

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
19 February 2015 (7.30 - 10.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Ray Best (Vice-Chair) (in the Chair), Philippa Crowder, Steven Kelly, Michael White and +John Crowder

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Linda Hawthorn and Ron Ower

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

Apologies were received for the absence of Councillor Robby Misir.

+ Substitute Member: Councillor John Crowder (for Robby Misir)

Councillors Alex Donald, David Durant and Linda Van den Hende were also present for parts of the meeting.

90 members of the public were present for parts of the meeting.

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.

177 MINUTES

The minutes of the meeting held on 8 January 2015 were agreed as a correct record and signed by the Chairman.

178 P1475.14 - 168/170 SOUTH STREET, ROMFORD

It was **RESOLVED** to defer the application to enable Ward Councillor to address Committee at a future meeting.

179 **P1742.14 - LAND AT OAK FARM, MAYLANDS FIELDS, ROMFORD**

The application before members was for a change of use of land to burial grounds including removal of existing agricultural buildings and erection of two pavilion buildings for associated usage, hard and soft landscaping, new access to A12 and internal roads and paths, parking and workshop area for storage of associated equipment, tools and materials.

Members noted that one late letter of representation, objecting to the proposals had been received. By way of correction members were informed that 2740 representations in support of the application had been received.

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

The objector commented that the vast majority of those supporting the application were not resident in the borough and the majority of local residents objected to the proposals. The objector questioned whether there was a local need for such a facility and asked who the facility would actually serve stating that it would serve communities from outside the borough. The objector considered the proposal to be in contravention of Policy 7.23 of the London Plan. The objector stated that the proposed development site had been used and valued by local residents for over 60 years and was a site of nature conservation importance. Concerns were raised over the style of buildings proposed on the site which were considered to be out of character with the locality and inappropriate in the Green Belt. Concerns were also raised over highway safety and the loss of foodplain storage.

In response the applicant's Solicitor commented that the applicants were not insensitive to the concerns of local residents. She stated that the proposed development was an acceptable Green Belt development and that a robust needs assessment had been put forward. The applicant's Solicitor made reference to a precedent set in 2013 at Upminster Cemetery where the needs of wider communities amounted to very special circumstances justifying green belt development. The applicants Solicitor also raised the improvements that the application would bring to the site including public access.

With its agreement Councillor Alex Donald addressed the Committee. Councillor Donald questioned whether anyone would actually benefit from the application concluding that it would not be the people of Havering. Councillor Donald stressed that the application was against the wishes of local residents. He raised concerns over the harm that the proposed buildings and structures would have on the openness of the Green Belt. Councillor Donald stated that the proposed development was contrary to the London Plan policy.

Councillor Donald questioned why the applicants had failed to acknowledge that the application would result in a net loss of flood plain storage and why the applicants had failed to consider other sites for the proposed

development nearer to the communities that that the development would serve.

Following the representations, the Committee, without debate **RESOLVED** that planning permission be refused for the reasons set out in the report.

180 **P1616.14 - 5 FITZILIAN AVENUE, HAROLD HILL**

The application before the Committee proposed the demolition of existing rear storage buildings and the construction of one 4-bedroom Mews House, one 3-bedroom Town House and the refurbishment of shop accommodation to create a 3-bedroom Town House

Members noted that one late representation had been received from London Fire Brigade confirming that they had no objection.

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

The objector commented that his only concern was with the Mews House. The objector asked for clarification of the buildings footprint and whether assurances could be given that restrictions would be placed on the height and width of the building. The objector also stated that a lighter colour brick should be used for its construction. The objector concluded by raising concerns over the potential for damage to an existing rear wall.

In response the applicant stated that the proposal was sympathetic to the streetscene. The applicant stated that issues relating to overlooking had been addressed and the removal of existing storage use would improve local area.

During the debate Members discussed the issues surrounding the retention of the rear wall and received clarification on the condition dealing with overlooking. . A Councillor commented that he considered that the proposal would be beneficial for the area.

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:

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and 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 Owner/Developer to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- of the Owner/Developer 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 and with an amendment to Condition 14 to include details of existing and proposed boundaries.

181 **P1084.14/L0010.14 - THE CONVENT, SACRED HEART OF MARY, 64 ST MARY'S LANE UPMINSTER**

Planning application P1084.14 and listed building consent L0010.14 were presented together but voted on separately.

The planning application proposed the demolition of 1960's additions to a Grade II listed building, the conversion and extension of the remaining building to accommodate four 2-bed and three 3-bed apartments and the erection of two 5-bed detached dwellings within the grounds toward the southern boundary of the school site.

The listed building consent sought authority for works to a Grade II listed building.

The report detailed that following the demolition of the 1960's additions the original building would be extended on the east and west elevations by the addition of new two storey elements. These would be constructed in a similar style and materials to the main building. The apartments would be of different sizes and layouts to accommodate existing rooms and the historic features of the listed building. All the apartments would exceed the minimum floor space standards set out in the London Plan.

Members noted that one late letter of representation, objecting to the proposals had been received.

Members noted that the application had been called in by Councillor Linda Van den Hende on the grounds of overdevelopment.

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

The objector speaking on behalf of the governing body of the adjacent school raised concerns over the close proximity of the school to the proposed development and their ability to co-exist without conflict. The

speaker raised specific concerns over noise disturbance during demolition and construction, highway safety and separation distances.

In response the applicant's agent stated that the proposed development was represented an appropriate re-use of the Grade II listed building. The agent stated that the development was low density and high quality and would not harm the listed building. The agent noted that the Highways department had not objected to the development. He stated that dialogue had been opened with the school on a suitably timed programme for the development. The agent concluded that the development would act to safeguard the listed building.

With its agreement Councillor Linda Van den Hende addressed the Committee. Councillor Van den Hende commented on the importance of the listed building noting that it was unoccupied and in danger of falling into disrepair. Councillor Van den Hende commented on the size of the proposed development suggesting that the proposed car parking provision would be insufficient. Councillor Van den Hende also raised concerns over the access road to the site; overdevelopment; overlooking; and separation distances between the proposed development and the school.

During the debate Members discussed the design of the proposed development, the relationship between the development and the listed building, highway safety and separation distances between the development and the school. Members also noted that the listed building had not been in use for some years and was in danger of falling into disrepair. A member commented that the removal of the 1960's extension to the listed building and addition of new extensions would enhance the listed building itself. Members received clarification on the proposed parking provision for the new dwellings.

The Committee noted that the development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £6440 subject to indexation based on the creation of a net increase of 322 sq. metres of new internal floor space.

It was **RESOLVED** that planning application P1084.14 was unacceptable as it stood but would be acceptable subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That 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

The Committee having considered the report **RESOLVED** that listed building consent L0010.14 be granted subject to the conditions as set out in the report.

182 **P1559.14 - PARSONAGE FARM SCHOOL, FARM ROAD RAINHAM**

The application before the Committee related to a Council-owned application site. The application sought planning permission for a single storey standalone building consisting of seven classrooms, one multi-purpose room, toilet block and circulation space, new hard standing to the playground and relocation of the existing garage.

With its agreement Councillor David Durant addressed the Committee. Councillor Durant commented that he accepted that there was a statutory duty to provide additional school places but did not accept that this duty extended to the provision of places for pupils from outside the borough. Councillor Durant questioned the suitability of the proposed school expansion stating that the proposal was an over-development of the site to suit convenience and meet forecasted expansion needs not real current needs. Councillor Durant suggested that there were other schools more suitable for expansion and questioned whether the current facilities at the school could cope with that being. Councillor Durant also raised concerns over the effect of the proposed expansion on highway safety.

During the debate Members discussed a number of concerns including traffic flow and highway safety and the adequacy of the schools facilities. In response to members questions officers clarified that there would be little merit in undertaking traffic analysis at this point because the proposed expansion was a staggered process and it would take a number of years before the school would be operating at full capacity. Officer also confirmed that Highways had raised no issues on the proposal.

A member was of the opinion that the school's kitchen and canteen would be insufficient to meet the needs of the expanded school. A number of members were not satisfied with the traffic scheme.

A number of members concluded that the school site could accommodate an expansion if concerns were addressed. A member concluded that the principle of expansion was not an issue, rather the safety of children.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds that the resultant highways impact arising from traffic movement and consequent congestion would materially harm the safety of children using the school and the amenity of local residents.

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

Councillors Kelly, Philpa Crowder, John Crowder and White voted against the resolution to refuse the granting of planning permission.

183 **P1728.14 - CHAFFORD SCHOOL, LAMBS LANE SOUTH, RAINHAM**

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 with the addition of the Council's standard landscaping condition.

184 **P0447.14 - CHAFFORD SCHOOL, LAMBS LANE SOUTH, RAINHAM**

The Committee considered the report that proposed a phased master plan to replace and improve existing campus facilities, including a new sports centre for school and community use, new engineering and arts and drama wings, new-build and internally upgraded classbases together with upgrading and replacement of existing external sports courts, on-site parking and landscaped areas and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

185 **P0489.14 - 59 FAIRHOLME AVENUE, ROMFORD**

The Committee considered the report noting a revision to the height of the proposed development and consequential withdrawal of objections, and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

186 **P1167.14 - NEW ROAD (PREMIER INN) RAINHAM**

The application before Members proposed a rear extension to the Premier Inn Hotel building. The extension would replicate the existing form of the building. The extension would house twenty-one additional rooms. The proposal also included the installation of an air conditioning compound, to the south-east of the extension. This would involve the removal of one car parking space.

During a brief debate a Member raised concern of over the effect of the proposed development on the capacity of the A1306.

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 nil with 1 abstention.

Councillor Michael White abstained from voting.

187 **P1417.14 - 65 LAMBS LANE SOUTH, RAINHAM**

The application before Members proposed the demolition all existing buildings on site and erection of three new dwellings with associated works including driveways and outbuildings.

Following advice it was **RESOLVED** that the legal agreement completed in relation to planning permission P0400.14 would require variation to change the definition of planning permission to read either planning permission P0400.14 or planning permission P1417.14 together with any other consequential amendments and payment of the Council's reasonable legal costs associated with the deed of variation irrespective of whether the deed was completed.

That the Head of Regulatory Services be authorised to enter into a deed of variation to secure the above and upon completion of that deed, grant planning permission subject to the conditions as set out in the report.

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

188 **P1495.14 - LAND REAR OF ABBS CROSS GARDENS, HORNCHURCH**

The application before members proposed the demolition of 14 existing garages and the erection of one two storey dwelling and four garages.

Members noted that the application had been called in by Councillor Crowder on the grounds that there was a previous refusal on an earlier application, P0782.14 and this application warranted consideration.

Members noted that one late representation had been received objecting to the proposal on the grounds of scale and the cramped nature of the development.

During the debate members sought and received clarification on the elevations of the proposed building and separation distances between the new property and existing properties. Members noted that the garages on site were derelict and that the site had become an eyesore. Members discussed the principle of residential development on the site.

The report recommended that planning permission be refused, however following a motion to approve planning it was **RESOLVED** that planning permission was unacceptable as it stood but would be acceptable subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That 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 conditions covering:

Standard Time Limit
Materials
Landscaping
Windows
Removal of Permitted Development Rights
Reserved Parking for new Dwelling
Access Details
Hours of Working
Construction Method Statement
Boundary Treatment

and any other condition considered reasonable by the Head of Regulatory Services.

The application would be remitted back to Committee for further consideration in the event that the legal agreement could not be successfully negotiated.

The Committee's reasons for approval were that the proposed development would enhance a derelict site; provide much needed housing and present no harm to amenity of the environment.

189 **P1499.14 - 28 HARROW DRIVE, HORNCHURCH**

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

190 **P1535.14 - EARLES COTTAGES, 83 LOWER BEDFORDS 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.

191 **P1643.14 - MCDONALDS RESTAURANTS LTD, STRAIGHT ROAD, ROMFORD**

The application before the Committee sought variation of condition 5 of application P0755.09 (as amended by application P0143.14) in order to extend the drive-through opening hours from 07:00 - 23:00 hours seven days a week, to 06:30 - 23:30hours 7 days a week.

Members noted that the application had been called in by Councillor Brian Eagling on the grounds that he did not believe the proposal would have an unacceptable impact on the residential amenity of neighbouring occupiers. He added that there was no consistency in consideration of the application and that it also created extra employment.

During a brief debate a member noted a number of other establishments that had permission to trade in excess of the hours proposed by the application.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried, it was **RESOLVED** to that planning permission be granted.

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

Councillors Nunn and Whitney voted against the resolution.

Councillor Williamson abstained from voting.

192 **P1717.14 - 2-6 FITZILIAN AVENUE HAROLD WOOD**

The Committee considered the report noting that the development proposed would be liable for the Mayor's Community Infrastructure Levy totaling £9110.00 and without debate **RESOLVED** the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a

legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and 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 Owner/Developer to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- of the Owner/Developer 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

193 **P1378.14 - 50 PURBECK ROAD HORNCHURCH**

The Committee considered the report and without debate **RESOLVED** that planning permission be refused as recommended in the report.

194 **P1635.14 - 1-1A CHASE CROSS ROAD, COLLIER ROW ROMFORD**

The application before members was for an extension of first floor to form two one-bed flats and extension and sub-division of ground floor for A1 and A3 use including new shop fronts.

The application site comprised a part single storey and part two storey building that lies at the roundabout junction of Clockhouse Lane and Chase Cross Road.

The report detailed that there was no vehicular access to the building either from Clockhouse Lane or Chase Cross Road. There was a pedestrian barrier along the whole length of the road frontages. There was a small yard to the rear of the building which provides access to the ground floor units.

During the debate members discussed whether the development constituted over development of the site. Members raised concerns over the lack of

parking provision for the residential units concluding that it would add to congestion in the area and adversely affect amenity

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission, it was **RESOLVED** that planning permission be refused for the following reasons:

- (1) absence of on-site parking which would contribute to congestion in locality and be harmful to amenity; and
failure to secure infrastructure tariff due to absence of legal agreement.

195 **P1422.14 - THE OLD FORGE, HALL LANE UPMINSTER**

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 entering into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and 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 Owner/Developer to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- of the Owner/Developer 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

196 **P1352.14 - SCOTTS PRIMARY SCHOOL SOUTH HORNCHURCH**

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

197 **P1552.14 - DELDERFIELD HOUSE, HAVERING ROAD, ROMFORD**

The Committee considered the report noting that the development proposed would be liable for the Mayor's Community Infrastructure Levy totaling £24,600.00 and without debate **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:

- A financial contribution of £78,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and 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 Owner/Developer to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- of the Owner/Developer 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 with the following amendments:

Change to condition numbering – change condition 17 onwards to condition 15 onwards;

Change conditions 4,5,8,9,10,12, 14, 17,24 and 25 (as numbered in the report) to include following wording – “Prior to the commencement of development hereby permitted, other than works solely for the demolition of existing buildings,”;

Change Condition 13 to include reference to demolition.

198 **P1526.07 - PROPOSED VARIATION OF SECTION 106 LEGAL AGREEMENT IN CONNECTION WITH P1526.07 INTERWOOD SITE, STAFFORD AVENUE HORNCHURCH**

The Committee considered the report and without debate **RESOLVED** that the Head of Regulatory Services be authorised to enter 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 12 August 2008 in respect of planning permission P1526.07 and modified by previous Deeds of Variation Dated 20 October 2011 and 17 April 2014, to change the phasing of the payment of the Education Contribution as follows:

- Not to occupy or permit occupation of the Affordable Housing Units forming part of Block C (6 no. 2 bed units) until payment of £24,446.39 of the Education Contribution had been made to the Council;
- Not to occupy or permit occupation of the Open Market Units forming part of Block C until payment of £142,994.73 of the Education Contribution had been made to the Council.

The Developer and/or Owner would bear the Council legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter was completed.

Save for the variation to the Education Contribution set out above and any necessary consequential amendments to the legal agreement dated 12 August 2008 all recitals, terms, covenants and obligations in the said agreement shall remain unchanged.

199 **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:-

1. 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 was required to enable development for which the Council had granted the Planning Permission.
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.

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.
4. In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.
5. It was therefore recommended that the necessary Order was made and confirmed

200 **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