

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
24 October 2013 (7.30 - 11.00 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group** +David Durant

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

+Substitute members: Councillor Wendy Brice-Thompson (for Roger Evans) and Councillor David Durant (for Mark Logan)

Councillors Frederick Thompson, Gillian Ford, John Wood, Keith Darvill and Denis O'Flynn were also present for parts of the meeting.

50 members of the public and a representative of the Press were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

120 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Linda Hawthorn declared a personal interest in Agenda Item 6 Planning Application P0963.13 Former Broxhill Centre, Broxhill Road. Councillor Hawthorn advised that she was a member of the Sports Council; knew the objector, and had previously declared a personal opinion on the proposed scheme.

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

121 **P0945.13 - THREE HORSESHOES FARM, NOAK HILL**

The planning application before members proposed the demolition of existing stabling, storage, and residential buildings and the erection of five houses, along with landscaping and associated works.

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

The objector questioned the process behind the issue of Certificates of Lawfulness for four buildings currently on the site. The committee was informed that local residents had not been aware that Certificates of Lawfulness had been issued in respect of the four buildings on site. Questions were raised over how the construction of five residential dwellings on the site in place of the four buildings could be appropriate development in the Green Belt. The objector raised concerns over the drainage and sewerage arrangements for the proposed properties and intrusive lighting. Members were invited to attend the site to conduct a site visit.

Speaking in response the applicant confirmed that the proposed development would lead to the removal of four existing buildings benefiting from Certificates of Lawfulness together with extensive hardstanding. The applicant advised that the proposed development was low density and that part of the site would be returned to open Green Belt. Members were informed that no further development would take place on the site in the future and that the new residential dwellings would be situated far enough away from neighbouring properties to avoid issues of overlooking.

With its agreement Councillors Denis O'Flynn and Keith Darvill addressed the Committee.

Councillor O'Flynn commented that the report was very comprehensive however he was surprised at the recommendation for planning permission to be granted. Councillor O'Flynn suggested that a site visit be arranged for Committee members so that they could gain a better understanding of how the site was currently laid out. Councillor O'Flynn also raised concerns regarding the drainage of the site and possible increased traffic problems.

Councillor Darvill confirmed that he supported all the previous points that had been made by the objector and Councillor O'Flynn. Councillor Darvill also commented that the proposed scheme would be intrusive on neighbouring properties due to the considerable incline of the site. Councillor Darvill urged Committee members to arrange a site visit to the site.

During the debate members questioned how the four properties currently situated on the site had acquired their Certificates of Lawfulness. Officers provided detail on the application and the evidence submitted in support of the application. A member queried whether Council Tax had been paid for

the four properties with the benefit of the Certificate. Officers confirmed that a Court Summons had been issued for unpaid Council Tax. A member noted that an application had previously been refused for the retention of outbuilding on the site. Clarification was sought on the enforcement history of the site.

Members also discussed the site's access and egress arrangements and questioned whether there was sufficient space in the access road for two cars to pass each other.

Members also questioned which parts of the site shown on the plan were to be included in the proposed development.

Following a motion to refuse the granting of planning permission which was lost by 7 votes to 2 with 2 abstentions. It was **RESOLVED** to defer consideration of the scheme for a visit of the site to take place and to allow officers to clarify the following points:

- Details of the enforcement history especially in the period immediately preceding and since the first creation of the 4 lawful residential units;
- Basis of evidence submitted to gain the 4 Lawful Development Certificates;
- Whether the access road into the site was wide enough to enable 2 vehicles to pass;
- Explanation of the Lawful Development Certificate process and detail of the dates of submission/approval, including details of any agreed curtilage;
- Clarification as to when the hardstanding on site was laid;
- Whether the front car park formed a part of the proposal site and whether it could be reverted back to open Green Belt land;
- Detailed plan clearly identifying the extent of the land within the applicant's control;
- Identification of those buildings/car parking areas and areas of hardstanding currently existing on site;
- Clarification as to whether the access road would be adopted;
- Precise details of the proposed boundary treatment (suited to Green Belt);
- Investigation of the allegation that one of the LDC residential units now accommodated horses;
- Further explanation of considerations around the argument that 4 small residential units benefitting from Lawful Development Certificates could justify 5 large houses in Green Belt terms.
- Clarification as to how the existing commercial development in the Green Belt could justify a change to residential properties.

122 **P0963.13 - FORMER BROXHILL CENTRE, BROXHILL ROAD**

The planning application before members proposed the demolition of an existing gymnasium building and the installation of a third generation (3G) all-weather football pitch; multi use games area (MUGA); children's play area; natural children's play area; outdoor gym area; outdoor exercise track; central open space; running tracks; a dog walking area; a car park; new site access; landscaping works; and the erection of a pavilion building.

Members were advised that the Environment Agency had raised no objections to the proposal, however Environmental Health had asked that a condition to control noise be added to the proposal.

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

The objector raised issues which included the lack of disabled facilities and lack of equipment that would be provided for disabled users.

In response the applicant confirmed that the facility would be accessible to disabled users and that officers were working closely with disabled user groups to determine provision of equipment at the development.

During the debate members received clarification on the parking provision on the site, including the facilities for coaches. In response to questions members clarified the hours of operation of the floodlights and the distance of the nearest residential properties to the site.

In reply to a question regarding the possibility of light intrusion from the floodlights affecting neighbouring residential properties, officers clarified that the floodlights would have backshields installed on them to minimise light pollution.

Members agreed that the development was of a good nature and was welcomed in the area.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to also add two additional conditions to control the hours of use of the floodlights in line with the operating hours of the development and to control noise emanating from the site as suggested by Environmental Health.

As mentioned previously in the minutes. Councillor Linda Hawthorn declared a personal interest in application P0963.13. Councillor Hawthorn advised that she was a member of the Sports Council knew the objector, and had previously declared a personal opinion on the proposed scheme.

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

123 **P1003.13 - 44 HERBERT ROAD, HORNCHURCH**

The report before members concerned an application for the variation of a condition relating to plans attached to planning approval P0169.13. The original application was for the demolition of the existing dwelling and the erection of three detached houses with new access road and car parking. The current proposal was for amendments in the form of a single-storey addition to the rear of the proposed garages so that they aligned with the proposed rear elevations of the properties and some fenestration changes to the elevations; the latter would not involve any more openings to the rear or dormer windows.

Members noted that the application had been called-in by Councillor Ron Ower due to the planning history of the site and the Emerson Park Local Policy.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The objector stated that the proposal was out of keeping with neighbouring properties in the area and did not accord with the Emerson Park Policy.

In response the applicant informed the Committee that the proposal was a minor variation to a pre-existing planning permission and did not involve any material increase to the size or scale of the dwellings. The applicant stated that the changes were needed due to the results of water pressure tests that had been undertaken on site.

During the debate members received clarification on the extra garage space that would be provided within the proposal and questioned if granting planning permission would be setting a precedent for similar developments in the area.

Members noted that the proposed development would be liable for a Mayoral CIL payment of £22,340 and it was **RESOLVED** that 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 18 June 2013 in respect of planning permission P0169.13 by varying the definition of Planning Permission which shall mean either planning permission P0169.13 as originally granted or planning permission P1003.13.

Save for the variation set out above and necessary consequential amendments to the Section 106 agreement dated 18 June 2013 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 18th June 2013 would remain unchanged.

That staff be authorised that upon the completion of the legal agreement that planning permission be granted subject to the conditions as set out in the report and the deletion of condition 6 relating to noise insulation.

The vote for the resolution to grant planning permission was carried by 9 votes to 1 with 1 abstention.

Councillor Ower voted against the resolution to grant planning permission.

Councillor Hawthorn abstained from voting.

124 **P1557.12 - R/O 189 HIGH STREET, HORNCHURCH**

The report before members related to an application to demolish a single storey building and erect a two-storey residential mews development providing 4 three-bedroom houses (with accommodation in the roof space) with on-site parking for 4 vehicles and a landscaped courtyard.

Members were advised that one late letter of representation had been received raising concerns over conflicts of land use resulting from the commercial/residential mix of the area.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The objector, who represented commercial properties located in the area of the proposal, stated that the proposed residential development would not be in keeping with the existing commercial uses in the area. It was suggested that future occupiers of the development could seek restrictions on the operation of the current commercial uses in the area.

In response the applicant confirmed that the number of units within the development had been reduced from 7 to 4; that there was no authorised pedestrian right of way through the site; that issues relating to external noise and odour emanating from the existing commercial uses in the vicinity of the site had been dealt with in the application. The applicant suggested that it was not unusual, within new developments, to see a mix of residential and A3 uses in one particular area.

During the debate members sought clarification on whether there was an existing public right of way on the development site. Officers confirmed that there was no evidence of such. Members commented that the proposal was a good example of a town centre development and a better use of the site than the existing car wash. Members also debated the potential problems that could be experienced with commercial deliveries taking place on the site. Members took note of the existing residential developments in close proximity to the application site.

The Committee noted that the development attracted a Mayoral CIL payment of £8,760 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £24,000 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 preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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 8 votes to 2 with 1 abstention.

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

Councillor McGeary abstained from voting.

125 **P0978.13 - PYRGO SCHOOL, DAGNAM PARK DRIVE, HAROLD HILL**

The report before members detailed an application for the erection of a demountable building to serve as temporary classrooms. The proposal related to a Council School situated within the green belt.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response from the applicant. The objector questioned whether the application could be considered temporary as the application sought permission for a five year period. The objector also raised issues of noise and overlooking that had become apparent since the building had been erected.

The applicant, in response, confirmed that there had been an urgent need for additional school places for the September 2013 intake which warranted the new building. The applicant also confirmed that several locations had been considered for the erection of the new building and that its current location was found to be the most suitable.

During the debate members questioned the relationship between the proposed building and the neighbouring property and possible measures to remove the problems of overlooking. Members noted that they were uncomfortable that the building had been placed in its current location without planning permission.

It was **RESOLVED** to delegate to the Head of Regulatory Services to facilitate discussion between the applicant and the immediate neighbour to enable privacy measures to address overlooking which could include the erection of boundary fencing, installation of privacy glass, and/or limited opening of the windows in the proposed development and subject to satisfactory resolution grant planning permission for a temporary five year period.

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

The report before members concerned a proposal to demolish an existing house and erect a replacement building containing 9 flats. The application was reported back to committee following deferral from the 3 October 2013 meeting.

Committee 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 and above that of properties directly opposite and adjacent, not in keeping with the street scene, building materials at odds with design of surrounding development, development going beyond the building line of properties in the area and the adverse impact on traffic in the locality.

With its agreement Councillor Ford addressed the Committee, Councillor Ford confirmed that many local residents had concerns with the proposed scheme particularly with regards to the possible traffic congestion that the development would create and that the proposal would have an adverse impact on the amenity of the area

During the debate members compared the proposed development to similar schemes that had been built in the area and also considered amenity space. Members gave consideration to access and egress arrangements, highway safety and boundary treatment.

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.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried by 8 votes to 2 with 1 abstention.

The Committee noted that the development attracted a Mayoral CIL payment of £8,580 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £48,000 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 preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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 in paragraph 1.9 of the report and to include an additional condition requiring the submission of a parking management scheme which would include the nomination of parking spaces at a ratio of one space per dwelling.

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

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

127 **ENFORCEMENT REPORT - UPMINSTER COURT, HALL LANE, UPMINSTER**

The Committee considered the report and without debate **RESOLVED** it expedient to issue Enforcement Notices on the owners / occupiers of the property requiring, within 3 months, that:

- (i) The 27 bollard lights within the grounds of the property be removed;
- (ii) The 6 floodlights at the base of trees to the front of the property be removed;

- (iii) The 6 spike uprights to the front of the property and 2 within the car park be removed.

That power to issue enforcement notice(s) against the owners / occupiers of the property including the 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.

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 amended by the Planning and Compensation Act 1991.

128 **P1077.13 - TOWN HALL, PRINT ROOM**

The report concerned an application for an extension to the existing print room at the Town Hall. The application site was Council owned land.

Members were advised that one late letter of representation had been received which commented that the proposal would be of an intrusive nature to neighbouring properties and would result in the removal of trees and a reduction of property values in the area.

With its agreement Councillor Frederick Thompson addressed the Committee. Councillor Thompson confirmed that he was speaking on behalf of local residents and Councillor Andrew Curtin. Councillor Thompson commented that the proposal would be of an intrusive nature possibly leading to overlooking and light pollution issues. Councillor Thompson suggested that the building should be moved away from neighbouring properties.

It was **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 Brice-Thompson abstained from voting.

129 **P0487.13 - 43-45 BUTTS GREEN ROAD, HORNCHURCH**

The application before members was for a change of use from B1 (Offices) to D2 (Day nursery). The nursery would employ 8 members of staff and would cater for up to 60 children aged 0 – 5 years olds. The applicant had indicated that the nursery would operate weekdays from 08.30 hours to 15.00 hours. The first floor of the building would be retained for office use (B1 use). It is proposed to construct a new external staircase at the side of the building to provide an independent access to the first floor offices. An outdoor secure children's play area was to be provided on site at the rear of the building. The play area would be enclosed by a 1.8 metre high brick

wall. The boundary fence along the northern boundary was to be increased to 1.8m. A car parking area for up to 10 vehicles is to be provided at the rear of the site, around the children's outdoor play area. The proposed level of car parking provision had been increased via amendments, as originally, only five car parking spaces were proposed. The proposal also involved the part reinstatement and part creation of a new crossover.

Members noted that the application had been called in by Councillor Ron Ower on the grounds of concern relating to the location of the site which was on a busy road and the parking provision on site to serve the development.

During the debate members questioned the hours of operation of the nursery and discussed the possible over development of the site, limited parking provision, traffic congestion in the surrounding area and highway safety.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 10 votes to nil with 1 abstention.

It was **RESOLVED** that planning permission be refused on the grounds that;

- Road safety hazard caused by the movement of vehicles on/off the site and general congestion in road/junction.
- Mix of uses, given limited building/curtilage capacity represents an overdevelopment of the site.
- Adverse impact on amenity of residents due to disturbance.
- Inadequate parking for a shared day nursery/office site.

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

Councillor Paul McGeary abstained from voting.

130 **P0846.13 - GLENWOOD, BENSKINS LANE, NOAK HILL, ROMFORD - SINGLE STOREY SIDE EXTENSION**

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 to grant planning permission was carried by 10 votes to 1.

Councillor Steven Kelly voted against the resolution to grant planning permission.

131 **P0919.13 - PARSONAGE FARM PRIMARY SCHOOL, FARM ROAD, RAINHAM - SINGLE STOREY EXTENSION, NEW CAR PARK, RE-LOCATION OF A GARAGE AND ASSOCIATED LANDSCAPING**

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

132 **P0858.13 - LAND R/O 137-151 MONTGOMERY CRESCENT, HAROLD HILL - ERECTION OF 2 TWO BEDROOM BUNGALOWS AND ASSOCIATED PARKING**

The Committee considered the report noting that the proposal attracted a Mayoral CIL payment of £3,872 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.
- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of 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.

133 **P0859.13 - LAND ADJACENT TO 81 HEATON AVENUE, ROMFORD - ERECTION OF 1 ONE BEDROOM BUNGALOW AND ASSOCIATED PARKING**

The Committee considered the report noting that the proposed development attracted a Mayoral CIL payment of £752 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 £6,000 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of 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.

134 **P0928.12 - LAND R/O 2-24 BELL AVENUE, ROMFORD**

The application before members related to Council owned open land. The application proposed the erection of four 3 bedroom and one 4 bedroom dwellings with associated parking.

During a brief debate members received clarification on perimeter fencing and access/egress to the site.

The Committee noted that the proposed development attracted a Mayoral CIL payment of £11,294 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.

- Payment of 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 and to an additional condition covering screen and perimeter fencing. Staff were also authorised to raise with the applicant (Council) that some rear garden boundaries may have encroached onto the access road.

135 **P0965.13 - SUTTONS PRIMARY SCHOOL, SUTTONS LANE, HORNCHURCH - INSTALLATION OF A NEW DEMOUNTABLE BUILDING TO SERVE AS A TEMPORARY CLASSROOM**

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

136 **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