

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
23 February 2012 (7.30 - 10.55 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Jeffrey Brace, Robby Misir, Frederick Osborne, Georgina Galpin, Paul Rochford and Billy Taylor

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Barry Tebbutt, Sandra Binion, Garry Pain and Mark Logan.

+ Substitute Member: Councillor Paul Rochford (for Barry Tebbutt), Billy Taylor (for Sandra Binion), Georgina Galpin (for Garry Pain) and David Durant (for Mark Logan).

Councillors Steven Kelly and Dennis Bull were also present for parts of the meeting.

Approximately 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.

249 DECLARATION OF INTERESTS

Councillor Galpin declared a personal and prejudicial interest in application P1327.11. Councillor Galpin advised that she had publicly expressed her opinion on the application. Councillor Galpin left the room during the discussion and took no part in the voting.

250 **P1079.11 - WHITE BUNGALOW**

Staff advised that the report had been withdrawn from consideration but would be re-presented at a future meeting of the Committee.

251 **P1327.11 - THE ALBANY SCHOOL, HORNCHURCH**

The application sought permission for a multi use games area (MUGA), located centrally within the site on the existing playing fields and to the south east of the school buildings. The pitch was for games and sports use and would be made available to those attending the school; the submitted supporting statement indicated that the pitch could be made available for local residents, with bookings handled via the school. The MUGA would be built in place of a previously approved sports pitch which was now no longer proposed to be constructed. This MUGA differed from the previous approval in that was positioned centrally within the site, rather than toward the boundary, has 10 fewer lighting columns and is slightly smaller.

It was reported that the application had been deferred from committee on the 3 November 2011 following a late received Sport England objection which raised concern over the loss of playing fields and arrangement of the MUGA. Suggested amendments to the layout had been put forward from Sport England which would have overcome their objections, which the applicant had incorporated. These included a revised positioning of the MUGA so that it was parallel to the existing tennis courts, which would leave sufficient playing field space for rugby and football pitches to be laid out.

The application was deferred for a second time at the meeting of the committee on 15 December 2011. Staff presented further information over the usage and impact of the MUGA, as requested by the committee. The requested information was set out in the body of the report before members.

It was noted that a total of 36 representations had been submitted; this included 2 representations from Councillors Peter Gardner and Damien White, who supported the objections raised by local residents.

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

During the debate, members discussed issues concerning the potential negative impact on nearby residential amenity through noise generated by the use of the MUGA and of overspill parking into nearby residential streets. The Chairman reminded members of the Committee that planning permission had already been granted at the site for the extension and refurbishment of existing tennis courts including new floodlighting.

It was **RESOLVED** that authority be delegated to Head of Development and Building Control to grant planning permission subject to the conditions as set out in the report. However, before doing so, the Head of Development

and Building Control should review the need for a condition requiring a scheme of mitigation (such as boundary fence improvements) to prevent significant disturbance caused to adjoining residential properties caused by headlight glare from users of the on-site car park. In addition, the Committee requested that a further two conditions be included to addressing the following:

- System for the automatic switch-off of floodlighting at the end of the permitted hours of use.
- Scheme for locking of the school gate in the site's north east corner when the school is closed to pupils.

Councillor Galpin rejoined the meeting after the preceding item was voted on.

252 **P0025.12 - GARAGE COURT TO THE REAR OF NO 46 BROSELEY ROAD**

The application sought permission to demolish the existing 9 garages on the site and to erect 2 detached dwellings with associated parking and garden areas. Access to the dwellings would be via the existing highway which would be retained as a shared surface road (for pedestrians and vehicles). To the front of the dwellings would be a turning area. There would be 4 parking spaces, 2 to each plot, these would be located either side to the front of the properties and would be separated by pathways.

It was noted that 5 letters of representation had been received.

With its agreement, Councillor Dennis Bull addressed the committee. He commented that the proposal would result in a loss of privacy to neighbouring residential occupiers and should be refused due to the excessive height and bulk of the proposed properties. Councillor Bull suggested that bungalows would be more suited to the location.

A member of the committee echoed the concerns raised by Councillor Bull regarding the issue of overlooking. However, 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 10 votes to 1. Councillor McGeary voted against the resolution to grant planning permission.

253 **P1347.11 - 48 WARWICK ROAD, RAINHAM**

The report detailed an outline application for the demolition of the existing industrial unit and the erection of a 1 / 2 storey building with accommodation

in the roof space comprising 6 flats with 10 parking spaces. It was reported that the proposal was a resubmission of two previously refused applications.

It was noted that 17 letters of representation had been received.

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

A member commented that the immediate area to the site suffered from parking congestion caused by a non-conforming use at the end of Warwick Road.

The debate also focussed on matters relating to the proposed height of the development and its impact on neighbouring amenity. A number of members commented that the proposal was overbearing in nature and would be dominant in the street scene.

The report recommended that planning permission be granted but following a motion, it was **RESOLVED** that planning permission be refused on the grounds of excessive bulk and an overbearing form harmful to the character and appearance of the proposal in the street scene.

The vote for the motion to refuse planning permission was passed by 6 votes to 4 with 1 abstention. Councillors Oddy, Brace, Galpin and Misir against the motion and Councillor McGreary abstained from voting. The vote for the motion to refuse planning permission was refused by 8 votes to 3. Councillors Brace, Galpin and Misir voted against the motion.

254 **P1578.11 - 143 CROW LANE, ROMFORD**

The application proposed the change of use of the site for B1/B8 use. The existing buildings would be retained and would be subject to operational development to make them more suitable for the proposed use. The existing access would be retained whilst the yard would be used as a parking area with the existing weighbridge being removed.

It was reported that the application was related to a separate application (P0962.11) to move the existing scrap metal business and weighbridge to the former Premier Motors site at the junction between Crow Lane and Jutsums Lane.

It was noted that 4 letters of representation had been received along with comments from 4 statutory consultees.

During the debate, members discussed issues relating to the potential noise impact from the proposed change of use on nearby residential properties, and highway safety concerns arising from the access and egress arrangements for the site.

Members were advised that should they be minded to grant planning permission, the matter should be deferred to explore scope for the applicant to enter into a Section 106 agreement tying the cessation of scrap yard use of this site to any approval of the application for the Premier Motors site for waste metal recycling (P0962.11).

The report recommended that planning permission be granted but following a motion it was **RESOLVED** that consideration be deferred to explore scope for the applicant to enter into a Section 106 agreement tying the cessation of scrap yard use of this site to any approval of the application for the Premier Motors site for waste metal recycling (P0962.11).

255 **P0962.11 - FORMER PREMIER MOTORS SITE, DISTRIBUTION CENTRE, JUTSUMS LANE, ROMFORD**

The report detailed an application for the change of use of a former car retail, repair and maintenance centre to a scrap yard for the recycling, processing, storage and distribution of scrap metal (excluding the dismantling of vehicles). It was noted that the throughput of the proposed facility would be in the region of 9000 tonnes per annum, which would be an increase over the existing facility located at 143 Crow Lane (which was the subject of a separate planning application, P1578.11)

On legal advice, the committee had resolved to defer consideration of the application at 143 Crow Lane to enable staff to explore scope for the applicant to enter into a Section 106 agreement securing the cessation of scrap yard use of the 143 Crow Lane site to any approval of the application for the Premier Motors site. Accordingly, it was **RESOLVED** that consideration be deferred for a further report to be presented which would tie-in any approval of the site for waste metal recycling to the cessation of the scrap yard use at 143 Crow Lane and for staff to recommend appropriate planning conditions which should be attached to a permission should Members be minded to support the proposal.

256 **P1325.11 - NORTH SIDE OF MARKET PLACE & FORMER LAURIE HALL AT JUNCTION OF MARKET LINK & ST EDWARDS WAY**

The Committee considered the report and, without debate, **RESOLVED** that planning permission be granted subject to the prior completion of a Deed of Variation to the S106 legal agreement dated 30 January 2004 under Section 106A of the Town and Country Planning Act 1990 to ensure the following

1. That the definition of the planning application contained within the legal agreement dated 30/1/2004 be amended to refer to this application in the alternative as appropriate, and
2. That the requirement for the provision of public art within the original S106 agreement dated 30/1/2004 be deleted and an

obligation be substituted in its place to carry out environmental improvements to the Market Place to a value of not less than £50,000, to include seating, street furniture and improved tree pits along the frontage of the site as set out in MCA Drawing No 4938/154.01 Rev E, 4938/154.02 Rev D, 4938/158 Rev C and 4938/159 Rev D, such works to be completed within 24 months of the date of the planning permission unless otherwise agreed in writing by the Local Planning Authority and that in the event that the works are not completed within the said period that a sum of £50,000 (subject to indexation from the date the planning permission is issued to the date of receipt of payment) or such lesser sum (subject to indexation on the same basis) as estimated by the Head of Streetcare as the value of the works not completed to a maximum value of £50,000 be paid to the Council on the second anniversary of the date planning permission was issued , and

3. Save for the variation of obligations of the original agreement dated 30 January 2004 outlined in 1 and 2 above and any consequential amendments to recitals, headings and clauses of the original agreement, the clauses recitals and headings of the original agreement dated 30 January 2004 shall otherwise remain unchanged.

In the absence of any such further representations that staff be authorised to enter into such agreement and upon completion of it, to grant planning permission subject to the condition as set out in the report.

257 P1752.11 - 7 MARKET PLACE

The Committee considered the report and, without debate, **RESOLVED** that the application was unacceptable as it stood, but would be acceptable subject to the completion of a legal agreement to secure the following:

1. That all future occupiers save for blue badge holders are restricted from applying for residents parking permits

Staff were authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the conditions as set out in the report.

258 P1229.11 - CRANHAM CARAVANS

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 agreement that planning permission's P0555.05, P1343.00, P1452.88 and 637/85 shall be revoked and certificate of lawfulness E0018.10 shall no longer have any legal effect.
- Agreement that no compensation shall be sought by the developer in respect of the revocation of planning permission's P0555.05, P1343.00, P1452.88 and 637/85 and the setting aside of certificate of lawfulness E0018.10.

Staff were authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the conditions as set out in the report.

259 **P1530.11 - 4 WESTERN ROAD, ROMFORD**

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

260 **P1778.11/P1413.11/P1768.11/P1414.11 - COPSEYS, 178 CROW LANE, ROMFORD**

The report explained that consideration of two applications for permanent buildings had been deferred from 17 November 2011 Regulatory Services Committee in order to provide an opportunity for the applicant to fully explain the case he wished to promote for very special circumstances. The deferral also gave an opportunity to enable Staff to provide a fuller explanation of the two stage Green Belt assessment and how any harm (in principle and any other) must be outweighed by very special circumstances; and to explain why the physical condition/appearance of the land would not diminish its Green Belt function or status. The applicant had submitted very special circumstances for permission to be granted in the Green Belt; these were detailed in the report to Members. In addition, a fuller explanation of the Green Belt and its function was also detailed in the report to Members.

Since that meeting, two further applications had been received for the same buildings which sought permission on a temporary basis for 5 years (planning references: P1768.11 – Steel clad building; P1778.11 – canopy building). The applications were retrospective as the structures had already been erected. In staff's view, by virtue of their scale, bulk and connection to services the structures were not considered to be temporary in nature.

It was explained that the canopy building was in a central location beyond the existing frontage buildings and was comprised of steel uprights and roof beams with a plywood/canvas roof covering. The steel-clad building was situated adjacent to the eastern boundary.

The report informed members that the applicant had stated that a removals business had operated on the site since 1934. A special circumstances

case had been submitted for both buildings and for both the permanent and 5-year temporary applications.

The applicant had also offered to have none of his existing business containers within an area marked "B" which was an area of land between the front building line of 178 Crow Lane and a line slightly forward of the canopy. Also, within the area marked "A" (which covers the remainder of the applicant's site) the applicant offered to limit the number of containers stacked on top of each other to a maximum of 5. He advised of his willingness to enter into a S106 legal agreement such that he would agree to be tied to this arrangement for his existing container business if planning permission was granted for the canopy and the steel clad building.

The report detailed the material considerations affecting all of the applications and the report consolidated consideration of all 4 applications. It was reported that the applications would be determined separately through separate resolutions of the Committee.

It was noted that six letters of support had been received in connection with all the applications. No objections were received relating to the applications for permanent permission. Two letters have been received objecting to the canopy building (temporary). Two pieces of correspondence have been received raising objections to the steel-clad building (temporary). Comments from 2 statutory consultees had also been received.

Members discussed at length whether the buildings caused any material harm to the open nature of the Green Belt. Members were reminded of the two-stage test which had to be considered for such applications in the Green Belt and were guided towards the section of the report which detailed the very special circumstances submitted by the applicant. Members voiced their support for some of the very special arguments put forward by the applicant. In particular, members were sympathetic to the arguments in respect of health and safety, and the continued vitality of the business in the current economic downturn and the business's contribution to the local economy through continued employment for its staff.

P1413.11 - 178 Crow Lane, Romford

The report recommended that planning permission be refused; however, following a motion it was **RESOLVED** that planning permission be granted for the canopy as it was considered that the Green Belt harm was outweighed by the applicant's demonstration of very special circumstances. The Committee resolved to grant permission subject to the applicant's prior completion of a planning obligation for the following:

- a) Limiting height of container storage in 'Area A' on the submitted plan to 5 maximum and;
- b) Not storing any containers in Area B on the submitted plan.

The resolution to grant planning permission on this basis was subject to no contrary direction by the Secretary of State.

The vote for the motion to grant planning permission was passed by 8 votes to 2 with 1 abstention. Councillors Brace, Taylor, Osborne, Misir, Galpin, Hawthorn, Ower, and Rochford voted in favour of the motion. Councillors Oddy and Durant voted against the resolution and Councillor McGeary abstained from the voting.

The resolution to grant planning permission was passed by 9 votes to 1 with 1 abstention. Councillors Durant voted against the resolution and Councillor McGeary abstained from voting.

P1414.11 - 178 Crow Lane, Romford

The report recommended that planning permission be refused; however, following a motion it was **RESOLVED** that planning permission be granted for the steel clad building as it was considered that the Green Belt harm was outweighed by the applicant's demonstration of very special circumstances. The Committee resolved to grant permission subject to the applicant's prior completion of a planning obligation for the following:

- a) Limit height of container storage in 'Area A' to 5 maximum and;
- b) Not storing any containers in 'Area B'.

In addition, a condition be included which required the building to be used solely for purposes ancillary to the main use of the site.

The resolution to grant planning permission on this basis was subject to no contrary direction by the Secretary of State.

The vote for the motion to grant planning permission and the resolution to grant planning permission was passed by 9 votes to 1 with 1 abstention. Councillors Durant voted against the resolution and Councillor McGeary abstained from voting.

P1768.11 - 178 Crow Lane

The report recommended that planning permission be refused; however, following a motion it was **RESOLVED** that a temporary 5 year planning permission be granted for the steel clad building as it was considered that the Green Belt harm was outweighed by the applicant's demonstration of very special circumstances. The Committee resolved to grant permission subject to the applicant's prior completion of a planning obligation for the following:

- a) Limit height of container storage in 'Area A' to 5 maximum and;
- b) Not storing any containers in 'Area B'.

In addition, a condition be included which required the building to be used solely for purposes ancillary to the main use of the site.

The resolution to grant planning permission was subject to no contrary direction by the Secretary of State.

The vote for the motion to grant planning permission and the resolution to grant planning permission was passed by 10 votes to 1. Councillor Durant voted against the resolution to grant planning permission.

P1778.11 - 178 Crow Lane

The report recommended that planning permission be refused; however, following a motion it was **RESOLVED** that a temporary 5 year planning permission be granted for the steel canopy as it was considered that the Green Belt harm was outweighed by the applicant's demonstration of very special circumstances. The Committee resolved to grant permission subject to the applicant's prior completion of a planning obligation for the following:

- a) Limit height of container storage in 'Area A' to 5 maximum and;
- b) Not storing any containers in Area B.

The resolution to grant planning permission on this basis is subject to no contrary direction by the Secretary of State.

The vote for the motion to grant planning permission was passed by 9 votes to 2. Councillors Brace, Taylor, Osborne, Misir, Galpin, Hawthorn, Ower, Rochford and McGeary voted in favour of the motion. Councillors Oddy and Durant voted against the resolution to grant planning permission.

The substantive vote to grant planning permission was passed by 10 votes to 1. Councillor Durant voted against the resolution to grant planning permission.

261 **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.

Chairman