

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
14 November 2013 (7.30 - 9.50 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group** +David Durant

UKIP Group Fred Osborne

Apologies were received for the absence of Councillor Mark Logan.

+Substitute members Councillor David Durant (for Mark Logan)

Councillors Nic Dodin and John Mylod 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.

134 MINUTES

The minutes of the meetings of the Committee held on 22 August, 5 September, 12 September and 3 October 2013 were approved as a correct record and signed by the Chairman.

135 **P0043.13 - 58 EDMUND ROAD, RAINHAM**

The report before members detailed an application for a single storey rear extension. The report informed the committee that the property had already been partly extended to the rear by nearly 4m with a lower ridge line to the hipped roof than the original property, alongside which was an existing lean-to extension to the same depth with a sloping roof, the highest point of which tucked under the eaves.

The application had been called in by Councillor Tebbutt on the grounds that the 45 degree infringement was minor if not de minimis. Councillor Tebbutt also stated that the development had no detrimental effect on neighbouring properties. Councillor Tebbutt was also of the opinion that the application was materially compliant to all development policies.

The report recommended that planning permission be refused, however following a motion to approve planning permission on the grounds that the development would not result in any material harm to the outlook or rear garden environment of neighbouring property, that it was materially compliant with Local Development Framework policies and that the property benefitted from a of generous garden length.

The Committee **RESOLVED** that planning permission be granted subject to the conditions covering as set out in the report.

136 **P0648.13 - ALICIA COTTAGE, PATERNOSTER ROW, NOAK HILL, ROMFORD**

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

137 **P0708.13 - 69 SUTTONS AVENUE, HORNCHURCH**

The Committee considered the report that sought planning permission for a two storey side, single storey rear & front extension.

Members noted that the application had been called in by Councillor Nic Dodin on the grounds of consistency of similar built extensions to properties in the same road and adjoining roads in the area.

With its agreement Councillor Dodin addressed the Committee.

Councillor Dodin commented that similar developments had been granted planning permission in the area.

During a brief debate members stated that a similar application had been approved along the same road and within vicinity. It was also stated that the

application property was a corner house and the view was that the proposed extension would not affect the streetscene.

The report recommended that planning permission be refused, however following a motion to approve on the grounds that the proposal was in keeping with the character of the locality given the incidence of other similar extensions in the vicinity and as the extension had an acceptable design, mass and bulk which caused no harm in the streetscene and was materially compliant with the relevant policy in the Local Development Framework.

The Committee **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 1. Councillor Durant voted against the resolution to grant planning permission.

138 **P0761.13 - 2 LINK WAY, HORNCHURCH**

The Committee considered a report that outlined a proposal for a first floor side extension that would sit above the existing single storey side extension that extended three metres to the rear elevation.

Members noted that the application had been called in by Councillor John Mylod on the grounds of the special needs of the family with regard to their disabled son.

With its agreement Councillor Mylod addressed the Committee.

Councillor Mylod stated that this was an exceptional application due to the special needs of the family with regard to a disabled son, and that he was of the opinion that the proposal was an acceptable scheme in its present form.

During a brief debate members stated that a similar application had been approved along the same road and within vicinity. It was also stated that the application property was a corner house and the consensus was that the proposed extension would not affect the streetscene.

The report recommended that planning permission be refused, however following a motion to approve on the grounds that the proposal was based significantly and exceptionally on the personal need of the applicant's family. Significant consideration was given to the purposes for which the extension was required and the protected characteristic under the Equality Act 2010 which the extension would address balanced against the limited conflict with design guidance. Further given the width of the extension on the streetscene and improved impact of the new extension compared with existing it was concluded that on balance any harm to local character or amenity was outweighed by the exceptional personal circumstances.

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

139 **P0819.13 - 2-6 FITZILIAN AVENUE, HAROLD WOOD, ROMFORD**

The Committee considered the report 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 9 votes to 0 with 2 abstentions. Councillors Durant and Ower abstained from voting.

140 **P0988.13 - 3 MOUNTBATTEN HOUSE, ROMFORD**

The report before Members sought full planning permission for reconfiguration, refurbishment and creation of a new office change of use from C3 (Dwelling House) to B1 (Office).

The Committee noted officer's comment regarding seeking a deferral of the consideration of the report and without debate **RESOLVED** to defer the report in order for staff to revisit aspects of the report content.

141 **P0074.13 - LAND AT SURRIDGE CLOSE R/O PARSONAGE ROAD, RAINHAM**

The report before members detailed an application for the erection of six houses with an extension to the existing access road with ancillary car and cycle parking.

Members were advised that four late letter of representation had been received that raised objection to the application.

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

During the debate Members received clarification on the width of the driveway leading to the proposed properties. Members raised concerns about the development stating that the road was narrow and that it would not meet adoption criteria.

Members also sought clarity on the comments of the Fire Brigade (LFEDA) that the hammer head part of the entrance road appeared large enough for pump appliance to turn around, provided the area was kept clear of parked cars.

The Committee noted that the proposed development would be liable for a Mayoral CIL payment of £13,600. It was **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 £36,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums should 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 was 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 an agreement and that upon its completion planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 9 votes to 2.

Councillors Durant and McGeary voted against the resolution to grant planning permission.

142 P1065.13 - 168 SUTTONS LANE, HORNCHURCH

The report before the Committee detailed an application which proposed the demolition of an existing side extension and the erection of a new attached dwelling.

With its agreement Councillor Nic Dodin addressed the Committee. Councillor Dodin stated that the development was too close in proximity to two neighbouring properties. Councillor Dodin also stated that the proposed development was impeding and reducing natural and sunlight from the two properties. Councillor Dodin also suggested that the development had an overbearing impact on neighbouring properties.

During a brief debate members stated that a similar application had been approved along the same road and within vicinity. It was also stated that the

application property was a corner house and the view was that the proposed extension would not affect the streetscene.

Following a motion to refuse planning permission which was lost by 2 votes to 7 with 2 abstentions.

The Committee **RESOLVED** that planning permission be granted subject to the conditions as set out in the report save for the precise wording of Condition 4 on Landscaping and Condition 12 on Highway Alterations being delegated to the Head of Regulatory Services, that Condition 15 on contamination be deleted.

The vote for the resolution was carried by 7 votes to 4.

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

143 **P1094.13 - FRANCES BARDSLEY SCHOOL, BRENTWOOD ROAD, ROMFORD**

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

144 **P0785.13 - LAND AT GOOSHAYS DRIVE, HAROLD HILL**

The Committee considered an application that was a reserved matters submission, following the granting of outline planning permission for a residential development of up to 242 units on the site. The reserved matters submission covered matters of access, appearance, layout, scale and landscaping.

The report informed Members that staff considered the principal matters for consideration to be the extent of compliance with the outline planning permission and conditions forming part thereof and the acceptability of the detailed proposals with specific reference to layout and design, visual impact, environmental impact, parking and highway implications and impact on amenity. Members raised a number of issues including the adverse impact on a Cedar Tree which staff explained was not a healthy specimen and would be replaced by a London plane tree. Staff reported that the Environment Agency confirmed that they had no objection to approval of the reserved matters application.

The Committee **RESOLVED** that, the reserved matters application be approved, subject to the conditions as set out in the report:

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

Councillors McGeary voted against the resolution to approve the reserved matters.

145 **P0203.13 - THE ALBANY COLLEGE, BROADSTONE ROAD, HORNCHURCH**

The report before members sought planning permission for a new build children's day nursery detailing a new access road and secure outside play area with canopy.

The proposed vehicular access to the nursery comprised of Council owned land which was the grass verge on a piece of land adjoining the eastern side corner of Hartland Road and Broadstone Road, which ran to the north of adjoining properties 36-42 Hartland Road, and to the south of property No.55 Broadstone Road. The planning merits of the application were considered separately from the land interest.

During the debate Members sought clarification on issues about the proposal.

The Committee **RESOLVED** that consideration of the report be deferred to allow officers seek applicant clarification of:

- Need for the proposed nursery.
- Proposed catchment, i.e. from how far would children come to attend.
- Relationship of the nursery to the education activity on main Albany site.
- Expected modes of transport and volumes of traffic/parking movements by staff/users accessing the site given that the site was not well served by public transport.

146 **P0361.13 - BRIAR SITE 2A, HAROLD HILL**

The report before members detailed a deed of variation to replace the site plan included in the agreement, reflecting the actual land subject to the planning application, the extent of which was changed during the consideration of the application.

The Committee **RESOLVED** that the variation of the Section 106 agreement dated 17 October 2013 in pursuant to planning application reference number P0361.13 by Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), be approved in the following terms:

1. Add a Site Plan, replacing the plan in the original agreement

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.

The vote for the resolution was carried by 9 votes to 0 with 2 abstentions.

Councillors Durant and McGeary abstained from voting.

147 **ALLEGED BREACH OF PLANNING CONTROL AT RAINHAM ROAD SERVICE STATION, 14 RAINHAM ROAD, RAINHAM**

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

1. Remove the container, outbuilding and the canopy and structure holding in place the said canopy from the Land.
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.

In relation to the breach of conditions:

That Members consider it expedient that Enforcement Notices be issued and served to require within three months:

1. Cease the washing and cleaning of vehicles except in the wash bay and former garage forecourt building approved by planning permission (P0758.08 granted on appeal and detailed as condition 2 in the Planning Inspectorate Decision dated 3 August 2009.
2. Other than non-powered portable hand tools, cease the use of all other equipment used for the washing and cleaning of vehicles until a scheme has been submitted and approved in writing by the local authority and the cleaning and washing of vehicles shall be in full accordance with the approved scheme. (Condition 4, P0758.08)
3. Cease the use of the building until parking spaces for customers and staff are marked out on the site in accordance with the approved scheme (Condition 6, P0758.08) submitted and approved on 31 March 2010 and shown on plan GN/01 and the approved spaces

shall be retained thereafter for the parking of vehicles and for no other use.

4. Cease the use for storage of equipment and materials in the customer and staff parking areas (approved by Condition 6, P0758.08 on 31 March 2010 and shown on plan GN/01)
5. Remove all car washing, cleaning equipment and all other storage including chairs and return the area (as shown on GN/01) to car parking only. (Condition 6, P0758.08)

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.

That power to issue enforcement notice(s) against the owners/occupiers of the property including precise wording of the breach, reasons for service and requirements be delegated to the Head of Regulatory Services, in consultation with the Assistant Chief Executive.

148 **STOPPING UP ORDER - BRIAR ROAD**

The Committee considered the report and without debate **RESOLVED** that subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 1.1 The Council makes a Stopping Up Order to stop up and divert highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway (highway) zebra hatched black on the attached plan (the Plan 1) and to the extent of the diverted highway being created to the extent described by stipple notation on Plan 2 as the land is required to enable development for which the Council has granted planning permission under planning reference P0365.13 to be carried out to completion.
- 1.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 1.3 In the event that relevant objections are 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 can proceed to confirm the Order.
- 1.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

149 **STOPPING UP ORDER - BRIAR ROAD 2**

The Committee considered the report and without debate **RESOLVED** that subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 1.1 The Council makes a Stopping Up Order to stop up and divert highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway (highway) zebra hatched black on the attached plan (the Plan 1) and to the extent of the diverted highway being created to the extent described by stipple notation on Plan 2 as the land is required to enable development for which the Council has granted planning permission under planning reference P0364.13 to be carried out to completion.
- 1.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 1.3 In the event that relevant objections are 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 can proceed to confirm the Order.
- 1.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

150 **STOPPING UP ORDER - HILLDENE NORTH. HILLDENE AVENUE**

The Committee considered the report and without debate **RESOLVED** that subject first to a written undertaking from the solicitors of those with the benefit of planning permission reference P1276.12 that they would take transfer of the land to be stopped up at the market value immediately on the expiry of the statutory appeal period under Section 287 of the Town and Country Planning Act 1990 should the Stopping Up Order be confirmed and second subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 1.1 The Council makes a Stopping Up Order to stop up highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway and highway verge (highway) zebra hatched black on the attached plan (the Plan) as the land is required to enable development for which the Council has granted planning permission under planning reference P1276.12 to be carried out to completion.

- 1.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 1.3 In the event that relevant objections are 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 can proceed to confirm the Order.
- 1.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

Chairman