MINUTES OF A MEETING OF THE REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
22 October 2015 (7.30 - 9.50 pm)

Present:

COUNCILLORS:	11
Conservative Group	Robby Misir (in the Chair) Ray Best, Philippa Crowder, Steven Kelly and +John Crowder
Residents' Group	Stephanie Nunn and Reg Whitney
East Havering Residents' Group	Alex Donald and Linda Hawthorn
UKIP Group	Phil Martin
Independent Residents Group	Graham Williamson

An apology for absence was received from Councillor Melvin Wallace.

+Substitute members: Councillor John Crowder (for Melvin Wallace).

Councillors Gillian Ford, John Mylod and Melvin Wallace were also present for parts of the meeting.

20 members of the public 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.

341 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Alex Donald declared a personal/pecuniary interest in application P1131.15. Councillor Donald advised that he was a resident of the application site and would be speaking on behalf of other residents regarding the application.

Following his representations Councillor Donald left the chamber during discussion of the item and took no part in the vote.

342 **MINUTES**

The minutes of the meeting held on 17 September and 1 October 2015 were agreed as correct records and signed by the Chairman.

343 **P1131.15 - FORMER HAROLD WOOD HOSPITAL**

The report before Members detailed a reserved matters application for the next penultimate phase of the development, Phase 2A which proposed 109 residential dwellings, plus associated infrastructure and car parking.

Members had previously considered an outline planning permission for the redevelopment of the former Harold Wood Hospital and this had been granted under ref P0702.08 Members had also considered full applications for the construction of the spine road and Phases 1A and 1B and reserved matters applications for Phase 3A, 3B, 5, 4A and 4B of the residential development.

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

The objector advised that he was speaking on behalf of the residents of the application site. The objector commented that there had been no consultation with residents from Countryside Properties and that the proposed blocks of flats would impact on the privacy of current residents and would lead to traffic and parking problems. The objector also commented that the four storey block would dominate the local area and overlook existing properties and the nearby church. The objector concluded by commenting that there would be an increase in traffic movements and that there was insufficient parking provision for existing residents due to commuters parking on the development and using the nearby railway station.

With its agreement Councillor Alex Donald addressed the Committee.

Councillor Donald commented that he was objecting to Block B due to the possible overshadowing of existing properties. Councillor Donald also commented that there appeared to be some deviation from the outline permission that had previously been granted. Councillor Donald further commented that there was a lack of parking provision on the site and that Wessex Way was a private road that should only be used by residents and not commuters. Councillor Donald concluded by commenting that the report acknowledged there would be overlooking and that Countryside Properties should consider existing resident's views.

In response the applicant's representative commented that the issues raised had been considered at the reserve matters stage. The master plan had previously confirmed the height and orientation of the proposed blocks to help minimise overlooking. The applicant's representative also commented

that the development was proving popular due to its location close to the railway station and the future introduction of Crossrail. The applicant's representative concluded by commenting that the heritage and open nature of the green spaces on the site had been considered at the outline application stage and been adhered to.

During the debate Members discussed the issues previously raised by the objectors including the possibility of overlooking and the lack of parking provision.

Following a brief discussion as to whether the reserved matters application differed from the previous master plan the Members received clarification of the differences between a parameters plan and a density plan.

Members agreed that the development had been planned and built well and had perhaps become a victim of phased development whereby the existing householders felt that the proposed flats would harm their amenity and increase parking issues.

Members also discussed the existing parking per unit which met the Council's targets and also discussed the lack of parking restrictions which encouraged commuter parking.

In response to a question regarding possible overlooking Members were advised that it was judged at the time of the outline permission that the relationships between properties had been scrutinised and judged to be acceptable.

Members were also advised that the report detailed that a car parking management scheme had to be submitted by the applicant for approval by the Council prior to first occupation.

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

The vote for the resolution to grant reserved matters permission was carried by 8 votes to 1 with 1 abstention.

Councillor Martin voted against the resolution to grant reserved matters permission.

Councillor Williamson abstained from voting.

As mentioned previously in the minutes Councillor Alex Donald declared a personal/pecuniary interest in application P1131.15. Councillor Donald advised that he was a resident of the application site and would be speaking on behalf of other residents regarding the application.

Following his representations Councillor Donald left the chamber during discussion of the item and took no part in the vote.

344 **P0515.15 - 10 THE AVENUE, HORNCHURCH/P0517.15 10A THE AVENUE, HORNCHURCH**

The two proposals before Members were for two 2 storey front extensions complete with dormer windows to two dwellings that were a pair of semi-detached dwellings.

The Chairman advised that the Committee would consider both applications together but with a separate vote being taken on each application.

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

The objector commented that the proposals would affect the privacy, outlook and light on their property. The objector also commented that the proposals, on top of previous extensions, were an overdevelopment of the site and would overshadow their property and garden. The objector concluded by commenting that the effect of the proposals had been minimised in the report and urged the Committee to reject both proposals on the grounds of reduced amenity to the neighbouring property.

In response the applicant commented that the extensions to the rear of the properties had been carried out under Permitted Development rights. The applicant also commented that he had submitted an independent daylight/sunlight assessment that had confirmed that there would only be a loss of light in the 0.1% region. The applicant concluded by commenting that the applications had been the subject of two time extensions and had been investigated thoroughly.

Members noted that the application had been called-in by Councillor John Mylod on the grounds of the impact on the neighbourliness of the developments.

With its agreement Councillor John Mylod addressed the Committee.

Councillor Mylod commented that the building works to the properties had been on-going for some time and that the proposals were an overdevelopment of the site. Councillor Mylod also commented that the daylight/sunlight assessment had been paid for by the applicant as the Council did not carry out such assessments due to cost implications. Councillor Mylod concluded by commenting that the proposals would lead to a loss of amenity for the neighbouring property and asked that the Committee refused both applications.

During a brief debate Members discussed the height of the proposed developments and what impact they would have on the neighbouring property.

Members also discussed the character of the streetscene and how the proposed developments would sit within the neighbouring properties.

Following a motion to refuse the granting of planning permission which was lost by 6 votes to 4 with 1 abstention it was **RESOLVED** that planning permission to both P0515.15 and P0517.15 be granted subject to the conditions as set out in the report and to include a further condition on both applications requiring that the property be used solely as a single family dwelling and not for any shared accommodation including as a house of multiple occupation.

The vote for the resolution to grant planning permission for P0515.15 was carried by 10 votes to 1.

Councillor Whitney voted against the resolution to grant planning permission.

345 **P0937.15 - 1 DRUCES COTTAGES, HACTON LANE, HORNCHURCH - SINGLE STOREY REAR 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.

346 **P1139.15 - 12 WILLOW PARADE, MOOR LANE, CRANHAM**

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 to include an additional condition that no animals were to be kept on the premises overnight unless a sound proofing scheme first implemented in accordance with details to be submitted and agreed by the Council.

347 **P1317.15 - 127 AVON ROAD, CRANHAM, UPMINSTER**

The application before members was for the erection of a single storey rear extension and the change of use from A1 (retail) to A3/A5 (food and drink/hot food takeaway).

The application had been called-in to the Committee by Councillor Gillian Ford on the grounds:

- This was a small shopping centre that had fifteen outlets; four outlets were currently A3/A5.
- Adding a further A3/A5 outlet would compromise the diversity of the area.
- This out of town shopping centre was not served by a public car park; additional diners to the area could be a potential parking problem.

With its agreement Councillor Gillian Ford addressed the Committee.

Councillor Ford confirmed that there was in fact seventeen outlets in the parade and that five now had A3/A5 use classes. Councillor Ford commented that there was currently a pending planning application for the former shoe repairers in the parade also applying for A3/A5 use. Councillor Ford also commented that there was now too many eateries in the area which was affecting the diversity of the parade of shops. Councillor Ford concluded by commenting that more eateries in the area could lead to parking problems and instances of anti-social behaviour.

During a brief debate Members discussed the number of eateries in the area and possible issues of anti-social behaviour.

Members also received clarification of the number of diners the restaurant would be looking to cover and discussed both the financial and employment benefits that bringing the empty unit back into operation could provide.

Following a motion to refuse the granting of planning permission which was lost by 8 votes to 3 it was **RESOLVED** to 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 8 votes to 3.

Councillors Misir, Best, J. Crowder, P. Crowder, Kelly, Whitney, Martin and Williamson voted for the resolution to grant planning permission.

Councillors Donald, Hawthorn and Nunn voted against the resolution to grant planning permission.

348 **P1117.15 - TOWERS INFANTS SCHOOL - SINGLE STOREY FLAT ROOF EXTENSION AND INTERNAL ALTERATIONS**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. Head of Regulatory Services to ask the Head of StreetCare to monitor any future traffic impact.

349 **P0745.12 - LAMBS LANE NORTH/NEW ROAD, RAINHAM - PROPOSED VARIATION OF SECTION 106 LEGAL AGREEMENT IN CONNECTION WITH P0745.12: CORNER OF LAMBS LANE NORTH AND NEW ROAD, RAINHAM - REDEVELOPMENT TO PROVIDE 28 RESIDENTIAL UNITS, NEW ACCESS ROAD, ASSOCIATED CAR PARKING AND LANDSCAPING**

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 5 October 2012 in respect of planning permission P0745.12

The variation should be as follows:

i) Add definition of Chargee: "any mortgagee or chargee of the Registered Social Landlord or the successors in title to such mortgagee or chargee or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or charge to realise its security"

ii) To delete clauses 9(a) and 9(b) and add a new clause 9(a) as follows:

9(a) Any Chargee shall prior to seeking to dispose of the Affordable Housing Unit pursuant to any default under the terms of its mortgage or charge give not less than one months' prior notice to the Council of its intention to dispose and:

(i) in the event that the Council responds within one month from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing Unit can be made in such a way as to safeguard them as Affordable Housing for a consideration not less than the amount due and outstanding to the Chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the Chargee in respect of the mortgage or charge then the Chargee shall co-operate with such arrangements and use its reasonable endeavours to complete such transfer.

(ii) if the Council does not serve its response to the notice served under paragraph 9(a)(i) within the one month then the Chargee shall be entitled to dispose free of the restrictions set out in this agreement which shall from the time of completion of the disposal cease to apply

(iii) if the Council or any other person cannot within two months of the date of service of its response under paragraph 9(a)(i) complete such transfer for a consideration not less than the amount due and outstanding to the Chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the Chargee in respect of the mortgage or charge then provided that the Chargee shall have complied with its obligations under paragraph 9(a)(i) the Chargee shall be entitled to dispose free of the restrictions set out in this agreement which shall from the time of completion of the disposal cease to apply

PROVIDED THAT at all times the rights and obligations in this paragraph 9(a)(i) should not require the Chargee to act

contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interest of the Chargee in respect of moneys outstanding under the charge or mortgage

The Developer and/or Owner to bear the Council's legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation to the clauses set out above and any necessary consequential amendments to the legal agreement dated 5 October 2012 all recitals, terms, covenants and obligations in the said agreement should remain unchanged.

The planning obligations recommended in the report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations were considered to have satisfied the following criteria:

(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development.

350 **P0954.11 - FORMER EDWIN LAMBERT SCHOOL, MALVERN ROAD, ROMFORD - PROPOSED VARIATION OF SECTION 106 LEGAL AGREEMENT IN CONNECTION WITH P0954.11: FORMER EDWIN LAMBERT SCHOOL, MALVERN ROAD, ROMFORD - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE TO CREATE 35 THREE BEDROOM HOUSES, PLUS ASSOCIATED ROADS, PATHS, CAR PARKING, GARAGES AND LANDSCAPING**

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 4 January 2012 in respect of planning permission P0954.11.

The variation should be as follows:

i) To amend the definition of "Chargee" as set out on page 3 of the legal
agreement to: "Any mortgagee or chargee of the Registered Social Landlord or the successors in title to such mortgagee or chargee or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security";

ii) To amend clause 4.1 (b) to read "Should not bind any Chargee of an Affordable Housing Unit;

iii) To delete clause 4.2 and replace as follows:

Any Chargee should prior to seeking to dispose of the Affordable Housing Unit pursuant to any default under the terms of its mortgage or charge give not less than one months prior notice to the Council or its intention to dispose and:

(a) In the event that the Council responded within one month from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing Unit can be made in such a way as to safeguard them as Affordable Housing for a consideration not less than the amount due and outstanding to the Chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the Chargee in respect of the mortgage or charge then the Chargee should co-operate with such arrangements and use reasonable endeavours to complete such transfer

(b) if the Council did not serve its response to the notice served under paragraph 4.2 (a) within the one month then the Chargee should be entitled to dispose free of the restrictions set out in this Part of the Third Schedule which shall from the time of completion of the disposal cease to apply

(c) if the Council or any other person could not within two months of the date of service of its response under paragraph 4.4 (a) complete such transfer for a consideration not less than the amount due and outstanding to the Chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the Chargee in respect of the mortgage or charge then provided that the Chargee shall have complied with its obligations under paragraph 4.2 (a) the Chargee should be entitled to dispose free of the restrictions set out in this Part of the Third Schedule which should from the time of completion of the disposal cease to apply

PROVIDED THAT at all times the rights and obligations in this paragraph 4.2 should not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interest of the Chargee in respect of monies outstanding under the charge or mortgage.

The Developer and/or Owner to bear the Council's 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 clauses set out above and any necessary consequential amendments to the legal agreement dated 4 January 2012 all recitals, terms, covenants and obligations in the said agreement should remain unchanged.

The planning obligations recommended in the report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations were considered to have satisfied the following criteria:-

(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development.

351 **P0886.15 - ANGEL WAY RETAIL PARK, ROMFORD - NEW MIXED USE DEVELOPMENT OF 350 RESIDENTIAL UNITS, A 63 BEDROOM HOTEL, GROUND FLOOR MIXED RETAIL, BASEMENT CAR PARKING AND A NEW PUBLIC SQUARE AT ANGEL WAY RETAIL PARK, ANGEL WAY, ROMFORD RM1 1JH. MINOR-MATERIAL AMENDMENT TO P2246.07 INVOLVING THE SUBSTITUTION OF REVISED PLANS**

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 planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- 31 of the residential units to be affordable in accordance with the details approved under S106BA of the Town and Country Planning Act 1990 on 18th June 2015.

- A financial contribution of £1,628,712 (subject to final indexation) to be used for educational purposes to be paid in three instalments. 33% upon the occupation of the 66th market unit; 33% upon the occupation of the 131st and 34% upon the occupation of the 197th market unit. Market units to be defined as all residential units other than the 31 affordable units referred to above.

- A highways contribution of £186,468 (subject to final indexation) for defined highways works in the vicinity of the site.

- Romford Ring Road contribution up to a maximum of £372,936 (subject to final indexation) to fund a scheme of mitigation against the impact of the development on the ring

road. The exact sum to be determined in accordance with a modelling exercise to be undertaken by the Council upon the commencement of the development. Such scheme to be approved by the Council). Payment upon first occupation or within 6 months of receipt of the modelling results.

- A town centre environmental improvements contribution of £211,330 (subject to final indexation) towards improvements to the town centre by the Council, including pavement improvements in North Street and environmental improvements to Market Square. Payment to be made in two stages, 50% upon occupation of the 86th open market unit and 50% upon occupation of the 173rd open market unit.

- Provision of police office

- A training and recruitment scheme.

- TV reception study and remediation works

- Submission of landscape management plan.

- Provision of a piece of public art in an agreed location.

- Restriction on resident parking permits.

- Public access paths

- The terms of payment of the contributions and other provisions to be as set out in the planning obligation dated 19 November 2009 as modified by resolution of the Regulatory Services Committee on 18 June 2015. All contributions to be indexed from the date of the original UU to the date of signing the new agreement.

- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to the completion of the obligation irrespective of whether it was completed.

- Payment of the appropriate planning obligations monitoring fee.

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

Chairman