

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
29 January 2015 (7.30pm - 10.50 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Ray Best (Vice-Chair),
Philippa Crowder, +John Crowder and +Melvin Wallace

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Linda Hawthorn and Ron Ower

Residents' Group

UKIP Group Phil Martin

Independent Residents Graham Williamson
Group

Apologies were received for the absence of Councillors Steven Kelly and Michael White.

+Substitute members Councillor Melvin Wallace (for Steven Kelly) and Councillor John Crowder (for Michael White)

Councillors Roger Ramsey, Linda Van den Hende and John Glanville 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.

159 MINUTES

The minutes of the meetings held on 4 December and 18 December 2014 were agreed as a correct record and signed by the Chairman.

160 **P0972.14 - 16 & 18 PROSPECT ROAD HORNCHURCH AND LAND TO THE REAR OF**

The report before Members concerned an outline planning application to demolish 16 and 18 Prospect Road for the creation of a new access road to provide nine new detached dwellings and two replacement dwellings.

The application was previously considered by the Committee on 2 October 2014, where it was deferred to enable staff to seek to obtain details of the construction methodology in advance, to control the construction hours and to agree the phasing of the development. The report was now brought back to Members, updated to reflect the outcome of these negotiations with the applicant.

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

The objector commented that they were representing the residents of Prospect Road who were affected by the proposal. The objector advised that the two residents living adjacent to the site were both elderly and in poor health. The residential amenity of both of the residents would be significantly diminished should the demolition and construction works proceed. The objector also commented that the European Convention for the Protection of Human Rights gave every person the "entitlement of the peaceful enjoyment of their possessions" and if approval was given for the works to commence then this entitlement would be denied.

In response the applicant's representative commented that he was pleased to see that the proposal was recommend for approval but was concerned with the proposed hours of construction condition which was quite onerous and could lead to a delay in the completion of the construction period.

With its agreement Councillors Roger Ramsey and John Glanville addressed the Committee.

Councillor Ramsey commented that there had been no consideration of the human rights issues in the revised report and that there was also an issue regarding the lack of sunlight/daylight for the existing residents if the proposal was to be approved.

Councillor Glanville commented that Article 8 of the European Convention for Human Rights offered residents protection from noise and pollution issues and that officers had tried to address this by requesting a condition that would ask for a detailed methodology during the construction period.

During the debate Members discussed the unusual method of part demolishing the properties on either side of the application site and commented that a dangerous precedent could be set by approving the application. The Legal Officer advising the Committee acknowledged that the Human Rights issues were not addressed in the report and added that

the protection to peaceful enjoyment of property was a qualified right. In that it was limited and needed to be balanced against the developer's rights.

Members also received clarification that sunlight provision had been considered by officers. Due to the hipped nature of the two dwellings situated at the front of the proposal the sunlight projected was deemed sufficient.

Members also discussed the option of refusing planning permission and were reminded by the Head of Regulatory Services that the Planning Inspector had previously only refused the application for one reason and that was based on the absence of a legal agreement being in place.

Members also commented that the human rights issues had not been properly addressed in the report and agreed that further investigation be carried out to ascertain the Council's position regarding these issues.

It was **RESOLVED** that consideration of the application be deferred to allow for officers to provide a further report assessing whether Human Rights Act under Article 8 contributed a material reason for refusal reflecting the unique combination of issues presented by the proposal which: had a Planning Inspectorate appeal decision; was outline with no definition of impact details; sliced two pairs of bungalows in half; and because of transmission through party wall directly affected the living conditions of two elderly residents situated either side.

161 P1528.13 - 22-28 NORTH STREET, ROMFORD

The proposal was for the demolition of the existing four retail units, with vacant office accommodation above, and the erection of an six storey building with four (A1) retail units at ground floor level, and twenty flats above (sixteen two bedroom and four 1 bedroom units), occupying five storeys.

The sixth storey element would comprise a services block at the top of the building.

The application was first reported on 3 April 2014 when a decision was deferred to allow further information to be gathered and clarification sought.

The queries and their responses were then reported back to Members on 26 June 2014 when the decision was again deferred to allow the opportunity for a height reduction to be negotiated. Despite negotiations, the developer opted to continue with what was essentially an eight storey proposal with some minor changes. The scheme was reported to Members on 23 October 2014 when it was again deferred to give the applicant a further opportunity to reduce the height of the scheme.

The applicant had now submitted plans reducing the building's height from eight storeys to six, and from twenty eight flats to twenty. However, the applicant had stated that, owing to the reduction in the proposed number of

units, that the previously proposed contribution of £45,000 towards local environmental enhancements was no longer offered.

Members were advised that following negotiations the applicant was now willing to pay the Council's tariff of £120,000.

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

The objector advised that he was speaking on behalf of the Romford Civic Society and commented that the original building should not be demolished as it provided the setting for a significant set of buildings around other listed buildings in the conservation area and would be at odds with the Development Plan Policy. The proposal would have an adverse impact by reason of its height scale and design on the setting of a listed building and fail to preserve or enhance the character of Romford Conservation Area.

In response the applicant's representative commented that the applicant had listened to the Committee's previous concerns and had reduced the number of storeys from eight to six. The proposed building would sit lower than the spire of the nearby St Edwards Church and English Heritage had raised no objections to the proposal. English heritage had also conceded that the space at the front of the site was without merit and that the proposal would improve security and the area's commercial vitality.

During a brief debate Members commented that whilst English Heritage only briefly commented on the conversation area the Council's own Heritage Officer still recommended refusal of planning permission as the proposal failed to preserve or enhance the character of the conservation area and planning policy DC68 applied.

Members also commented about the current untidy state of the area but also felt it was important not just to accept a proposal because it looked better than what was currently there.

Following a motion for approval which was lost by 4 votes to 7. It was **RESOLVED** that planning permission be refused as per the officer's recommendation.

The vote for the resolution was carried by 8 votes to 3.

Councillors J.Crowder, Wallace, Hawthorn, Ower, Nunn, Whitney, Martin and Williamson voted for the resolution to refuse planning permission.

Councillors P.Crowder, Best and Misir voted against the resolution to refuse planning permission.

162 **P1114.14 - THE SYCAMORES 161A HACTON LANE, UPMINSTER**

The proposal before Members was for a retrospective application for the change of use of a swimming pool from residential to part residential/part business.

Members noted that the application had been called in by Councillor Linda Van den Hende on the grounds that she wanted Members to have the opportunity to consider the application rather than have it decided by delegated powers.

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

The objector commented that the application was the re-submission of an application that had previously been refused. The objector commented that the application was for sixty hours per week and expressed concerns that if granted then it would be difficult to police and would ultimately lead to a lack of amenity for neighbouring properties.

In response the applicant commented that none of the neighbours were objecting to the application and there had also been no objection from the Highways Department. The applicant also advised that thirty letters of support had been submitted.

With its agreement Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende commented that consideration of the application was a judgement call. The swimming pool was quite small and only used by up to six children at a time but the judgement by officers was possibly taken with effect on amenity in mind.

During a brief debate Members discussed the numbers using the facilities and possible concerns over operating hours that could affect the amenity of others.

The report recommended that planning permission be refused, however following a motion to approve a temporary planning permission for one year which was carried by 9 votes to 2 it was **RESOLVED** that planning permission be granted for a temporary one year period and subject to the change of weekend operating hours to 9am to 1pm which will be set out as planning condition the precise wording of which be delegated to the Head of Regulatory Services and due to the following reasons:

- No harm to Green Belt.
- Beneficial use for the community.
- No immediate apparent harm to residential amenity.
- Allowing temporary trial period to assess impact.

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

Councillors Misir, Best, J Crowder, P Crowder, Wallace, Hawthorn, Ower, Martin and Williamson voted for the resolution to grant planning permission.

Councillors Nunn and Whitney voted against the resolution to grant planning permission.

- 163 **P1084.14/L0010.14 - THE CONVENT OF SACRED HEART - DEMOLITION OF LATER ADDITIONS TO THE GRADE II LISTED BUILDING; ERECTION OF TWO 2-STOREY SIDE EXTENSIONS; ALTERATIONS TO EXISTING ROOF INVOLVING INFILLING OF HIDDEN VALLEY AND INSTALLATION OF GLAZED LANTERN; INTERNAL ALTERATIONS TO FACILITATE THE CONVERSION OF THE BUILDING INTO SEVEN APARTMENTS; PROVISION OF CAR PARKING, CYCLE AND REFUSE STORES; AND FORMATION OF ACCESS DRIVE TO REAR AND CONSTRUCTION OF TWO 2-STOREY 5-BED LINKED-DETACHED DWELLINGS WITH CAR PARKING.**

It was **RESOLVED** that consideration of the reports be deferred to allow officers to check whether objectors had received consultation letters offering them the opportunity to speak before the Committee.

- 164 **P1536.14/L0014.14 - LANGTONS HOUSE, BILLET LANE HORNCHURCH**

The matter was brought before the Committee as the application site was Council owned. The proposal related to Langtons House, a Council owned, Grade II listed 18th century house and public gardens located in Billet Lane, Hornchurch. Planning permission was sought for new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage.

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

The objector commented that the local residents welcomed the improvement works to Langton's House and had no objection to the proposed development but opposed the proposed parking on Fielders Field. The objector referred to the appropriation of Fielders Field which he had had correspondence with officers and opposed .

In response the applicant's representative commented that the works to the car park area were not part of these applications and that they fall under permitted development. The works to Langton's were briefly outlined.

The Council's legal advisor confirmed that the reference in the objector's representation on the proposals for Fielders Field was not relevant to the application before members as the proposal for Fielders Field did not form part of the application for determination and fell under Part 12 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and referred to paragraph 4.2 of the report before members.

The Committee considered the reports and without debate **RESOLVED** that in respect of P1536.14 that planning permission be granted subject to the conditions as set out in the report.

The Committee considered the reports and without debate **RESOLVED** that in respect of L0014.14 that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and Reason for Approval set out in the report be considered in respect of such consent.

165 **P1346.14 - RISE PARK JUNIOR SCHOOL, ANNAN WAY ROMFORD**

The proposal before Members was for the re-commissioning of the existing pedestrian access from Pettits Lane North and the construction of a new fenced off holding area in the south west corner of the playing field providing an additional pedestrian access into the school campus.

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

The objector commented that re-commissioning the original entrance could prove to be dangerous as the entrance was situated adjacent to a zebra crossing which was situated on a bend in the road. The objector commented that parents dropped their children off to school and sometimes stopped on the zig zag lines of the crossing setting a dangerous precedent.

In response the applicant's representative commented that the pedestrian crossing had been installed previously when the entrance had been in use. The Council's Highways department had suggested re-commissioning the Pettits Lane North entrance to alleviate the congestion on the entrance in Annan Way.

During a brief debate Members discussed the current congestion at the site and possible enforcement action being taken on drivers that parked on the zig zag lines.

It was **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report and subject to two additional conditions (the wording of to be decided by the Head of Regulatory Services) concerning:

- Restricted hours during which the holding area may be used.
- Except for the agreed hours during which the holding area is to be used the gate must be kept locked.

166 **P1609.14 - CRANHAM GOLF COURSE, ST MARY'S LANE, UPMINSTER**

The planning application before Members proposed the installation of a solar energy farm at the site, generating approximately 2.6MW of electricity for the national grid created by 11,700 solar panels.

The application had been submitted following the refusal, by Members, of planning application P0907.14 on 2 October, 2014. The current proposal was identical to the previous scheme, except that:

- a) The proposed panels would be reduced in height, now having maximum and minimum heights of approximately 1.9m and 0.6m respectively, compared to 2.9m and 0.9m respectively.
- b) The angle of the proposed panels is reduced to 20 degrees, from 25 degrees.
- c) The landscaping scheme previously agreed between officers and the applicant following the submission of that application has been incorporated.

The application had been called in by Councillor Ron Ower on the grounds of the potential harm to the Green Belt.

During the debate Members discussed the difference between the application and the previously submitted one.

Members still felt that the proposal would be a distraction to road users using the M25 motorway nearby and alternative screening arrangements were discussed.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 8 votes to 2 with 1 abstention it was **RESOLVED** that planning permission be refused for the following reasons:

- The principle harm to the Green Belt was not outweighed by very special circumstances.

- Physical harm to the Green Belt caused through the number and impact of the solar panel array together with the necessary infrastructure – fencing, lights and outbuildings all of which would have an unduly intrusive impact.
- Likely distraction to M25 drivers adversely affecting highway safety.

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

Councillors Misir, Best, J Crowder, P Crowder, Hawthorn, Ower, Nunn and Whitney voted for the resolution to refuse planning permission.

Councillors Wallace and Martin voted against the resolution to refuse planning permission.

Councillor Williamson abstained from voting.

167 **P1406.14 - 12 NORTH STREET, HORNCURCH - CHANGE OF USE TO NAIL SALON & BEAUTY SERVICES (SUI GENERIS)**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and additional wording to condition 4 to be added under delegated powers of the Head of Regulatory Services.

168 **P1383.14 - RJ MITCHELL SCHOOL, SOUTH END ROAD SOUTH HORNCURCH - ONE FORM OF ENTRY EXPANSION TO SCHOOL INCLUDING NEW CLASSROOM BLOCK, INTERNAL ALTERATIONS, SCHOOL HALL EXTENSION, AND EXTENDED STAFF CAR PARKING PROVISIONS**

The Committee considered the report and without debate **RESOLVED** that subject to the Secretary of State deciding not to call-in the application under the provisions of the Town and Country Planning (Consultation) (England) Directive 2009 on the expiration of 21 days from effective consultation that the Head of Regulatory Services be authorised to grant planning permission subject to the conditions as set out in the report and subject to an additional condition requested by Sport England that the construction compound and access be removed as set out below:

No building shall be occupied or use commenced until the temporary construction access from South End Road has been closed and any temporary surfacing materials removed from the site. The area of playing field affected by the construction works would then be reinstated in accordance with details that have previously been submitted to and agreed in writing by the local planning authority. The reinstatement shall take place within three months of the completion of the construction works or such other period as agreed in the scheme of reinstatement. The scheme will

provide for the reinstatement of the playing field to a quality at least equivalent to the quality of the playing field immediately before the temporary construction access was erected or a condition fit for use as a playing field or in accordance with 'Natural Turf for Sport', (Sport England, 2011).

Reason: To ensure that the playing field was reinstated and was available for use following the completion of construction works in accordance with Development Control Policies Development Plan Document Policy DC18 and the guidance in the National Planning Policy Framework.

169 **P1212.14 - 64 SOUTH STREET ROMFORD - GROUND FLOOR SIDE EXTENSION, ALTERATION OF EXISTING BUILDINGS INCLUDING REMOVAL OF THE FRONT CANOPY, REPLACEMENT SHOP FRONTS AND FULL RESTORATION OF FRONT ELEVATION ALONG WITH PARTIAL DEMOLITION AND EXTENSION OF EXISTING BUILDING AT FIRST FLOOR UP TO 4 STOREYS IN HEIGHT TO PRODUCE 22 RESIDENTIAL UNITS COMPRISING 10 X 1 BEDROOM, 11 X 2 BEDROOM AND 1 X 3 BEDROOM UNITS WITH 2 FLEXIBLE GROUND FLOOR A1/A2/A3 UNITS WITH A CAFE (A3) TO THE REAR AND LOUVERED EXTRACT VENTS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £22,620 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 review of the viability of providing affordable housing shall be carried out after the first anniversary of the grant of planning permission unless the developer implements the planning permission on or before the first anniversary of the date on which planning permission was granted and on every subsequent year on the anniversary of the first viability assessment until completion and any affordable housing (or equivalent contributions for off site provision) be provided based on the revised viability assessment to a maximum of 50%. The developer/owner will bear the costs of the Council commissioning an independent viability assessment of the annual reviews of viability and the viability assessment and independent viability assessment will apply the methodology either of the Economic Assessment Tool (EAT) as issued by the Homes and Communities Agency OR the Argus Developers Toolkit (Argus).
- A financial contribution of £132,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.

- Save for Blue Badge holders to prevent any residential occupiers from obtaining residents parking permits for any existing or future controlled parking zones or residents' parking schemes within the area.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services 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.

170 **P1054.13 - LAND NORTH OF 8 JACKSON CLOSE - ERECTION OF SIX DWELLINGS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £16,500 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 £36,000 to be used towards infrastructure costs associated with the development in accordance with the Planning obligation 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.
- 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 the Head of Regulatory Services 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 with the removal of condition 14 (Air Quality).

171 **P1020.12 - 69 OLDCHURCH ROAD, ROMFORD - DEMOLITION OF EXISTING WAREHOUSE AND OFFICE AND THE CONSTRUCTION OF 34 FLATS IN TWO BLOCKS WITH UNDERGROUND PARKING AND 2 SEMI-DETACHED HOUSES.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £33,656.80 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:

- Save for those holding blue badges restriction on residents of the development applying for parking permits within the local area.
- A financial contribution of £216,000 to be used towards infrastructure costs which will be due at the commencement of each phase of development as per the approved phasing plan (drawing no. 2216_P20). In order to facilitate financing of the infrastructure contribution it is agreed that the development be completed over 3 phases. Phase 1 would consist of the construction of a semi-detached pair of dwellings; phase 2 would consist of the construction of 10 flats and phase 3 would consist of the construction of the remaining 24 flats (as per drawing no. 2216_P20). The payment of the infrastructure contribution is to be paid prior to the commencement of each phase at a rate of £6,000 per dwelling unit for timely payment in accordance with the phasing set out above.
- 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.

That the Head of Regulatory Services 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.

172 **P1680.14 - HAYDOCK CLOSE, HORNCHURCH - ERECTION OF NINE FLATS (2 X 1 BEDROOM AND 7 X 2 BEDROOM) WITH ASSOCIATED LANDSCAPING & OFF STREET PARKING**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £12,960 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 associated with the development and to be paid prior to commencement of the development in accordance with 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.
- 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 the Head of Regulatory Services 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.

173 **P1534.14 - TESCO ROMFORD EXPRESS LAND TO THE REAR OF OAKLANDS AVENUE, ROMFORD**

This application was withdrawn by officers at the applicant's request.

174 **STOPPING UP ORDER**

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

The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.

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.

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.

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 was withdrawn.

175 **P1276.12 - LAND ADJACENT TO HILLDENE AVENUE, HILLDENE CLOSE, BRIDGWATER ROAD, HAROLD HILL ROMFORD - REDEVELOPMENT OF THE PART-VACANT HILLDENE NORTH SITE TO PROVIDE 100 RESIDENTIAL UNITS (58% AFFORDABLE HOUSING) WITH ANCILLARY CAR PARKING AND ASSOCIATED LANDSCAPING.**

The Committee considered the report and without debate **RESOLVED** that subject to all parties to the S106 planning agreement dated 24 January 2013 as varied by a Deed of Variation dated 6 August 2013 ("the original agreement") agreeing to be party to a further deed of variation that the Head of Regulatory Services be authorised to enter into the deed of variation of the original agreement as detailed in the report to release Countryside Properties (UK) LTD from the obligations contained in the original agreement Provided That the terms of the deed of variation pursuant to Section 106A of the Town and Country Planning Act 1990 shall only take effect following the payment of a financial contribution of £126,000 to be used towards infrastructure costs in accordance with the Planning Obligations SPD and LDF Policy DC72 and the issuing and lawful commencement of planning permission pursuant to planning application reference P0819.14 pursuant to a new legal agreement to be entered into with Countryside Properties (UK) LTD and their mortgagee (bank) on the same date as the aforementioned deed of variation of the original agreement .

The Developer/Owner to pay the Council's reasonable legal costs associated with the deed of variation prior to the completion irrespective of whether the deed of variation was completed.

176 **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