

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
27 June 2013 (7.30 - 9.35 pm)**

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Roger Evans, Steven Kelly and Melvin Wallace

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

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

+Substitute members Councillor Steven Kelly (for Sandra Binion), Melvin Wallace (for Robby Misir) and David Durant (for Mark Logan).

Councillors Roger Ramsey and Denis O'Flynn were also present for parts of the meeting.

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.

29 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Steven Kelly declared a prejudicial interest in item P0424.13. Councillor Kelly advised that he holds the position of director of a company within the Shanks company group. Councillor Kelly left the room during the discussion and took no part in the voting. Councillor Barry Tebbutt declared a personal interest in item P0424.13 being a representative of the East London Waste Authority's Board. Councillor Tebbutt confirmed that his personal interest was not prejudicial to his ability to determine the application.

Councillor Paul McGeary declared a prejudicial interest in Agenda Item 15 regarding the planning contravention at Lakeview Caravan Park. Councillor McGeary advised that he was currently involved in legal proceedings, brought by the Council against the owner of Lakeview Caravan Park, on another planning contravention matter. Councillor McGeary left the room during the discussion and took no part in the voting.

30 **P0366.13 - BRIAR ROAD SITE 6B-1**

The application before members would involve the construction of a terrace of three bungalows, 2 three bedroom and 1 two bedroom. The bungalows would front on to Coltsfoot Path with private amenity space located to the rear. Existing trees on the site would be removed.

In accordance with the public speaking arrangements, the Committee was addressed by an objector who raised concerns over the number of developments in Harold Hill and the loss of green space which would be detrimental to local residents. Concerns were also raised over the effect of the proposed development on the back garden environment of existing properties. In response the applicant confirmed that the package of planning applications relating to the Briar Road Estate would result in the loss of some open space, approximately 7% of open space would be built on, but the development would enhance and improve the remaining open spaces. The applicant stated that the design of the bungalow design of the residential units was aimed at minimising any impact on existing residents.

With its agreement Councillor Denis O'Flynn addressed the Committee.

Councillor O'Flynn commented that the green space on the development site was well used by local residents and that residents were concerned over the loss of the space. Councillor O'Flynn also commented that he was not opposed to house building in the Harold Hill area but had concerns that residents' views had not been listened to during the consultation process. Councillor O'Flynn also made mention of a petition, signed by residents, that had been submitted to the Council and urged that the Committee to reconsider the application.

During the debate members discussed the loss of amenity space resulting from the proposed development and the loss of mature trees in the area. The relationship between the proposed development and existing dwellings was also considered.

Members discussed the deficiencies in the original Briar Estate and the Decent Homes programme that was due to enhance the estate.

Following a motion to refuse the granting of planning permission which was lost by 4 votes to 6.

It was **RESOLVED** that:

The development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £5,000. This was based on the creation of 250m² of new gross internal floor space.

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 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.

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.

The vote for the resolution to grant planning permission was carried by 6 votes to 4. Councillors Hawthorn, Ower, McGeary and Durant voted against the resolution to grant planning permission.

31 P0232.13 - 4-6 ESSEX GARDENS, HORNCHURCH

The application was for the subdivision of a shop and change of use from retail (A1) to a hot food takeaway (A5) and installation of an extraction flue to the rear. The hot food takeaway would be a Fish and Chip shop.

The remainder of the shop equal to one and a half units that was not subject to the proposed change of use would remain as an A1 Newsagents.

Officers advised the committee that the Saturday opening hours as stated in the report should read until 23.00 hours and not until 22:00 hours.

Members noted that a letter of representation had been received from Councillor Clarence Barrett. The letter stated that the application was

inappropriate in the area. The letter outlined concerns regarding the late opening hours, increase in Anti-Social behaviour and lack of parking facilities.

The Committee also noted that the application had been called in by Councillor Roger Ramsey on the grounds of Loss of amenity, traffic noise, parking and odour and litter.

In accordance with the public speaking arrangements, the Committee was addressed by an objector without a response from the applicant. The objector made reference to the residential nature of the area; the potential for anti – social behaviour, litter and parking issues.

With its agreement Councillor Roger Ramsey addressed the Committee.

Councillor Ramsey commented that there were substantial objections to the proposed development from local residents; including three petitions objecting to the scheme that had been submitted to the Council. Councillor Ramsey commented that the area had previously been the victim of Anti-Social behaviour and that the local Safer neighbourhood Team Sergeant had expressed concerns regarding the application. Councillor Ramsey noted that 2 similar applications had previously been refused. Councillor Ramsey urged the Committee to reject the proposal on the grounds of loss of amenity to neighbouring properties.

During the debate members noted the number of other take away premises in the vicinity of the application site. Members considered highways issues and the potential for noise and disturbance to neighbouring properties.

Members also discussed the possibility of Anti-Social behaviour returning to the area and the provision of refuse facilities.

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

- Noise and disturbance caused by the activity of patrons and their vehicles at anti-social hours, was harmful to residential amenity.
- Based on past evidence, there was a significant risk of the recurrence of anti-social behaviour.
- Parking congestion caused by customers' vehicles due to relationship of the parade of Essex Gardens entry into the County Park estate.
- Inadequate demonstration that the refuse storage and collection arrangements would work.
- Inadequate demonstration that flue could be positioned as proposed due to existing third party air conditioning unit at first floor level.

32 **P0002.13 - IVY LODGE VETERINARY CLINIC, NAGS HEAD LANE, UPMINSTER - RETENTION OF STABLES AND HAY BARN AND PROPOSED HARDSTANDING**

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

33 **P0431.13 - LEPRECHAUN, GERPINS LANE, UPMINSTER**

The report before members detailed an application for the conversion from a bungalow to a chalet-style bungalow including dormer windows to the front and rear roof slopes; the erection of a one and a half storey gabled extension to the eastern flank elevation and the erection of a gabled entrance feature to the front elevation.

During a brief debate members questioned whether the existing containers stored on the site would be removed as part of the application.

Officers confirmed that there were no plans for the containers to be removed and that it would prove difficult to attach conditions to the application that would enforce the removal of the containers.

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 granted by 9 to nil with 1 abstention.

Councillor Kelly abstained from voting.

34 **P0517.13 - 33,37 & 41 MARKET PLACE, ROMFORD - PART GROUND FLOOR AND FIRST FLOOR FOR USE CLASS D2 (GYMNASIUM)**

Members were advised by officers that the first sentence of condition 4 was to be removed but the noise level condition still stood.

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

35 **P0424.13 - SHANKS WASTE LTD, CREEK WAY, RAINHAM**

The report before members detailed an application that proposed the variation of condition 14 of planning application P0197.03.

“Unless otherwise agreed in writing with the Local Planning Authority only wastes referred to within the East London Waste Authority IWMS contract shall be processed at the site.

Reason:-

To ensure that only locally generated wastes are processed in accordance with the proximity principle.”

The planning application proposed the variation of condition 14 to allow waste to be sourced from areas outside East London Waste Authority (ELWA) area, which was currently unable to supply enough waste to enable the facility to run at capacity.

Officers confirmed that the application sought to allow the processing of 25,000 tonnes of waste from Tower Hamlets and 58,000 tonnes of waste from Bedford and Central Bedfordshire Authority areas to be processed for a three year period.

During a brief debate members discussed lorry routing and officers confirmed that a lorry routing condition was now contained in the report.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), to vary the legal agreement completed on 27 November 2003 in respect of planning permission P0197.03, which shall mean the legal agreement relates either to planning permission P0197.03 as originally granted, or planning permission P0424.13 as proposed and set out in the report.

The developer / owner shall pay the Council’s legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation set out above and any necessary consequential amendments to the Section 106 agreement dated 27 November 2003 all recitals, terms, covenants and obligations in the said section 106 Agreement shall remain unchanged.

That Staff be authorised to enter into a Deed of Variation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

The resolution to grant planning permission subject to the applicant entering into a deed of variation was carried by 8 to nil with 1 abstention. Councillor Durant abstained from voting.

As stated at the beginning of the minutes Councillor Steven Kelly declared a prejudicial interest in item P0424.13. Councillor Kelly advised that he holds the position of director of a company within the Shanks company group.

Councillor Kelly left the room during the discussion and took no part in the voting.

36 **P0496.13 - FORMER OLDCHURCH HOSPITAL (TAYLOR WIMPEY) - NON COMPLIANCE WITH CONDITION 2 OF P1638.09 TO ENABLE MINOR AMENDMENTS TO THE WIDTH AND LENGTH OF BLOCK Y TO MEET THE HOMES AND COMMUNITIES AGENCY (HCA) HOUSING QUALITY INDICATORS RELATING TO ROOM AND UNIT SIZE TO ALLOW PROVISION OF BLOCK Y UNITS AS AFFORDABLE HOUSING**

The Committee considered the report and without debate **RESOLVED** that:

The increase in floorspace as a result of the proposed amendment was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and the applicable charge would be £6,120. This was based upon an increase of 306m² in the gross internal floorspace.

The application was considered unacceptable as it stood but would be acceptable subject to the prior completion of a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) of the original section 106 agreement of 19th August 2010 to secure the following:

That the definitions of "Planning Application" and "Planning Permission" in clause 1 of the original agreement dated 19th August 2010 (as varied by a Deed of Variation dated 20th April 2011) be varied to refer to this planning application and planning permission pursuant to this planning application in the alternative as appropriate whichever is implemented, and

The Developer and/or Owner shall bear the Council legal costs in respect of the preparation of the legal agreement irrespective of whether or not it is completed.

Save for the variations set out above and necessary consequential amendments the original Section 106 agreement dated 19th August 2010 (as varied by a Deed of Variation dated 20th April 2011) and all other recitals, headings and clauses of the said original Section 106 agreement dated 19th August 2010 (as varied by a Deed of Variation dated 20th April 2011) shall remain unchanged.

That staff be authorised to enter into a Deed of Variation to secure the above and upon completion the agreement, to grant planning permission subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission subject to the applicant entering into a deed of variation was carried by 9 votes to 1. Councillor Tebbutt voted against the resolution to grant planning permission.

37 **P1555.12 - SPRING FARM PARK, LAMBS LANE NORTH, RAINHAM - CRICKET NETS ENCLOSURE TO EXISTING BATTING, COACHING AND PRACTICE AREA WITH SUB BASE, MATTING AND GATES**

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

38 **P0179.13 - LAND REAR OF 23-31 VICTORY WAY, COLLIER ROW - ERECTION OF FIVE 3 BEDROOM HOUSES**

Members were advised that a late letter of representation had been received querying the access licence to the application site.

The Committee noted the report and without debate **RESOLVED** that:

The development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 529.7m² and amounts to £10,594.

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.
- 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 in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal 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.

39 **P0621.13 - 106 HILLDENE AVENUE, ROMFORD - CHANGE OF USE FROM A1 (RETAIL) TO A5 (HOT FOOD TAKEAWAY) AND NEW REAR EXTERNAL EXTRACT DUCT**

Officers advised members that there was a change to condition 4 of the report and that the hours of opening on Sundays and Bank or Public holidays was to be amended to read 09:00 hours to 21:30 hours.

Officers also confirmed that the consultation period was due to close on 5 July 2013.

The Committee noted the report and without debate **RESOLVED** to delegate to the Head of Regulatory Services the authority to grant planning permission. If new material considerations were raised, then the matter would be remitted back to the Committee for its further consideration and resolution.

40 **19-25 FERNDALE ROAD, COLLIER ROW - BREACH OF PLANNING CONTROL**

The Committee considered the report and without debate **RESOLVED** that Enforcement Notices be issued and served to require within three months:

1. Cease the residential occupation of the dwellings approved vide P1734.03(allowed on appeal) until the approved scheme in relation to the Landscaping (shown on Plan drawing No 1865/2 and details therein contained) are fully implemented.
2. Cease the residential occupation of the dwellings approved vide P1734.03 (allowed on appeal) until the approved scheme in relation to the access road and turning area have been constructed and marked out in accordance with Plan drawing No 1865/2 and details therein are fully implemented.
3. Remove all materials associated spoils paving and rubble brought on to the land in connection with the unauthorised development in (1) and (2) above.

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.

41 **P0367.13 - BRIAR ROAD SITE 6B-2**

The application before members would involve the construction of a pair of semi-detached bungalows, both 2 bedroom dwellings. The bungalows would

front on to Coltsfoot Path with private amenity space located to the rear. The existing tree on the site would be removed.

With its agreement Councillor Denis O'Flynn addressed the Committee.

Councillor O'Flynn commented that he was concerned that the consultation carried out with residents had not been listened to as there were significant objections to the proposed scheme.

During the debate members discussed the lack of parking facilities on the site and the possibility of overlooking on existing properties.

Following a motion to refuse planning permission which was lost by 4 votes to 6.

It was **RESOLVED**:

That the development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £2,860. This was based on the creation of 143m² of new gross internal floor space.

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 £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 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.

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.

42 **P0387.13 - BRIAR ROAD SITE 9K**

The report before members detailed an application for the demolition of the existing garages (the sub-station would be retained) and the construction of a terrace of three dwellings, one 3 bedroom and two 2 bedroom.

With its agreement Councillor Denis O'Flynn addressed the Committee.

Councillor O'Flynn commented that the space between the existing properties and those proposed was very small and would lead to a lack of amenity for existing residents and presents difficulties for maintenance

During a brief debate members sought clarification of the exact distances between the proposed development and the existing properties.

It was **RESOLVED** that:

The development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £2,240.00. This was based on the creation of 112m² of new gross internal floor space.

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 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.

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.

The vote for the resolution to grant planning permission was carried by 7 votes to 3. Councillors Ower, McGeary and Durant voted against the resolution to grant planning permission.

43 **P0383.13 - BRIAR ROAD SITE 10N**

The report before members detailed an application that would involve the addition of a single, 4 bedroom dwelling onto the eastern section of the site, which would adjoin the end elevation of no. 62 Myrtle Road. The western part of the site would be developed to form three parking spaces, with additional landscaping.

With its agreement Councillor Denis O'Flynn addressed the Committee.

Councillor O'Flynn re-iterated his earlier point regarding overlooking and lack of amenity space for the proposed development and neighbouring properties.

During a brief debate members sought clarification of the distances between the proposed development and existing properties.

It was **RESOLVED**:

That the development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £2,300.00. This was based on the creation of 115m² of new gross internal floor space.

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 £6,000 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.

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.

The vote for the resolution to grant planning permission was carried by 7 votes to 2 with 1 abstention. Councillor Hawthorn and Ower voted against the resolution to grant planning permission. Councillor Durant abstained from voting.

44 **P0390.13 - BRIAR ROAD SITE 9F**

The proposal before members was for the construction of a semi-detached pair of houses, which would front in a southerly direction towards Clematis Close. Each dwelling would have 3 bedrooms. The dwellings had a combined width of 18.8m and a depth of 6.5m. The dwellings were two storey, with a gable ended roof, which raised to a maximum ridge height of 8m above ground level. Each dwelling would have a private rear amenity area.

During a brief debate members discussed the provision of parking facilities in the area.

It was **RESOLVED** that:

That the development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £2,000.00. This was based on the creation of 100m² of new gross internal floor space.

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 £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 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.

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.

The vote for the resolution to grant planning permission was carried by 7 votes to 3. Councillors Hawthorn, McGeary and Durant voted against the resolution to grant planning permission.

45 LAKEVIEW CARAVAN PARK - PLANNING CONTRAVENTION

The Committee considered the report and without debate **RESOLVED** it expedient that an Enforcement Notice be issued and served to require, within 6 months of the effective date of the enforcement notice:

1. Cease the use of the land for residential purposes.
2. Cease the use of the land for storage purposes unrelated to the use of Lakeview Park as a residential caravan site
3. Remove from the land all decking, machinery, equipment, apparatus, building materials, rubble, pre-fabricated buildings, mobile homes, caravans, vehicles and trailers in association with uses other than for storage related to the use of Lakeview Park as a residential caravan site.

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.

As stated at the beginning of the minutes Councillor Paul McGeary declared a prejudicial interest in the item.

Councillor McGeary advised that he was currently involved in legal proceedings, brought by the Council against the owner of Lakeview Caravan Park, on another planning contravention matter. Councillor McGeary left the room during the discussion and took no part in the voting.

Chairman