

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
3 October 2013 (7.30 - 10.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Rebecca Bennett, Jeffrey Brace, Steven Kelly and
+Robby Misir

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group** David Durant

UKIP Group +Lawrence Webb

Apologies were received for the absence of Councillors Roger Evans, Fred Osborne and Mark Logan.

+Substitute members: Councillor Robby Misir (for Roger Evans), Councillor Lawrence Webb (for Fred Osborne) and Councillor David Durant (for Mark Logan).

Councillors Andrew Curtin, Wendy Brice-Thompson and Gillian Ford were also present for parts of the meeting.

12 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.

105 P0839.12 - SERVICE HOUSE 37 MANOR ROAD ROMFORD

The planning application before members was a resubmission, following a recent refusal and related to the demolition of an existing office building and the erection of a block of 42 flats on 4/5-storeys with parking and amenity space.

Members were advised of the changes to the proposal including the removal of the proposed sixth storey which meant the proposal did not fall within the tall buildings policy.

Members noted that the revised proposal included the same number of units but that some of the units proposed were now smaller than in the previous application.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The objector raised issues which included the aesthetics of the proposed building, loss of amenity space, levels, adverse impact on privacy, adverse impact on capacity of sewers, adverse impact on traffic locally and overdevelopment of the site. The applicant's response confirmed that all 42 units were to be made available as affordable housing, the area is a mix of old and new buildings, aesthetics have been addressed in the design, the boundary treatment retained mature boundary trees, the revised scheme addressed the previous concerns of residents and that the new submission blended in with the adjacent development on the site.

With its agreement Councillor Andrew Curtin addressed the Committee, Councillor Curtin confirmed that he supported the officer's recommendation for refusal on the basis that the proposed development did not fit in with the Victorian character of surrounding properties in Manor Road and failed to make an appropriate and acceptable link between the old and new building forms. Councillor Curtin also commented that the scale and bulk of the proposal was unacceptable and also did not sit suitably with properties in Marwell Close.

During the debate members clarified the distances between the proposed development and the existing properties in Marwell Close and Manor Road.

Members also discussed the possible increase in traffic levels that could have been created by the proposal but it was agreed that there had been significant traffic movements when the site had been used for industrial purposes.

Members also discussed the relationship between the proposed block and the recently completed block adjacent to the site, in particular overlooking from windows in both blocks. Officers clarified that window opposite were in part serving kitchens.

Members also clarified the "provision of affordable housing" with the Legal Representative.

Following a motion to grant planning permission which was lost by 5 votes to 6, it was **RESOLVED** that planning permission be refused in line with officer recommendation.

The vote for the resolution to refuse planning permission was carried by 6 votes to 5 for the following reasons:-

1. The proposed development would, by reason of its height, scale, obtrusive bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. The proposal would, by reason of its scale, massing, bulk and layout result in an obtrusive and oppressive development adversely impact on the rear garden scheme and adversely impacting on outlook from neighbouring properties to the detriment of residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
3. The proposal would, by reason of an unacceptably excessive increase in traffic activity, result in harm to the living conditions of existing nearby residents through noise and congestion contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.
4. The proposal would, by reason of its design, including its form, external appearance and layout, not be of a sufficiently high quality of design and layout as to justify the excessively high density proposed, contrary to Policies DC2, DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
5. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the Havering Planning Obligations Supplementary Planning Document.

Councillors Oddy, Hawthorn, Ower, McGeary, Osborne and Durant voted for the resolution to refuse planning permission.

Councillors Bennett, Brace, Kelly, Misir and Tebbutt voted against the resolution to refuse planning permission.

106 **P0258.13 - BEVERLEY BUNGALOW, NORTH ROAD, HAVERING ATTE BOWER**

The application was for a change of use from residential to a Day Service Centre. The intended use was for the provision of a Day Service and Respite for adults with learning disabilities and autism. The application

would include the use of the existing outbuilding at the back of building as an activity centre.

The application had been deferred from the Regulatory Services Committee meeting of 1 August 2013 to enable a check on the accuracy of the planning history and in particular whether a similar proposal had been refused approximately 10 years ago.

Officers confirmed that there was no history of a change of use application at the property. A single storey rear extension was granted planning permission on the back of an Appeal in 1998 after it had been refused under planning application P1332.96.

Officers advised that 1 late letter of representation had been received which detailed concerns from neighbours regarding possible noise that users of the facility could create. The late objection was read out in summary.

Officers also confirmed that following a previous concern regarding bats in the outbuilding. The Council's Ecology had confirmed that there was no evidence of bats utilising the inside of the building as a roost.

Members noted that the application had been called in by Councillor Sandra Binion on the grounds of concerns raised regarding a business use in a residential area and the additional traffic pressures on an already busy road with traffic issues.

With its agreement Councillor Sandra Binion addressed the Committee as a ward member. Councillor Binion commented that the building was situated within the Green Belt and there was a great deal of demand for dwellings in Green belt areas. Councillor Binion advised that there would be an impact on amenity and that the road leading into the village already suffered from high levels of traffic movements. Staff confirmed that buildings on site had been checked and that there was no evidence of Bats roosting.

During a brief debate members discussed the need for such facilities within the borough, the impact the proposal would have on the village and the low numbers of people in respite care at the facility.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

107 **P0870.13 - 2A DEYNCOURT GARDENS, UPMINSTER**

The planning application before members proposed the demolition of the existing dwelling and the erection of a new building containing nine 2-bedroom flats. The building would include openings in all of its elevations, although all of the west-facing windows above first floor level would be set at a height of 1.7m. Each of the upper floor flats would include a balcony, whilst the ground floor units would include private amenity spaces. The site

would include a communal garden area between the proposed building, located towards the western end of the site, and the car park, located at the eastern end of the site. The car park would include nine parking spaces. The proposal would include bin storage, located at the western end of the site, and bicycle storage located at the eastern end of the site.

Members were advised that there was an amendment to the report.

The report stated that the proposed building would be located approximately 1 metre from the boundary with the highway. The actual distance was between 2.3 and 3.3 metres.

Officers also clarified that the second refusal reason shown in the report should be interpreted as although the proposal would not overshadow the neighbouring church site it could prejudice the potential development potential of the church site. Officers clarified that the second refusal reason was based on Planning Policy DC61.

Members noted that the application had been called in by Councillors Barry Tebbutt and Gillian Ford.

Councillor Tebbutt had called the application in on the grounds of boundary and overlooking issues, and the relationship between the proposal and the church.

Councillor Ford had called the application in on the grounds of over intensification of development, height of development was over that of properties directly opposite and adjacent and not in keeping with the streetscene.

With its agreement Councillor Ford addressed the Committee.

Councillor Ford commented that the over intensification of the proposal would have an adverse impact on the amenity of the area. Councillor Ford also commented that the height of the proposed development would be at odds with the existing properties in Deyncourt Road. Councillor Ford concluded that the proposal would be an overdevelopment of the site resulting in a lack of amenity space, would have an adverse effect on the highway through the overspill of traffic and would have an overbearing impact on the adjoining church site.

During the debate members discussed the impact the development would have on the adjoining church site and existing properties in the area that had been re-developed.

Members also discussed the Hall Lane Special Policy which had previously been introduced to ensure adequate levels of amenity space for future occupiers of new developments.

During the debate members advised that they were minded to approve the granting of planning permission but were concerned that as the report recommended refusal there were no Section 106 terms or conditions attached to the report.

The report recommended that planning permission be refused, however following a motion to defer the consideration of the proposal it was **RESOLVED** that consideration of the proposal be deferred to allow officers to bring back a report identifying terms for a Section 106 agreement and planning conditions should members be minded to resolve to grant permission and to include a background summary on the Hall Lane Special Policy including identifying whether all or part, of the site was within the policy's area.

The vote to defer consideration of the report was carried by 9 votes to 2.

Councillors McGeary and Durant voted against the resolution to defer the consideration of the report.

108 **P0738.12 - 223 PETTITS LANE NORTH, ROMFORD - CHANGE OF USE FROM A LAUNDERETTE TO A TANNING SALON**

The Committee considered the report and without debate **RESOLVED** to delegate to the Head of Regulatory Services the granting of planning permission subject to the expiry of the consultation period not generating any further representations raising new material considerations. If new material considerations were raised in further representations then the application would be brought back to the Committee for consideration.

109 **P0917.13 - UNIT 24 BEAM REACH 8C, FERRY LANE, RAINHAM - RESERVED MATTERS APPLICATION FOR THE ERECTION OF A NEW STORAGE BUILDING (RE OUTLINE APPLICATION P1901.11)**

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

110 **P0936.13 - CEME MARSH WAY RAINHAM - CREATION OF THREE STOREY EDUCATION FACILITY AND RE-MODELLING OF EXISTING CEME BUILDING WITH ASSOCIATED LANDSCAPING WORKS**

The Committee considered the report and without debate **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to resolution (either by removal or through an agreed condition) of the Environment Agency's current objection on drainage grounds. If this matter was unresolved then the application would be brought back to the Committee for consideration.

111 **P0847.13 - WESTLANDS PLAYING FIELDS LONDON ROAD ROMFORD - NEW FOOTBALL GROUND WITH RELATED FACILITIES INCLUDING A PAVILION INCORPORATING CHANGING ROOMS, SHOWER FACILITIES AND BAR AREA. NEW TERRACING STAND AND TOILET BLOCK, EIGHT FLOODLIGHT MASTS, PERIMETER FENCING AND CAR PARKING AREA**

The Committee considered the report noting that the proposal attracted a Mayoral CIL payment of £17,879.18 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

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

Councillor Kelly abstained from voting.

112 **P1136.12 - 1A HILLVIEW AVENUE HORNCHURCH - SINGLE STOREY DWELLING**

The Committee considered the report noting that the development proposed was liable for a Mayoral CIL payment and that the applicable charge would be calculated at the submission of reserved matters application 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:

- Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, to be acquired by the applicant. This is to ensure that clear and unobstructed pedestrian visibility splays.
- A financial contribution of £6k per dwelling unit towards the infrastructure costs arising from the development would be required at the time of the reserved matter application to fulfil the requirements of the 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 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 set out above and to include the following additional condition alterations.

- Delete “first occupation of the proposed dwelling in question” in the first bullet point of the Heads of Terms of the Section 106 agreement and substitute in its place “commencement of development”
- To include an additional condition requiring submission, approval and implementation of a scheme to address noise from the railway.

113 **P0010.12 - DAMYNS HALL AERODROME**

The application before members was for permission to provide a building and outdoor area to provide light aircraft storage and included the demolition of some existing lawful buildings on the site.

During the debate members discussed the substantial growth that had taken place on the site in the recent years and recent planning enforcement action that had been taken against the site owners.

Members also sought clarification of the current situation regarding enforcement action and clarified the number of aircraft that would be stored on the site.

Officers advised that were planning permission granted it would allow the storage of up to fifty planes at the site then the site would benefit from unrestricted take offs and landings.

Officers also confirmed that the Planning Inspectorate had previously agreed that the operation and noise of the airfield did not impact on the surrounding highway.

Members also mentioned the noise that was created by micro-light aircraft using the airfield and asked that all references to aircraft in the legal agreement to include Micro-lights. Member inquired as to the basis for increasing the numbers of light aircraft from the limit of 15 set in the Certificate of Lawful Existing Use and Development to 50. Officers explained that there was no control under the said Certificate on the number of take-offs and landings.

Members noted that the proposed development would be liable for a Mayoral CIL payment of up to £10,800 and 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:

- That the aerodrome use of the land be limited to use by light aircraft, save for the use by helicopters and airships as defined and limited within the Legal Agreement.
- Helicopters Movements – That there will be no more than 5 helicopter movements (movements to be defined as one in, one out) in any week (Monday-Sunday).
- Airship Movements – That there will be no more than 65 airship movements in any calendar year. That a log be kept of all airship movements.
- The above not to apply when temporary events that are taking place as permitted development in accordance with Part 4 of the Town and Country Planning (General Permitted Development) Order 1995, or any enactment superseding or replacing that order with similar provisions.
- To set up and run a consultative committee whose remit would be to bring to the attention of the aerodrome operators any current issues in relation to the aerodrome and to instigate a complaints policy agreed between the consultative committee and the aerodrome operators

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 and subject to:

- All references to “light aircraft” to include “micro-lights”
- Amend condition 4 to include the overnight parking of helicopters

The vote for the resolution was carried by 8 votes to 2 with 1 abstention.

Councillors Hawthorn and Ower voted against the resolution to grant planning permission.

Councillor Webb abstained from voting.

114 **P0640.13 - CORBETS TEY SCHOOL HARWOOD HALL LANE - NEW STAFF CAR PARK WITH VEHICULAR ACCESS OFF HARWOOD HALL LANE AND TWO METRE MESH FENCE TO PERIMETER**

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

115 **P0314.13 - DECATHLON CAR PARK ANGEL WAY ROMFORD - USE OF SITE AS A TEMPORARY CAR PARK WITH CAR WASH FACILITY**

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 signing a Section 106 agreement, to secure the following:

- The car park was managed as consistently as is reasonably practicable with other public car parks in the town centre and does not undercut tariffs for other town centre public car parks;
- Linked trips to the development and to existing shops and other facilities within Romford town centre were facilitated and not discouraged
- Long stay commuter car parking was discouraged; and
- The car park was available for use by members of the public during such hours as may be agreed between the Developer and the Council

That the Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the conditions as set out in the report.

116 **PLANNING CONTRAVENTION - 3 AUSTRAL DRIVE**

The Committee considered the report and without debate **RESOLVED** it expedient that an Enforcement Notice be issued and served to require within 3 months of the effective date of the enforcement notice:

- i) Demolish the unauthorised decking or reduce in height the unauthorised decking to a maximum height of 0.3m measured from natural ground level.
- ii) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance of (i) 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.

117 **PLANNING CONTRAVENTION - 38 HEATON AVENUE**

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. Carry out the remedial works required to bring the dormer to within permitted development conditions set out in the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 1 Class B, and supporting Technical Guidance by finishing with materials of a similar colour and design to the materials used in the main roof of the dwellinghouse
2. Remove from the Land all waste materials and rubble resulting from compliance with 1 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.

118 **P0968.13 - THE CHAPEL HALL LANE UPMINSTER - DEMOLITION OF EXISTING CHAPEL BUILDING, CHANGE OF USE OF SITE FOR RESIDENTIAL USE, CONSTRUCTION OF ONE 2 BEDROOM BUNGALOW WITH DETACHED GARAGE**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £2,426 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant signing a unilateral undertaking, to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contributions 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 Developer/Owner to pay the appropriate planning obligation monitoring fee prior to completion of the Agreement.

That the Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the conditions as set out in the report and to include an additional condition restricting the use

of the garage to garaging of motor vehicles and for no other use such as living accommodation.

119 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

Chairman