

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Thursday 30 June 2011 (7.30pm – 10:20pm)**

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair), Sandra Binion, Jeff Brace, Robby Misir, Fred Osborne, Garry Pain and Barry Tebbutt

Residents' Group Linda Hawthorn
Ron Ower

Labour Group Paul McGeary

**Independent
Residents' Group**

An apology for absence was received from Councillor Mark Logan.

Councillors Andrew Curtin, Keith Darvill, Steven Kelly, Eric Munday, Denis O'Flynn and Frederick Thompson were also present at the meeting.

24 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.

21 DECLARATIONS OF INTERESTS

Councillor Paul McGeary declared a prejudicial interest in application P0652.11 by virtue of predetermination. Councillor McGeary advised that he had previously voiced an opinion opposing the application. Councillor McGeary left the room during the discussion and took no part in the voting on that item.

Councillor Jeff Brace declared a prejudicial interest in application P0332.11 Councillor Brace advised that he owned a property in the immediate vicinity of the application site. Councillor Brace left the room during the discussion and took no part in the voting on that item.

22 P0332.11 – 17–19 STATION LANE, HORNCHURCH - Extensions to create second floor and roof garden. Alterations to the shopfront including bi-fold doors to the ground floor and access ramp, and render finish to first floor

It was **RESOLVED** that consideration be deferred at the request of staff to enable consideration of a third party representation on the certification requirements pursuant to the application.

23 MINUTES

The minutes of the meeting of the Committee held on 9 June 2011 were agreed as a correct record and signed by the Chairman.

24 P0652.11 – LAND BETWEEN 2 & 174 DAVENTRY ROAD, HAROLD HILL, ROMFORD - Two three bedroom semi-detached houses with provision of a parking area for local resident use

The Committee considered a report that related to the construction of a pair of semi-detached houses on a Council owned site. Planning permission had previously been refused for the construction of two houses on this site. Planning permission was refused at the Regulatory Services Committee meeting on 24 March owing to Members concerns in respect of the creation of an enclosed alleyway and displacement car parking. The current application sought to address the previous reasons for refusal.

In accordance with the public participation arrangements, the Committee was addressed by an objector without a response by the applicant.

With its agreement, Councillors Darvill and O'Flynn addressed the Committee. Councillors Darvill and O'Flynn remarked that the proposal would be impact on parking availability which was of a premium in the area due to other previously agreed schemes that had removed garage sites in the area. Councillor Darvill commented that there was a question mark over whether the stopping up order would be approved in the future. Councillor Darvill also stated that the provision of parking in the area needed to be considered as a separate strategic matter. Councillor Darvill remarked that there was a need for extra housing in the borough but that consideration should be given to other areas of the borough rather than concentrating schemes in one locale. Councillor Darvill asked that the Committee consider the impact on local parking and refuse the application.

A brief discussion ensued amongst members concerning the proposed gated area and concerns were raised that it. A planning condition was suggested for details of a scheme to secure the area be submitted in consultation with the Crime Prevention Design Advisor. Members confirmed that the approval for any process to stop up the area of highway would come before the Regulatory Services Committee in a separate report

Members also requested that the gated area be secure in design and constructed of material that would be aesthetically pleasing to a residential area and not constructed of a palisade design.

Following discussions Councillor Ower raised a motion for deferral which was seconded by Councillor Hawthorn on the grounds that officers needed to ascertain whether the applicant would be taking ownership of the gated area. The motion was defeated by 7 votes to 2. Councillors Hawthorn and Ower voted for the motion to defer.

It was **RESOLVED** that planning permission be granted subject to the conditions in the report and additional conditions requiring the gates securing the area to be secure in design and constructed of materials and appearance sympathetic to a residential area. The vote was 6 votes for and 2 against with 1 abstention. Councillors Hawthorn and Ower voted against the substantive motion. Councillor Tebbutt abstained from voting.

As stated at the beginning of the minutes, Councillor Paul McGeary declared a prejudicial interest in this application. Councillor McGeary advised that he had previously voiced an opinion on the application. Councillor McGeary left the room during the discussion and took no part in the voting on that item.

25 P1184.10 – UPPER FLOORS OF QUADRANT ARCADE, MARKET PLACE, ROMFORD - Extension to third floor, alteration to window openings and conversion of first, second and third floor from retail and office use to form shared residential accommodation comprising 85 ensuite bedrooms with shared kitchen facilities.

The report before members detailed an application which related to the upper floors of the Quadrant Arcade which fronted onto the Market Place, Romford and was a locally listed building. The application sought full planning permission for an extension to the third floor of the building and the conversion of the first, second and third floors of the building from retail and office use to form shared residential accommodation comprising 85 ensuite bedrooms with shared kitchen facilities.

With its agreement, Councillors Curtin, Thompson and Munday addressed the Committee.

Councillor Curtin asked that proper controls were put in place regarding the design of the exterior of the building to ensure that any alterations were approved with English Heritage. Councillor Thompson expressed concern about the possibility of multiple occupancy residences and the possible fire hazards that could be associated with such properties. Councillor Munday commented that The London Fire and Emergency Planning Authority (LFEPA) were not satisfied with the proposal as it stood and stated that it was not normal practice to approve schemes where the LFEPA were not in agreement. Councillor Munday also commented that the environment surrounding the building could become “ghettoised” due to the amount of people living in such a small area.

During discussions members raised several concerns including the amount of residents living in the area, shared facilities, lack of access and egress from the building and the lack of waste management facilities.

Members felt that the living conditions would be unacceptable mainly due to the lack of amenity space.

Following discussions Councillor Tebbutt raised a motion for refusal which was seconded by Councillor Brace on the grounds that the proposal was unacceptable due to cramped living conditions, lack of access and egress from the site and lack of amenity space.

The motion was carried by 9 votes to 1. Councillor Oddy voted against the motion.

It was **RESOLVED** that planning permission be refused for the following reasons

- Poor quality living conditions and amenities for occupiers caused through cramped, intense layout and density of occupation; poor outlook and natural light; absence of any amenity space; unacceptably high ratio of units/occupiers to communal kitchen and sanitary facilities.
- Access/egress arrangements unacceptable to Fire Brigade.
- Cramped and unsatisfactory, dense occupation likely to create patterns of internal and external activity, waste, washing etc detrimental to character and appearance of the building, the surrounding public realm, the Market Place Conservation Area and setting of nearby listed buildings.
- Nature and density of occupation of building likely to encourage Anti-Social Behaviour.
- Unsatisfactory refuse storage and collection arrangements likely to create build up of waste harmful to health, visual amenity and appearance of the building and the Conservation Area. Also likely to necessitate collection arrangements harmful to the functioning of the Market Place.

- The management arrangements and occupier restrictions proposed within the legal agreement would not satisfactorily control day to day operation of this large densely occupied premises

26 P0517.11 – 39 WOOD LANE, HORNBURCH - Infill extension of existing patients entrance, relocation of patients entrance with front canopy, single storey rear extension with external alterations

The report before members detailed an application for an infill extension of the existing patients entrance, the relocation of the patients' entrance with a front canopy and a single storey rear extension with external alterations. The existing patients' entrance would be infilled. The new patients' entrance would be located on the western flank of the building leading directly into the waiting room.

The application had been called in for consideration by the Committee by Councillor Steven Kelly on the grounds that 39 Wood Lane was a medical centre, which needed to be developed and expanded.

With its agreement, Councillor Kelly addressed the Committee. Councillor Kelly advised that the medical centre needed to expand to be able to provide extra treatments such as ultrasound, gynaecology and neurology. Councillor Kelly also advised that the rear extension would not be obtrusive on neighbouring properties and that residential extension policy guidance should not apply as the property was of a commercial nature and not residential.

During discussions members raised several concerns including the relationship of the attached neighbour's extension to the shared boundary and whether parking for staff and visitors would be catered for. Members also wanted to know which aspects of the proposal required planning permission.

It was noted that one letter of representation had been received which detailed that the extension would be an eyesore and lead to a loss of light and increased demand for parking.

Following discussions Councillor Oddy raised a motion for deferral which was seconded by Councillor Tebbutt to allow staff to provide further information.

It was **RESOLVED** that planning permission be deferred to allow staff to provide further information on the following

- What was the medical 'need' case the applicants wished to be taken into account?
- The relationship of the attached neighbour's extension to the shared boundary, including how far set away.

- was this locality a parking problem hot spot?
- What were the proposed arrangements for staff parking?
- How was existing/proposed frontage parking accessed from highway given there is a grass verge with wooden posts in front?
- In the event of an approval, what aspects of the proposal should be addressed by planning conditions?

27 P0072.11 – 147 RAINHAM ROAD, RAINHAM - Demolition of the existing commercial building and construction of a three storey building with a retail unit (A1) at ground floor. Four 1 bedroom flats on the first and second floors and adaption of existing storage building to rear to provide car parking, storage and refuse/bike store.

The report before members detailed an application for permission for the demolition of the existing commercial building and construction of a three storey building with a retail unit (A1) at ground floor and four one bedroom flats on the first and second floors with a front entrance. The proposal included terraces to the rear of flats 1, 3 and 4.

In accordance with the public participation arrangements, the Committee was addressed by an objector, however the applicant had left the meeting before the item started and therefore was not present to reply.

During discussions members raised several concerns including the width of the entranceway, refuse arrangements, emergency services access and lack of parking.

It was **RESOLVED** that planning permission be granted subject to the conditions in the report and an additional condition requiring submission, approval and implementation and maintenance of external lighting scheme for the vehicular access way.

28 P0485.11 – LAND AT THE CORNER OF CAMBORNE AVENUE & FARINGDON AVENUE, HAROLD HILL - Construction of 7 dwellings with associated hard and soft 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.

- 29 P0688.11 – LAND ADJACENT 13-15 PARKWAY, RAINHAM - 4 1 bedroom flats and 2 two bedroom houses together with underground parking for 10 cars and 2 disabled spaces at street level together with refuse store and recycling area**

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

- 30 P0700.11 - LAND TO THE REAR OF 45-59 SALISBURY ROAD, ROMFORD - Erection of 5 houses following demolition of former commercial buildings**

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

- 31 P0631.11 – ST EDWARDS C OF E PRIMARY SCHOOL, HAVERING DRIVE, ROMFORD - Extension to existing school building to provide enlarged classrooms.**

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

- 32 P0368.09 - PELL COURT, 165 – 171 HORNCHURCH ROAD, HORNCHURCH - Variation of completed Section 106 Agreement following the grant of planning permission under reference P0368.09 for 23 sheltered residential apartments**

The Committee considered the report and without debate, **RESOLVED** that staff be authorised to enter into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) (the 1990 Act), with the agreement of all parties to the original agreement or their successors in title to secure the following Deed of Variation pursuant to Section 106A of the 1990 Act relating to clause 3.3 of the Section 106 Legal Agreement dated 10th June 2009 (the original agreement):

- The lease tenancy agreement licenses or other occupancy agreement relating to the dwelling unit known as Plot 18, shown hatched in red on the Second Floor Plan, should be amended to enable the prospective occupant to reside there.
- Save for the variation of clause 3.3 of the Section 106 Agreement dated 10th June 2009 all recitals, terms, covenants and obligations in the original agreement will remain unchanged.

33 P0578.11 – RIVERSIDE SEWAGE TREATMENT WORKS, FERRY LANE NORTH OFF LAMSON ROAD, RAINHAM - Variation of Condition 2 attached to planning permission reference U0005.08 dated 30 October 2009 to incorporate design changes to Sludge Storage and Dewatering Building, CHP Building and plant layout

The Committee considered the report and without debate, **RESOLVED** that the application was considered unacceptable as it stood but it would be acceptable subject to:

- a) No direction to the contrary from the Mayor for London;
- b) The prior completion of a S106 legal agreement to ensure that the provisions of the original S106 dated 30/10/2009 relating to U0005.08 were applicable to this application and to remove the LTGDC as a party to the agreement which would cover all of the planning obligations included in the original Section 106 agreement dated 30/10/2009:
 - The submission and agreement of an Odour Management Plan and Odour Management Protocols for the site prior to commissioning of the development and for the site to be operated in accordance with the OMP which may be modified and updated from time to time in agreement with the Local Planning Authority, including contributions towards the costs incurred by the Council in approving and auditing the said Agreement and Protocols ;
 - land for a potential future public right of way along the eastern boundary of the site from 'Ferry Lane North', south through to the A13;
 - a contribution of £10,000 towards a local employment scheme such as Job Net or an equivalent; and
 - that recruitment is sought through Job Net or a similar scheme.

CONDITIONS as per U0005.08 save for :

2. All works were to be completed in accordance with the following Drawing Numbers:

Figure 1 - Location Plan

Figure 2a - Riverside STW Ownership Area and Planning Application Plan

Drawing No. 9RTG-YY-02001 REV A - Existing Site Plan and Environs

Drawing No. 9RTG-YY-02000 REV A - Existing Site Plan

Drawing No. 9RTG-YY-02006 REV C - Proposed Site Plan

Drawing No. 9RTG-YY-02005 REV A - Contractors Working Area

Drawing No. 9RTG-YY-02010 REV D - Site Plan Sludge Digestion

Drawing No. 9RTG-YY-02011 REV C - Sludge Digestion Plant Sheet 1 of 2

Drawing No. 9RTG-YY-02012 REV C - Sludge Digestion Plant Sheet 2 of 2

Drawing No. 9RTG-YY-02015 REV A - Relocated Leachate Reception Facilities and Odour Control Unit Number 2

Drawing No. 9RTG-YY-02007 REV C - Planning Application - Sections 1

Drawing No. 9RTG-YY-02008 REV B - Planning Application - Sections 2

Drawing No. 9RTG-YY-02061 REV G - CHP Building External Elevations

Drawing No. 9RTG-YY-02060 REV C - CHP Building Plan and Sectional Elevations

Drawing No. 9RTG-YY-02032 REV C - Dewatering and Sludge Storage Building External Elevations

Drawing No. 9RTG-YY-02031 REV C - Dewatering and Sludge Storage Building Plan and Elevations

Drawing No. 9RTG-YY-02030 REV C - Dewatering and Sludge Storage Building Plan

Drawing No. 9RTG-YY-02055 REV A - Digester MCC

Drawing No. 9RTG-YY-02080 REV A - Leachate Reception Facilities Office

Drawing No. 9RTG-YY-02090 REV A - Typical Detail of Odour Control Units 1 & 2.

No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reasons: The Local Planning Authority considered it essential that the whole of the development was carried out and that no departure whatsoever was made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Policy DC61 (Urban Design) of London Borough of Havering's Development Control Policies Development Plan Document and Policy 4B.1 (Design Principles for a Compact City) of the London Plan (adopted February 2008).

34 P1705.10 – ASHLEA VIEW, TOMKYNS LANE, UPMINSTER - Stationing of three caravans for residential occupation by Gypsy family and storage of fourth caravan.

The report before members detailed an application for the stationing of 3 caravans for residential occupation by Gypsy family and storage of a 4th caravan on a permanent basis. The application was deferred by the Committee on 17 March 2011 to enable Officers to provide further photos of the current site in particular to show views of the additional mobile home including a view from access/entrance and to clarify details of waste and sewage disposal arrangements.

During discussions members raised several concerns including whether the applicant could apply for further planning permission for additional caravans at a later date and whether boundary treatment either side of the access gates would require planning permission.

It was **RESOLVED** that planning permission be granted subject to the conditions in the report and the addition of additional informatives covering the following

- To advise the applicant that boundary treatment either side of the access gates may need planning permission.
- That this permission related only to the site edged red and does not convey any consent for residential use outside that boundary.

35 SUSPENSION OF STANDING ORDERS

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Meeting Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

36 P0583.11 – REAR OF WOODSIDE CLOSE, RAINHAM - Construction of one 3 bed detached bungalow with garage & two semi-detached 1bed bungalows with parking spaces

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

37 P0650.11 - EAST LONDON SUSTAINABLE ENERGY FACILITY LAND WEST OF FAIRVIEW INDUSTRIAL PARK, OFF MARSH WAY, RAINHAM - Extension of time limit of U0004.06 – Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant

The Committee considered the report and without debate, **RESOLVED** that the application was considered unacceptable as it stood but it would be acceptable subject to:

- a) No direction to the contrary from the Mayor for London;
- b) The prior completion of a S106 legal agreement Deed of Variation pursuant to Section 106A of the Town and Country Planning Act 1990 (the 1990 Act) to ensure that the provisions of the original S106 dated 1st July 2008 as varied by a Deed of Variation dated 20th August 2010 relating to U0004.06 (referred to as the “Original Planning Permission”) in the original Section 106 as varied) are applicable to this application and to make the

London Borough of Havering party to the agreement as successor Local Planning Authority. Such Section 106 Deed of Variation will ensure that planning application under planning reference P0650.11 would be bound by the planning obligations in the original Section 106 as varied that apply to the "Original Planning Permission" and which are summarised, though not exhaustively below:

- A total financial contribution of £100,000 to cover:
 - i) improved public access to riverside areas;
 - ii) environmental improvements and landscaping in the vicinity of the site;
 - iii) improvements to public transport provision to the area;
 - iv) a contribution to a base line study to be undertaken by the Havering PCT of the impact of air pollution on respiratory problems within the local population (under 15s) and to monitor impact once plant is up and running.
 - To implement, review and maintain a staff travel plan throughout the life of the development and,
 - That no development under the permission is to commence until a contract with the East London Waste Authority (Shanks) for the supply of solid recovered fuel primarily from the Frog Island Bio-MRF (MBT) facility to the power generation plant has been signed and evidence of this provided;
 - The planning permission not be implemented prior to the developer providing conclusive evidence to the Council that all of the necessary authorisations required by the Environment Agency have been secured.
 - That SRF could only be taken from the Jenkins Lane Bio-MRF in circumstances where the Frog Island facility has been closed, totally or partially for maintenance or to maintain the operational capacity of the plant;
 - To specify the limited circumstances where SRF could be brought to the site from sources within the ELWA area other than the Frog Island and Jenkins Lane Bio-MRFs to maintain the necessary input for power generation.
 - To use reasonable endeavours to secure a conveyor link between the plant site and Frog Island; to regularly review the proposal to secure a conveyor link and to regularly report to the local planning authority with details.
 - Save for consequential amendments all other covenants, obligations and recitals of the original Section 106 dated 1st July 2008 shall not be varied.
 - Subject to payment of the Council reasonable legal fees associated with the Deed of Variation.
- c) the planning conditions set out in the report.