL contribution of £3,872 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 £12,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- All contribution sums shall include accrued 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.

10 **PURCHASE NOTICE - AVON ROAD, UPMINSTER**

This report before members concerned the service of a Purchase Notice on the Council dated 24 March 2014 by the owners of land adjacent to 151 Avon Road, Upminster RM14 1RQ, following the refusal of planning permissions to develop the site the owners claim that the land has become incapable of beneficial use in its existing state and cannot be rendered capable of a reasonably beneficial use and therefore, in accordance with Section 137 of the Town and Country Planning Act, the Council should purchase the land. The Council contested the Notice and the Secretary of State will issue a preliminary decision on the Purchase Notice should the Secretary of state in their preliminary decision reject the Purchase Notice, if the claimant so chose, the claimant can request that their claim be heard by way of public inquiry.

The Committee noted the report and without debate **RESOLVED** that

- (1) The Purchase Notice be contested at any forthcoming public inquiry;
- (2) The site, in its existing state is capable of a beneficial use as general open amenity land;
- (3) As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use part of the site within Classes A1 for the stationing of a kiosk or other similar structure:
 - No buildings other than a kiosk or kiosk like structure to be erected
 - Site not to be used and no deliveries to the site shall take place outside the hours of 0800 to 2200 Monday to Friday and 0800 to 2200 Saturdays
 - Maximum height of any structure stationed on the site not to exceed 2.5 metres above ground level
 - No Structure to be stationed within 2 metres of the existing rear-access external flight of steps serving as access to the adjacent residential block or blocking access to the use of the external flight of steps serving as access to the adjacent residential block
 - Use not to commence until details of parking layout submitted and approved by Local Planning Authority
 - Use not to commence until details of layout of open storage areas to be submitted and approved by Local Planning Authority
 - Use not to commence until details of method of waste storage and disposal submitted to and approved in writing by the Local Planning Authority

- Space to be laid out within the site and any structures stationed on the site, in accordance with details submitted and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and to ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
 - Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
 - Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
 - Noise levels, expressed as the equivalent continuous sound level LAeq (1 hour), calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -5dB.
- (4) As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use the site for the parking of vehicles subject to the following conditions:
- Maximum of 2 vehicles no greater in size than a transit van to be kept on the site at any time
 - No buildings to be erected on the site including temporary buildings and demountable buildings.
 - Space to be laid out within the site, in accordance with details submitted to and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
 - Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
 - Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
- (5) As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use part of the site within Classes A5 for the stationing of tables and chairs ancillary to the use of the ground floor of 151 Avon Road as a takeaway (use class A5):
- No buildings including temporary or demountable buildings to be erected
 - Site not to be used and no deliveries to the site shall take place outside the hours of 0800 to 2200 Monday to Friday and 0800 to 2200 Saturdays
 - No tables and chairs to be stationed within 2 metres of the existing rear-access external flight of steps serving as access to the adjacent residential block or blocking access to the use of the external flight of steps serving as access to the adjacent residential block
 - Use not to commence until details of parking layout submitted and approved by Local Planning Authority

- Use not to commence until details of layout of the area/s for tables and chairs to be submitted and approved by Local Planning Authority
- Use not to commence until details of method of waste storage and disposal submitted to and approved in writing by the Local Planning Authority
- Parking space to be laid out within the site and tables and chairs to be stationed on site, in accordance with details submitted and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and to ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
- Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
- Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
- Noise levels, expressed as the equivalent continuous sound level LAeq (1 hour), calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -5dB.

Chairman