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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
25 April 2013 (7.30 - 10.05 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group** +David Durant

An apology for absence was received for the absence of Councillor Mark Logan

+Substitute members Councillor David Durant (for Mark Logan)

Councillors Steven Kelly, Roger Ramsey, Paul Rochford, Linda Van den Hende
and Lawrence Webb were also present for parts of the meeting.

30 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.

197 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Barry Tebbutt declared a prejudicial interest in item P0827.12.
Councillor Tebbutt advised that he owned a property in close vicinity to the
application site. Councillor Tebbutt left the room during the discussion and
took no part in the voting.

198 **MINUTES**

The minutes of the meetings held on 21 February, 7 March and 14 March
were agreed as a correct record and signed by the Chairman.

199 **P1332.12 - 44 NELMES WAY, EMERSON PARK, HORNCHURCH**

The report before members detailed an application that sought consent for the demolition of the existing property and the erection of a replacement two storey dwelling.

Members were advised that the application had been called in by Councillor Paul Rochford on the grounds of, size and overbearing nature.

Members were also advised that the application had also been called in by Councillor Roger Ramsey on the grounds of its impact on neighbouring occupiers.

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

With its agreement Councillors Rochford and Ramsey addressed the Committee.

Councillor Rochford commented that he opposed the application due to its bulk, scale and overbearing nature and also confirmed that the application was not in keeping with the Emerson Park Supplementary Planning Document (SPD).

Councillor Ramsey commented that the proposal would have an impact on the neighbouring properties. Councillor Ramsey also confirmed that he had been approached by the applicant who was concerned with the delay that he was experiencing in obtaining planning permission.

During the debate members discussed concerns they had regarding the possible breeches of the Emerson Park SPD that were being brought before the Committee on a regular basis.

It was **RESOLVED** that Planning permission be refused on the grounds that the proposed development would, by reason of its excessive forward projection, scale, bulk and mass, appear a dominant, visually intrusive, incongruous and overbearing feature in the streetscene harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61. The reasons for refusal were as follows:-

1. The proposed development would, by reason of its excessive forward projection, scale, bulk and mass, appear a dominant, visually intrusive, incongruous and overbearing feature in the streetscene harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61.
2. The proposed development would, by reason of its scale, bulk, mass and excessive depth, appear a dominant, overbearing, unneighbourly

and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers in terms of loss of outlook and sunlight, particularly No. 42A Nelmes Way contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. The proposed development would, by reason of its position and proximity to neighbouring properties and the Juliet balcony serving bedroom 1, result in undue overlooking and loss of privacy harmful to the amenity of neighbouring occupiers particularly No. 42A Nelmes Way contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

200 P1813.13 - FORMER SOMERFIELD DEPOT, NEW ROAD, RAINHAM

On the advice of staff it was RESOLVED that consideration of the matter be deferred to enable the item to be re-presented following consideration of representations by the applicant.

201 P1155.12 - 64 WINGLETYE LANE, HORNCHURCH - CONVERSION OF A SIX BEDROOM HOUSE TO 4 ONE BED FLATS, EXTERNAL ALTERATIONS, DEMOLITION OF CONSERVATORY AND PART OF A SINGLE STOREY SIDE EXTENSION.

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:

- A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the 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.

202 **P0173.13 - LAND SOUTH OF HAROLD HILL HEALTH CENTRE, GOOSHAYS DRIVE, HAROLD HILL**

The application before members was for the creation of a 21 space car park on land to the south of the Harold Hill Health Centre, together with associated landscaping and access works. The proposals formed part of the Council's local regeneration initiative, known as the Harold Hill Ambitions Programme. The application was brought before the committee as it involved land owned by the Council.

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

With its agreement Councillor Lawrence Webb addressed the Committee.

Councillor Webb commented that he had concerns that whilst the construction works were taking place that visitors to the nearby community centre would be forced into walking in the road unless a temporary footpath was established. Councillor Webb asked that consideration be given to provision of a temporary footpath.

During the debate members discussed the possible provision of a temporary footpath being used during the construction period, the possible retention of trees and the provision of disabled parking spaces.

A discussion also took place regarding the introduction of a landscaping scheme.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to the following additional conditions the precise wording of which be delegated to the Head of Development and Building Control:

- Construction method statement to include access arrangements for pedestrian users of adjacent pavement during works.
- Landscaping to include replacement of lost trees
- Details of disability access for users of the car park
- Details of car park layout including provision of disabled bays
- And the lighting condition (no. 5) was to be discharged in consultation with Streetcare (to see whether scope for a shared scheme with the adjacent highway lamp columns)

203 **P0030.13 - WHITEHOUSE KENNELS, ST MARY'S LANE, UPMINSTER**

The report before members sought planning application for the demolition of the existing kennels, cattery, office, and various out buildings and the change of use of the site to a small holiday park, comprising 9

accommodation units, along with associated landscaping, surfacing, and other works.

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

With it agreement, Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende commented that the application site was on Green Belt land and that the proposal was detrimental to the adjacent occupiers.

Councillor Van den Hende also made reference to an assessment made by the Environment Agency that explained that the application site was at risk from flooding.

Councillor Van den Hende asked that consideration be given to additional conditions covering noise, lighting and the possible prevention of risk from fireworks.

Councillor Van den Hende asked that the Committee reject the application as it was felt that the proposal was an inappropriate development within the Green Belt.

Following a question, officers clarified that they had seen no evidence of the assessment by the Environment Agency confirming that the application site was at danger from the risk of flooding. Officers confirmed that if the Environment Agency submitted an objection to the proposal on the grounds of possible flooding then the scheme would be remitted back to the Committee for consideration.

During the debate members discussed the possible operating months of the holiday park and parking provision on the site.

Following a motion to limit the operating months of the proposal to eight months of the year, that motion was lost by six votes to five. A further motion was put forward for the operating months of the proposal to be extended to nine months of the year. This motion was carried by 10 votes to 0 with 1 abstention. Councillor Barry Tebbutt abstained from voting.

It was **RESOLVED** that subject to the Environment Agency having no objections on flood risk grounds(if such objection was received the proposal would be remitted to the Committee for further consideration), 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 obligation:

- That the proposed holiday accommodation comprising 9 units be used solely as holiday lets and for no other purpose and that the seasonal occupation as holiday lettings is restricted to 9 months in any calendar year the precise dates of the restrictions shall be agreed or in default of agreement set by the Council
- That the applicant/owner of the application site agrees that on the issue of the Decision Notice pursuant to the Planning Application (Reference P0030.13) the following Certificates of Existing Lawful Use or Development (Certificates) granted under Section 191 of the Town and Country Planning Act 1990 (as amended) have no further legal effect in respect of the unrestricted use of accommodation units existing on site for unrestricted residential use. For the avoidance of doubt from the issue of the Decision Notice the units subject to the following Certificates shall no longer be used lawfully for unrestricted residential use:-
 1. Certificate Reference E0014.00 issued on 29th August 2002;
 2. Certificate reference E0012.11 issued on 6th March 2012; and
 3. Certificate reference E0022.12 issued on 8th March 2013.
- The Council's reasonable legal fees shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That staff be delegated to secure adjustments to the Section 106 agreement to include:

(A) Section 106 to incorporate along with the obligations above:

- a) 9 month season only (the dates to be agreed with the applicant and in default of agreement set by the Council)
- b) No caravans on site
- c) No tents on site
- d) Site management strategy including to control disturbance
- e) BBQ's on hardstands
- f) Identification of unit for security and management – not to be used independently but tied to the holiday letting use
- g) People engaged in any site maintenance not to live on site at any time.
- h) Phasing and completion strategy prior to use (to prevent any development being a hybrid of part existing/part new use)

(B) Conditions:

- No storage unless incidental to enjoyment of holiday lets
- No parking and/or storage of commercial vehicles or plant
- Provision for disabled parking

The vote for the resolution was carried by 10 votes to 0 with 1 abstention. Councillor Barry Tebbutt abstained from voting.

204 **P0949.12 - 4 ELMER GARDENS, SOUTH HORNCHURCH - VARIATION OF CONDITION 2 OF APPEAL DECISION APP/B5480/A/04/1163663 TO OPEN PREMISES ON SATURDAYS BETWEEN 7AM AND 2PM**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted but with a revision to condition 1 (hours) to restrict opening hours to 8am-2pm only.

205 **APPLICATION FOR THE STOPPING UP (UNDER SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990) OF HIGHWAY LAND COMPRISING PART OF THE SERVICE ROAD OVER THE LIBERTY CENTRE IN THE AREA ZEBRA HATCHED ON THE PLAN ANNEXED TO THE REPORT**

The Committee considered the report and without debate **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 2.1 Provided the appropriate works as required by the Council (and associated highway agreement/s) to alter the servicing area were first completed to the satisfaction of the Council the Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the Plan as the land was required to enable development for which the Council had granted the Planning Permission.
- 2.2 In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council could proceed to confirm the Order.
- 2.4 In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

206 **PROPOSED VARIATION OF SECTION 106 AGREEMENT DATED 28TH MARCH 2012 IN CONNECTION WITH PLANNING PERMISSION P0759.11 FORMER WOOLPACK PUBLIC HOUSE AND CAR PARK, ANGEL WAY, ROMFORD**

The Committee considered the report and without debate **RESOLVED** that It was recommended that the variation of the Section 106 agreement dated 28th March 2012 pursuant to planning permission reference number P0759.11 by Deed of Variation under Section 106A of the Town and Country Planning Act (as amended), be approved in the following terms:

1. The definition of Affordable Housing Units be amended to read:
"41 dwellings for Affordable Rent in partnership with a Registered Social Landlord and 33 Shared Ownership Units with the Council to receive 100% of the nomination rights which shall be subject to the sub regional nomination arrangements confirmed in the East London Housing Partnership (or its successor).
2. The definition of Open Market Units be deleted. Clause 3.2 (b) be deleted. Clause 3.2 (c)(ii-iv) be deleted. Clause 3.2 (d) shall be renumbered as 3.2 (b). Clause 4.1 (b) be deleted and Clauses 4.1 (c), (d) and (e) be renumbered accordingly
3. In Clauses 5.2 and 5.3 the words "Open Market Unit" be deleted and replaced with "Affordable Housing Unit"
4. All other clauses in the Section 106 Agreement shall remain in full force and effect.
5. The owner to bear the Council's legal costs in respect of the preparation of the legal agreement irrespective of whether or not it was completed

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.

207 **P0058.13 - 2 WILLOW PARADE, MOOR LANE, CRANHAM, UPMINSTER**

The report before members detailed an application that proposed the change of use of the premises from a retail unit (A1) to a children's nursery (D2). The use would be established on the ground floor only.

Officers reminded members that the application had been deferred from the Committee meeting held on 14 March 2013 in order for the application to be advertised as a departure from Council Policy DC16.

Members noted that the application had been called in by Councillor Steven Kelly on the grounds that the proposal was regarded as an area of special community need and as such should be given special consideration.

With its agreement, Councillor Steven Kelly addressed the Committee.

Councillor Kelly asked that special consideration be given to the proposal as the premises had been vacant for a significant period of time and that the proposal would be bringing an empty unit back into beneficial use.

During the debate members discussed the drop off and pick up areas connected with the site, provision of play areas and the number of children attending the nursery.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried by 9 votes to 0 with 2 abstentions it was **RESOLVED** that planning permission be granted subject to conditions (the precise wording of which) to be delegated to the Head of Development and Building Control to cover: standard time condition, hours of use, limit on child numbers to accord with day nursery registration, limit on outdoor play numbers to accord with day nursery registration and use as a day nursery only within use class D1.

The reason for approval based on the reasoning of members in balancing policy in particular PolicyDC16 against all other material considerations was that no harm to the retail viability if the use was restricted to a day nursery, brought a long term vacant unit back into beneficial use, use for a day nursery benefitted the community and the proposal contributed to economic growth in accordance with the National Planning Policy Framework.

The vote for the resolution to grant planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Hawthorn abstained from voting.

208 **P0827.12 - PALMS HOTEL, SOUTHEND ARTERIAL ROAD, HORNCHURCH - DEMOLITION OF TWO OUTBUILDINGS. ALTERATIONS AND EXTENSION TO THE EXISTING HOTEL AND INCREASE OF PARKING PROVISION BY 65 CAR PARKING SPACES(INCLUDING 24 DISABLED BAYS)**

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

- Complete wording in condition 3 in accordance with standard wording (materials)

- Reason added for condition 7 (cctv) in accordance with standard wording
- Reason added for condition 8 (travel plan) in accordance with standard wording
- Add 'construction' before 'deliveries' (twice) in condition 12

As stated at the beginning of the minutes Councillor Barry Tebbutt declared a prejudicial interest in item P0827.12. Councillor Tebbutt advised that he owned a property in close vicinity to the application site. Councillor Tebbutt left the room during the discussion and took no part in the voting.

Chairman