

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
31 January 2013 (7.30 - 9.45 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Linda Hawthorn and Ron Ower

Labour Group +Pat Murray

**Independent Residents
Group** +David Durant

Apologies were received for the absence of Councillors Sandra Binion, Robby Misir, Paul McGeary and Mark Logan .

+Substitute Councillors Steven Kelly (for Sandra Binion), Frederick Thompson (for Robby Misir), Pat Murray (for Paul McGeary) and David Durant (for Mark Logan)

Councillors Michael Armstrong, Rebecca Bennett, Lynden Thorpe, Denis Breeding and Jeffrey Tucker were also present for parts of the meeting.

Approximately 50 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.

143 DISCLOSURE OF PECUNIARY INTERESTS

Councillors Oddy, Tebbutt, Brace, Kelly, Osborne, Pain, Thompson, Hawthorn and Ower declared a non-pecuniary personal interest in item P1416.12 – Magala. The respective members advised that they knew of the objector to the scheme. The members confirmed that their personal interest was not prejudicial to their ability to determine the application.

144 **MINUTES**

The minutes of the meetings held on 29 November and 6 December 2012 were agreed as a correct record and signed by the Chairman.

145 **P1415.12 - 77-79 BUTTS GREEN ROAD, HORNCHURCH**

On the advice of staff it was **RESOLVED** that consideration of the matter be deferred to allow further consideration of proposed planning conditions including relationship to highway matters.

146 **P1128.12 - FORMER BOYD HALL, ST MARY'S LANE, UPMINSTER**

The report before members detailed an application for the erection of 9 detached houses with new driveway access extending from Litchfield Gardens and ancillary parking.

Members noted that one late letter of representation had been received.

Officers advised that they were seeking four additional conditions covering;

- Wheel washing.
- External lighting scheme for access road.
- Highways alterations.
- Licence to alter the public highway before development commences.

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

During the debate members discussed the number of trees that were due to be removed from the site and the re-planting scheme that was proposed.

Members expressed their support for a scheme which proposed the construction of houses rather than flats and which, in their view, was of high a quality design.

Members noted that a Mayoral CIL contribution of £30,364 was liable for the proposed development 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 £54,000 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 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 preparation of 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.

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

147 P0986.12 - 90 RAINHAM ROAD, RAINHAM

The planning application before members proposed the siting of a metal-clad smoking shelter to the rear of an existing restaurant, at first floor level. The shelter would be located in the open air, on the roof of a single storey element at the rear of the host building.

Members noted that the application had been called in by Councillor Rebecca Bennett on the grounds that the proposed smoking shelter would help reduce the nuisance caused in the local area by smokers congregating at the front of the host building.

With its agreement, Councillors Rebecca Bennett and Denis Breeding addressed the Committee.

Councillor Breeding commented that the scheme had previously been refused under delegated powers and that, in his opinion, no changes had been made to the proposal and therefore it should be refused on the grounds of overlooking and appearance.

Councillor Bennett advised that she supported the application as it would lead to a reduction in the number of people who congregate at the front of the host premises to smoke.

Councillor Bennett also commented that the local Police Safer Neighbourhood Team (SNT) had been successful in reducing the amount of anti-social behaviour in the Cherry Tree area and felt that the smoking shelter would aid the appearance of the area. Councillor Bennett also produced five letters of support, from nearby properties that supported the scheme.

During the debate, members discussed the possible impact that the shelter would have on neighbouring properties. Members also made reference to the planning history of the premises where it was noted that an application on the same site had been refused under delegated powers and had also subsequently been refused by the Planning Inspectorate.

Members also sought advice from staff on the number of people that would be using the shelter at any given time.

The report recommended that planning permission be refused, however following a motion to defer the granting of planning permission, it was **RESOLVED** that consideration of the matter be deferred to allow for further consideration of additional information including:

- Possibility of a visual screen on the terrace to shield shelter from residential views
- Whether the shelter could be enclosed to reduce noise
- Further information on the history of the premises, the permitted use of the terrace and its lawfulness
- Clarification on what was being operated from the second floor of the host building
- Confirmation on the number of covers in restaurant and the expected number of smokers on roof terrace at one time?
- What factors prompted the submission of the original retrospective planning application – was it a complaint?
- More detail on the Planning Inspectorate appeal decision.
- Whether the need for planning permission could be negated if the structure was to be placed on wheels.
- Photos of structure from neighbouring gardens.

The vote for the resolution to defer consideration was carried by 9 votes to 2. Councillors Oddy, Tebbutt, Brace, Kelly, Osborne, Pain, Thompson, Hawthorn and Durant voted for the resolution to defer consideration. Councillors Murray and Ower voted against the resolution to defer the granting of planning permission.

148 **P1052.12 - 32 PETTITS CLOSE, ROMFORD**

The report before members detailed an application for the demolition of a garage and the construction of a two storey side and rear extension.

The planning application had been presented to the Committee on 25th October 2012 but had been deferred to allow further information to be gathered by officers.

Members noted that the application had been called in by Councillor Michael Armstrong on the grounds that the proposal would be overbearing on the properties at the back of the property.

3 letters of representation had been received from neighbouring occupiers.

In accordance with the public speaking arrangements, the Committee was addressed by an objector without a response by the applicant.

With its agreement Councillor Michael Armstrong addressed the Committee. Councillor Armstrong commented that his reasons for calling in the application had not changed from the previous meeting and that he considered that the extension would be over bearing on neighbouring properties and urged the Committee to refuse the granting of planning permission.

During the debate members discussed the overbearing and visually obtrusive nature of the proposed extension.

The report recommended that planning permission be granted, however following a motion to refuse, it was **RESOLVED** that planning permission be refused on the grounds that

- The excessive bulk and mass of the extension and overbearing impact that was harmful to the rear garden scene and neighbours' amenity.
- Material invasion of privacy of 177 Parkside Avenue.

149 **P1416.12 - LAND TO THE REAR OF MAGALA, SOUTHEND ARTERIAL ROAD, ROMFORD**

The report before members detailed a planning application that proposed the demolition of an existing double garage block, and the erection of a new dwelling with associated vehicle parking and private amenity space.

Members noted that the application had been called in by Councillor Lynden Thorpe on the grounds that she had concerns on the possible loss of amenity, dominance of the building, overdevelopment of the site and safety concerns in the event of fire.

18 letters of representation and a petition including 112 signatures had been received from neighbouring occupiers.

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

With its agreement Councillor Lynden Thorpe addressed the Committee.

Councillor Thorpe advised that she was also speaking on behalf of Councillor Michael White. Councillor Thorpe advised that she had grave concerns regarding the proposed development. Councillor Thorpe commented that the proposal would result in a loss of amenity to the properties in Ferguson Court which was situated adjacent to the proposed

development. Concerns had also been raised by local residents regarding vehicle manoeuvres during the build period. Councillor Thorpe also advised that she had concerns regarding the access to the site by emergency services in the event of a fire.

During the debate members discussed the possibility of installing sprinklers to the proposed property and the access and egress arrangements to the site.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission it was **RESOLVED** that be refused on the grounds that

- The proposal was a cramped and overly dominant development of the site which would be harmful to neighbours' amenity.
- The proposal provided insufficient access arrangements for emergency vehicles.

The vote for the resolution was carried by 6 votes to 5. Councillors Oddy, Thompson, Hawthorn, Ower, Murray and Durant voted for the resolution to refuse planning permission. Councillors Brace, Kelly, Osborne, Pain and Tebbutt voted against the resolution to refuse planning permission.

As mentioned previously Councillors Oddy, Tebbutt, Brace, Kelly, Osborne, Pain, Thompson, Hawthorn and Ower declared a non-pecuniary interest in item P1416.12. The Councillors advised that they knew of the objector to the scheme in a professional manner. Those members were present for the discussion and took part in the voting.

150 **P1354.12 - WINIFRED WHITTINGHAM HOUSE, BROOKWAY, RAINHAM**

The report before members detailed an application for the redevelopment of the site to create 36 units, comprising a mix of two and three bedroom houses. The scheme was to also include landscaping and a new area of public open space.

Members were advised that the objection by the London Fire Brigade contained in the report had been withdrawn.

Members were also advised that one late letter of representation had been received.

With its agreement Councillor Jeffrey Tucker addressed the Committee, Councillor Tucker commented that the land's use previous to the building of Winifred Whittingham House was as park space. Councillor Tucker suggested that the proposed scheme was an over development of the site and that local residents wanted the land to return to its previous use as a park. Councillor Tucker also commented that local services were at stretching point and he urged the Committee to reject the scheme.

During the debate, members discussed the former use of the land which was believed to have been used as an allotment site.

Members questioned the use to which Section 106 monies could be put to.

Members also questioned whether a condition could be put in place to ensure adequate re-instatement of the pavements once the building works had been completed.

The Committee noted that the development was liable for a Mayoral CIL of £59,440 and **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 4 of the units within the development as affordable housing on the basis that an independent assessment of viability of the proposed development confirms this is the maximum the development can support.
- A financial contribution of £216,000 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 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 to include additional conditions relating to sprinklers, existing /proposed land levels and the reinstatement of pavements.

The vote for the resolution was carried by 9 votes to 1 with 1 abstention. Councillor Durant voted against the resolution to grant planning permission. Councillor Murray abstained from voting.

151 **P1275.12 - SCHOOL HOUSE COMMUNITY CENTRE, CHURCH ROAD, NOAK HILL**

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

152 **P1358.12 - COOPERS COMPANY & COBORN SCHOOL, ST MARY'S LANE, UPMINSTER**

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

153 **P1007.12 - LAND AT HENDON GARAGES, HENDON GARDENS**

The Committee considered the report noting that the development was liable for a Mayoral CIL payment of £9,820 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:

- A financial contribution of £30,000 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 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 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 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.

154 **P1296.12 - OPPOSITE 1 & 3 CRAVEN GARDENS, COLLIER ROW**

The Committee considered the report noting that the development was liable for a Mayoral CIL payment of £7,400 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 £24,000 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.

155 **SUSTRANS CONNECT 2 PROJECT**

The Committee considered the report and without debate **RESOLVED** that the Council enter into an agreement under Section 25 of the Highways Act with the owners of the land between points "A" and "B" and points "B" and "C" on the plan annexed to the report to secure a bridleway between points "A" and "C" with access for cyclists.

Chairman

