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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
21 June 2012 (7.30 - 9.58 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair), Robby Misir, Frederick Osborne, +Wendy Brice-Thompson, +Steven Kelly, +Pam Light and +Billy Taylor

Residents' Group Linda Hawthorn and Ron Ower

Labour Group +Keith Darvill

Independent Residents Group +David Durant

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

+ Substitute Member: Councillor Billy Taylor (for Sandra Binion), Steven Kelly (for Jeffrey Brace), Pam Light (for Garry Pain), Wendy Brice-Thompson (for Barry Tebbutt), Keith Darvill (for Paul McGeary) and David Durant (for Mark Logan).

Councillors Georgina Galpin and Frederick Thompson were also present for parts of the meeting.

35 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.

9 **MINUTES**

The minutes of the meetings of the Committee held on 5 and 26 April 2012 were agreed as a correct record and signed by the Chairman.

10 **BRANFIL PRIMARY SCHOOL**

The application proposed the erection of 2-3 storey extension which would provide space for classrooms and a nursery. The proposed nursery would

be kept separate from the remainder of the school, and would have a dedicated pedestrian access through a new entrance. The proposed extension would replace existing buildings which would be demolished. The proposal would allow for an increase in the capacity of the school with a potential increase of 201 pupils and 14 staff. An additional 14 spaces were proposed for staff car parking with 72 spaces provided for cycle storage.

It was noted that 71 letters of objection had been received along with 4 letters of support. Comments from 5 statutory consultees had been received including that from the Environment Agency which raised no objections to the proposals.

In accordance with the public speaking arrangements and with the agreement of the Chairman, the Committee was addressed by two speakers who opposed the application with responses provided to each by the applicant.

Much of the debate amongst members focussed on the proposed pedestrian footpath which would be created for access to the proposed nursery and the impact of the proposed buildings on nearby residential properties. Concerns were raised that the new access and close proximity of the proposed extension would cause unacceptable overlooking into neighbouring properties. It was suggested that access to the proposed nursery could be made via the main school entrance. In response, officers explained that the footpath would only be used during discreet periods of the days and as such would not result in a constant flow of people walking past adjoining residential boundaries. It was suggested that its use could be covered by condition.

Discussion also focussed on the likely increase in the number of car journeys made by parents dropping off and collecting children given the proposed significant increase in pupil numbers at the school. Members queried whether sufficient consideration had been given to the likely travel impact and parking congestion on surrounding residential roads. Accordingly, a motion was proposed that consideration be deferred to enable officers to discuss with the applicant the submission of a school travel plan and also to enable members to visit the site and inspect the location of the proposed access and footpath and its potential impact on neighbouring amenity. That motion was defeated by 7 votes to 4. Councillors Darvill, Durant, Ower and Hawthorn voted for the motion to defer.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and additional conditions to cover the following:

- No external lighting (including for the Multi Use Games Area) to be installed without prior consent from Local Planning Authority.

- Submission, approval, implementation and maintenance of a management scheme for the footpath adjacent to 16 Cedar Avenue.
- Details of the design, levels and boundary treatment for the footpath adjacent to 16 Cedar Avenue.
- Adjust Condition 4 (boundary treatment) to specify closeboard fence for boundary with 16 Cedar Avenue.

The vote for the resolution to grant planning permission was passed by 7 votes to 4. Councillors Darvill, Durant, Ower and Hawthorn voted against the resolution to grant planning permission.

11 P0540.12 - 91 EASTERN ROAD, ROMFORD

The proposal comprised a two storey side extension, and a part single, part two storey rear extension. The report explained that a hidden gutter arrangement would be utilised to prevent encroachment onto the neighbouring property. The ground floor would comprise an enlarged living room and a bike store with a passage to the rear garden. At first floor level the extension would comprise a bedroom and en-suite bathroom. The rear extension would comprise a dining room at ground floor level and a bathroom at first floor level. The rear extension would necessitate the demolition of the existing garage.

The application had been called-in for consideration by the Committee by Councillor Frederick Thompson. Councillor Thompson had been concerned at the bulk of the proposal and it being out of keeping with the street scene.

It was noted that 11 letters of representation had been received along with late comments received from the Council's Heritage Officer who advised that the application was broadly in line with heritage requirements although it was not within the Conservation area.

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

With its agreement, Councillor Frederick Thompson addressed the Committee. Councillor Thompson remarked that the proposals would result in an unacceptable loss of light and privacy for neighbouring occupiers and its excessive bulk would result in it being out of character in the street scene. In addition, the increased number of occupiers would increase the number of vehicular movements to and from the property and could increase parking congestion.

Members of the Committee commented that the proposal was unsightly and would look unacceptably dominant in the street scene. Members were particularly unimpressed by the proposed gutter concealment and considered that the proposal overall would be detrimental to neighbouring amenity.

The report recommended that planning permission be granted but following a motion it was **RESOLVED** that planning permission refused on the grounds that the extension would, by reason of its excessive depth and bulk, its design (including the eaves/gutter detail causing an oppressively high flank wall) and its proximity to the side boundary would significantly harm the setting of the house, its impact on the character of the street scene, the rear garden environment and the amenities of the neighbouring property.

The motion to refuse planning permission was passed to 10 votes to 1. Councillor Oddy voted against the motion to refuse planning permission. The resolution to refuse planning permission was passed unanimously.

12 **P0427.12 - 28 HARROW DRIVE, HORNCHURCH**

The report detailed an application for a single storey front extension and single and two storey rear extensions.

The application had been called in for consideration by the Committee by Councillor Georgina Galpin. Councillor Galpin considered that the proposal raised un-neighbourliness and street scene issues.

It was noted that 4 letters of representation had been received including comments from a local ward Councillor.

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

With its agreement, Councillor Georgina Galpin addressed the Committee. Councillor Galpin explained that the plans were inaccurate. She added that the proposal was only a minor reduction from a previous application which had been refused permission. The application, in her view, was bulky and would result in an unacceptable loss in neighbouring amenity.

Officers stated that the revised plans were accurate but were so minor that neighbours had not been re-consulted following their submission.

Members of the Committee raised concerns that neighbours had not been consulted on the revised plans. Accordingly, a motion was proposed and subsequently passed that consideration be deferred to enable a further round of consultation to take place. It was **RESOLVED** that consideration be deferred to a future meeting of the Committee.

13 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

The report updated the Committee 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 2000-2012.

The Committee **NOTED** the report and the information contained therein.

14 **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 11 February 2012 and 18 May 2012.

The report detailed that 31 new appeals had been received since the last meeting of the Monitoring Committee in March 2012.

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

15 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in March 2012.

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.

16 **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.

17 **P0473.12 - LAND AT FORMER DEPOT VERNON ROAD COLLIER ROW**

The report detailed an application for the demolition of the existing garage units at the site, and their replacement with a four bedroom, detached dwelling. The proposed dwelling would be accompanied by a front and rear garden, and driveway with four parking spaces and a detached garage building. It was noted that vehicular access would be taken from Vernon Road.

It was noted that should planning permission be granted a Mayoral Community Infrastructure Levy (CIL) payment would be required for the sum £2,660.00.

An amendment to the report was outlined to members. It was noted that paragraph 6.5.3 was to be replaced with the following:

“The access is 4.5 metres in width and is subject to Condition 15 which secures pedestrian access over Public Footpath 21 which forms part of the otherwise private access road. Drawing Reference Number sps1355/1 which is referred to in planning condition 15 indicates by broken black line the route of the public footpath as used by the public within the application site. The access will be sufficient to allow access for emergency vehicles and the Highway Authority has raised no objections to the arrangements.”

It was **RESOLVED** that, subject to the expiration of the consultation period on 29 June 2012 and any consultation responses received raising no new material considerations other than those already considered by Committee, the Committee delegate to the Head of Development and Building Control authority to grant planning permission, subject to the completion of a legal agreement and planning conditions. If new material considerations were raised, then the matter be remitted back to Regulatory Services Committee for its further consideration and resolution.

In addition, 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:

- The sum of £6000 towards the costs of infrastructure associated with the development in accordance with the draft 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 Council’s reasonable legal fees in association with the preparation of the Agreement shall be paid prior to completion of the agreement irrespective of whether or not it is completed;
- The Council’s planning obligation monitoring fees shall be paid prior to completion of the agreement.

That, subject to there being no new material considerations, the Head of Development and Building Control 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 and an additional condition to require the following:

“Condition 15: Public Footpath 21

Prior to the commencement of development a scheme shall be submitted in writing to the Local Planning Authority setting out detailed measures to be implemented to ensure continued access for the public over Public Foot Path 21 within the application site as shown by the broken black line on drawing reference sps 1355/1 such approved scheme shall include details of surface treatment for a section of Public Footpath 21 to distinguish it from the remaining part of the access road for the length of the access road to the application site from Vernon Road and the approved scheme shall be implemented prior to the first occupation of any dwelling within the application site.

Reason:

To ensure that access by the public on foot is not obstructed over that section of Public Foot Path 21 that falls within the application site and that the surface treatment of that section of Public Footpath 21 for its full length along side the access road is clearly distinct from the remaining part of the access road.”

18 **P0199.12 - 23 WINDERMERE AVENUE ELM PARK**

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

19 **P0257.12 - LAND TO THE REAR OF 182-200 HIGH STREET, HORNCHURCH**

The proposal considered by the Committee was for the demolition of the existing building and garages and the erection of a single building to provide two B1 Uses to the ground floor with four flats at first floor level and fifth flat in the roof space.

It was noted that 4 letters of representation had been received along with comments from 7 statutory consultees, including 2 late responses from the Council’s Environmental Health and Highways Departments which made some suggested conditions should permission be granted.

It was also reported that should permission be granted, a Mayoral Community Infrastructure Levy (CIL) payment would be required for the sum of £9,090.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and five additional conditions:

1, Before the development commences details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the commercial part of the site. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.

Reason: To prevent noise nuisance to adjoining properties

2, Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

3, Before any development is commenced, a scheme for protecting the proposed dwellings from noise from commercial uses in the vicinity shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

Reason: To prevent noise nuisance to adjoining properties

4, The flats shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L₂nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

5, No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

20 **P0432.12 - 194 ELM PARK AVENUE, ELM PARK, HORNCHURCH**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report but with a minor alteration to Condition 7 so that it reads "...disperse Odours..."

21 **PLANNING CONTRAVENTION - 2-8 UPMINSTER ROAD SOUTH, RAINHAM**

The report detailed an authorised building within the rear garden of a Listed Building located within the boundaries of the Rainham Conservation Area. It was reported that the building did not have Listed Building Consent or planning permission. It was considered that the building detracted from the setting of the listed building and, in particular, from public views available within the curtilage of the listed Rainham Hall.

A member of the Committee commented that enforcement action was unnecessary and that it was a minor planning infringement which could be resolved by some other means. The member added that the building obscured unsightly views from the rear of Rainham Hall to the rear of the premises on Upminster Road South.

Other members of the Committee disagreed with that view and suggested that in the absence of an application it was necessary to enforce.

It was **RESOLVED** that the Committee considered it expedient that an Enforcement Notice be issued and served to require, within 3 months:

1. Remove the unauthorised building;
2. Remove all resultant debris associated with compliance with the above, the removal of the unauthorised outbuilding 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.

The vote for the resolution to take enforcement action was passed by 10 votes to nil with 1 abstention. Councillor Durant abstained from voting.

22 **SECTION 106 DEED OF VARIATION FOR THE FORMER WHITWORTH CENTRE NOAK HILL ROMFORD**

The report before members related to proposals for a residential development for 144 residential units on land at former Whitworth Centre, Noak Hill Road, Romford. The site had the benefit of planning permission (under planning reference 1558.11) which was subject to a Section 106 legal agreement completed on 29 March 2012. The Section 106 agreement should include a travel plan and the original agreement would be varied to include that planning obligation.

It was reported that a request had been made to the Council to vary under Section 106A of the Town and Country Planning Act 1990 the legal agreement to amend the definition of 'Shared Equity' in the original agreement to read *"Shared Equity means the sale of a 100% interest in the reversionary title of a residential dwelling to an Approved Person (or such other purchaser as may be permitted pursuant to Schedule Five) at such price as is below market price (as per the definition of Intermediate Affordable Housing within Annex 2 of the National Planning Policy Framework (27 March 2012) but which is otherwise as the Developer and the said Approved Person (or such other purchaser as may be permitted pursuant to Schedule Five) shall agree and provided further that such price shall be paid in part cash payment and part Shared Equity Charge pursuant to paragraph 5 of Schedule Five"*.

Further a definition of 'a Person in Housing Need' suitable to the Council would be added to the definitions in Schedule 5 of the original agreement.

It was **RESOLVED** that the variation of the Section 106 agreement dated 29 March 2012 pursuant to planning permission reference number P1558.11 by Deed of Variation under Section 106A of the Town and Country Planning Act (as amended), be approved:

1. the definition of 'Shared Equity' in the original agreement be amended to read *"Shared Equity means the sale of a 100% interest in the reversionary title of a residential dwelling to an Approved Person (or such other purchaser as may be permitted pursuant to Schedule Five) at such price as is below market price (as per the definition of Intermediate Affordable Housing within Annex 2 of the National Planning Policy Framework (27 March 2012) but which is otherwise as the Developer and the said Approved Person (or such other purchaser as may be permitted pursuant to Schedule Five) shall agree and provided further that such price shall be paid in part cash payment and part Shared Equity Charge pursuant to paragraph 5 of Schedule Five"*.
2. a definition of 'a Person in Housing Need' be inserted in the definitions in Schedule Five of the original agreement which is acceptable to the Council.
3. a planning obligation be inserted requiring the production of a travel plan to encourage the use of sustainable modes of transport, including requirements for the submission of a scheme to encourage use of sustainable modes of transport, implementation, monitoring and review of such scheme as required by the Council
4. the Developer and/or Owner to bear the Council legal costs in respect of the preparation of the legal agreement irrespective of whether or not it is completed

5. the variation of the original agreement to include any consequential changes resulting from 1-3 above and otherwise save as varied as above the original agreement dated 29 March 2012 shall remain in full force and effect.

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.

23 EXCLUSION OF THE PUBLIC

The Committee decided on the motion of the Chairman that the public should be excluded from the remainder of the meeting on the ground that it was likely that, in view of the nature of the business to be transacted, if members of the public were present there would be disclosure to them of exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972 and it was not in the public interest to publish the information.

24 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION

Attached to the report was a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 11 February 2012 and 18 May 2012.

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

Chairman

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