

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
13 September 2012 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Robby Misir, Frederick Osborne, Garry Pain and Steven Kelly

Residents' Group Linda Hawthorn and Brian Eagling

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Sandra Binion, Ron Ower and Mark Logan.

+Substitute members: Councillor Steven Kelly (for Sandra Binion), Councillor Brian Eagling (for Ron Ower) and Councillor David Durrant (for Mark Logan).

Councillor Michael Armstrong was also present for parts of the meeting.

14 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.

58 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Brian Eagling declared a predisposition in relation to planning application P0585.12

Councillor Barry Tebbutt declared a pecuniary and prejudicial interest in planning application P0585.12

Councillor Jeff Brace declared a personal interest in relation to planning application P0859.12

59 **MINUTES**

The minutes of the meeting of the Committee held on 19 July 2012 were agreed as a correct record and signed by the Chairman with the following amendments to item 28 which should read 48 Warwick Road, part2/part 3 storey building, Councillor Wallace abstained from voting as opposed to Councillor Pain and Councillor Tebbutt did not vote for either the motion or resolution to refuse planning permission.

The minutes of the meeting of the Committee held on 2 August 2012 were withdrawn to be brought back at a future meeting.

60 **P0745.12 CORNER OF LAMBS LANE/NEW ROAD**

The report before members detailed an application for the redevelopment of the site to create 28 units, comprising 22 houses and 6 flats. All of the units were proposed as affordable housing.

Members were advised that there was an amendment to paragraph 6.7.3 which should have referred to there being a new access and not existing.

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

During the discussion, members discussed concerns regarding boundary protection and possible traffic calming measures.

In reply to a question regarding the use of Section 106 funding being allowed for traffic calming measures, officers confirmed that any Section 106 funding had to relate to the direct impact of the proposed development.

A member noted that highways issues could be considered at a future date independently from the planning permission at the Highways Advisory Committee.

Members asked that consideration be given to a condition restricting lorry movements during the construction process.

The Committee noted that the development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) of £53,360.00.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- The provision of a minimum of 50% of the units within the development as affordable housing in accordance with Policies CP2

and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- A financial contribution of £168,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- The submission of a landscape management and maintenance plan to include the aftercare of the planting and a scheme of future maintenance.
- 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 Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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 set out in the report and also subject to adjusting condition 16 to incorporate an additional point relating to the routes taken by lorries to and from the site making deliveries/removing plant or materials associated with construction of the development.

61 P0487.12 BRADLEY HOUSE, 194 RUSH GREEN ROAD

The report before members detailed an application for the change of use of Bradley House from a caretakers mess room to a meals on wheels catering depot. The proposal involved the demolition of garages to the rear and an existing side porch and the erection of a canopy and cold store.

8 letters of representation had been received.

Members were advised that there was an amendment to paragraph 5.9 of the report which should have referred to there being 8 vans and not 5 at the site.

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

During the discussion, members debated the possible noise from the freezer units at the site and the possible increased traffic that would impact on the junction of Rush Green Road and Dagenham Road.

It was **RESOLVED** that planning permission be granted subject to the conditions set out in the report and subject to amending condition 8 to require in addition, the submission, approval, implementation and maintenance of a scheme of collection of refuse.

The resolution was passed by 9 votes to 1 with 1 abstention. Councillor Osborne voted against the resolution to grant planning permission. Councillor Tebbutt abstained from voting.

62 **P0859.12 3 HEATH CLOSE, ROMFORD**

The application before members sought planning permission for the conversion of an existing detached garage to provide annex accommodation for family members. A Legal Agreement under section 106 of the Town and Country Planning Act 1990 was required to place an occupation restriction on the annex for use by family members.

Members noted that a letter of objection had been received from Councillor Andrew Curtin.

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

With its agreement, Councillor Michael Armstrong addressed the Committee. Councillor Armstrong commented that he agreed with the Council's Heritage officer that the change of use of the garage to annex accommodation was inappropriate and could set a harmful precedent. Councillor Armstrong asked that the Committee reject the application on the basis that approving the application would harm the conservation area.

During the debate members discussed the planning history of the site and the possible increase in traffic movements.

Members sought clarification that under the proposed Section 106 Agreement the annex could not be sold separately of the main residence.

Members sought clarification on whether restrictions could be put in place to prevent the laying of hard-surfacing in the garden area between the main dwelling and the annex. Members were informed that such restrictions may have been covered by an Article 4 Direction removing permitted development rights.

It was **RESOLVED** that subject to:

- there being a prevailing Article 4 direction dealing with control over any future hard-surfacing of the garden area between the main house and garage; and
- subject to the legal agreement incorporating a further restriction that the annex is not to be sold separately from the main dwelling

The Committee delegate to the Head of Development and Building Control authority to grant planning permission subject to the prior completion of a legal agreement and planning conditions. In the event that Article 4 provisions do not provide sufficient control over hard-surfacing, the application would be remitted back to Regulatory Services Committee for its further consideration and resolution.

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 owners / developers covenants that the occupation of the proposed development shall be restricted to relatives of the owners of the land comprising 3 Heath Close, Gidea Park, Romford;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising 3 Heath Close, Gidea Park, Romford;
- The owners / developers as appropriate to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed;
- Payment of the appropriate planning obligation/s monitoring fee prior to the completion of the agreement;
- 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.

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 set out in the report but also to consider provided that prevailing Article 4 direction control over any future hardsurfacing of the garden area between the main house and garage; and subject to the legal agreement incorporating a further restriction that the annex is not to be sold separately from the main dwelling. In the event that Article 4 provisions do not provide such control over hardsurfacing, the application would be brought back to Committee for determination.

As stated at the beginning of the minutes, Councillor Jeff Brace declared a prejudicial interest in the application. Councillor Brace informed the Committee that he knew the applicant. Councillor Brace left the room during the discussion and took no part in the voting.

63 P0419.12 WOODVILLE WORKS, CHURCH ROAD, HAROLD WOOD

The Committee considered the report, noting that the development proposed was liable for the Mayor's Community Infrastructure Levy of £3,600.00, and without debate **RESOLVED** that the application was unacceptable as it stood, but would be acceptable subject to the applicant entering into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £6,000 towards local infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document;
- 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 Unilateral Undertaking to the date of receipt by the Council;
- The owners / developers as appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee.

That upon the Unilateral Undertaking being signed that planning permission be granted subject to the conditions as set out in the report.

64 P0913.12 HAVERING COLLEGE, ARDLEIGH GREEN CAMPUS

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions set out in the report and to include amended/additional conditions covering reserved matters within three years from date of planning permission and that the development would be started within two rather than three years.

65 P0639.12 1 & 3 CRAVEN GARDENS, HAROLD PARK

The Committee considered the report, and noted that the development proposed was liable for a Mayor's CIL payment of £5,255.60, and without

debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- 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 legal agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to 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 such a legal agreement to secure the above and that upon completion of that agreement, grant planning permission subject to the conditions set out in the report.

66 **P0601.12 57 NELMES CRESCENT, HAROLD HILL**

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 Unilateral Undertaking under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The owners / developers covenants that the occupation of the proposed development shall be restricted to relatives of the owners of the land comprising 57 Nelmes Crescent, Horcnhurch;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising 57 Nelmes Crescent, Horcnhurch;
- The owners / developers as appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking and any applicable planning obligation monitoring fee.

That Staff be authorised that upon completion of the Unilateral Undertaking, planning permission be granted subject to the conditions as set out in the report.

67 **P0585.12 65 GUBBINS LANE, HAROLD WOOD**

The report before members sought an amendment to the terms of planning permission P0585.12 that was granted approval on 19 July 2012.

During a brief debate members sought clarification of terms and conditions of the Section 106 Agreement terms and conditions.

Members raised concerns over the delay in completing the agreement.

Following a motion it was **RESOLVED** that planning permission be granted subject to

- the completion of a legal agreement to be completed within one calendar year, by 13 September 2012;and
- the requirement that should the legal agreement not be completed within one calendar year, by 13 September 2012, planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing within the development; and fails to meet the necessary infrastructure costs arising from the development.

The vote for the motion was carried by 6 votes to 4. Councillors Oddy, Brace, Kelly, Misir, Osborne and Pain voted for the motion. Councillors Eagling, Hawthorn, McGeary and Durrant voted against the motion.

The vote for the substantive motion was carried by 6 votes to 4. Councillors Oddy, Brace, Kelly, Misir, Osborne and Pain voted for the substantive motion. Councillors Eagling, Hawthorn, McGeary and Durrant voted against the substantive motion.

It was **RESOLVED** in line with officers recommendation that planning permission be granted, but to include the motion to limit the application to a twelve month period, and to include 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 £96,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- The provision of 8 units within the development as affordable housing with 6 of those units made available for social housing

and 2 of those units as shared ownership. 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 Annex 2 of the National Planning Policy Framework;

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme;
- 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 for completion of the agreement shall be paid prior to the 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 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 set out in the report and to include an additional condition that subject to requirement that if the legal agreement is not signed and completed within one calendar year, ie by 13 September 2013 that planning permission be refused on grounds that the proposal did not make adequate arrangements for the provision of affordable housing within the development, or met the necessary infrastructure costs arising from the development.

The vote for the resolution to grant planning permission was granted by 6 votes to 4. Councillors Oddy, Brace, Kelly, Misir, Osborne and Pain voted for the resolution. Councillors Eagling, Hawthorn, McGeary and Durrant voted against the resolution.

As stated at the beginning of the minutes, Councillor Barry Tebbutt declared a prejudicial interest in the application. Councillor Tebbutt informed the Committee that a business customer of his adjoined the application site. Councillor Tebbutt left the room during the discussion and took no part in the voting.

68 **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.

69 **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 19 May and 17 August 2012

The report detailed that 22 new appeals had been received since the last meeting of the Monitoring Committee in June 2012.

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

70 **SCHEDULE OF ENFORCEMENT NOTICES**

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

71 **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.

72 **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.

73 **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 19 May 2012 and 17 August 2012.

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

Chairman