

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
3 November 2011 (7.30 - 9.35 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Jeffrey Brace, Robby Misir, Frederick Osborne, Robert Benham, Osman Dervish and Steven Kelly

Residents' Group Ron Ower and Brian Eagling

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Sandra Binion, Garry Pain, Barry Tebbutt, Linda Hawthorn and Mark Logan

+ Substitute members Councillor Steven Kelly (for Sandra Binion), Councillor Osman Dervish (for Garry Pain), Councillor Robert Benham (for Barry Tebbutt), Councillor Brian Eagling (for Linda Hawthorn) and Councillor David Durant (for Mark Logan).

Councillor Jeffery Tucker was also present for parts of the meeting.

14 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.

141 DECLARATION OF INTERESTS

Councillor Osman Dervish declared a prejudicial interest in item P1292.11 by virtue of pre-determination. Councillor Dervish left the room during the discussion and took no part in the voting on that item.

Councillor Robert Benham declared a prejudicial interest in item P0789.11 by virtue of pre-determination. Councillor Benham left the room during the discussion and took no part in the voting on that item.

Councillors Ron Ower and Brian Eagling declared prejudicial interests in item P1002.11 by virtue of pre-determination. Councillors Ower and Eagling left the room during the discussion and took no part in the voting.

142 **P1401.11 - FORMER RUSKINS SITE, LAND ADJACENT TO ST MARY'S LANE, UPMINSTER**

It was **RESOLVED** that consideration be deferred to allow staff to explore whether a Section 106 agreement would more adequately control the part of the site to remain undeveloped.

143 **P1327.11 - THE ALBANY SCHOOL,**

It was **RESOLVED** that consideration be deferred to allow officers to deal with an objection from Sport England.

144 **P0789.11 - FORMER OLDCHURCH HOSPITAL SITE (BLOCK X), ROMFORD - THE DEVELOPMENT OF BLOCK X AT THE FORMER OLDCHURCH HOSPITAL TO PROVIDE 60 RESIDENTIAL UNITS, ASSOCIATED CAR PARKING, HARD AND SOFT LANDSCAPING.**

The report before members detailed an application to an increase in height of block X from 7 storeys, as previously approved, to 10 storeys together with a corresponding increase in the number of residential units proposed therein from 45 units to 60 units.

The report addressed the main issues of policy, principle of use, siting and layout, design, height and appearance, residential amenity, transport and highways considerations, housing provision and sustainability.

The Committee considered the report and without debate, **RESOLVED** to refuse planning permission as per officer recommendation.

As stated at the beginning of the minutes, Councillor Robert Benham declared a prejudicial interest in the application. Councillor Benham advised that he had publicly declared his opposition to the proposal. Councillor Benham left the room during the discussion of the report and took no part in the voting.

145 **P1292.11 - 6 COLLIER ROW ROAD - CHANGE OF USE OF EXISTING RETAIL SHOP (A1 CLASS USE) INTO TAKEAWAY/RESTAURANT (A3/A5 CLASS USE) AND EXTRACTION FLUE SYSTEM TO REAR.**

The report before members detailed an application for a change of use from retail (A1) to a takeaway/restaurant (A3/A5 use) and installation of extraction flue to rear.

It was noted that six letters of representation had been received mainly concerning the possible lack of parking in the area.

It was noted that the application had been called in by Councillor Ron Ower due to concerns regarding the impact of noise and lack of parking for local residents.

A motion was proposed that planning permission be refused on the following grounds

- Lack of residents parking
- Loss of retail unit
- Increased noise

A second motion to defer granting planning permission was proposed to allow an objector and a ward Councillor to speak on the scheme.

The motion to refuse planning permission was withdrawn.

It was **RESOLVED** to defer the consideration of the item to allow interested parties the chance to speak on the proposal.

The vote was carried by 9 votes to nil with 1 abstention. Councillor McGeary abstained from voting.

As stated at the beginning of the minutes, Councillor Osman Dervish declared a prejudicial interest in the application. Councillor Dervish advised that he had publicly declared his opposition to the proposal. Councillor Dervish left the room during the discussion of the report and took no part in the voting.

146 **P0530.11 - FROG ISLAND, CREEK WAY, RAINHAM - CONSTRUCTION OF A BIOGAS GENERATION PLANT, USING ANAEROBIC DIGESTION, CAPABLE OF HANDLING UP TO 100,000 TONNES OF ORGANIC MATERIALS INCLUDING SUPERMARKET WASTE, FOOD WASTE AND MANUFACTURING WASTE PER ANNUM.**

The Committee considered a report which detailed an application for the erection of a biogas generation plant on land off Creek Way, Frog Island, located to the south of Ferry Lane alongside the River Thames. The proposal would comprise a number of large structures, including tanks, a

machine hall, and a chimney. The proposal would employ technology known as anaerobic digestion, which involved processing organic waste in a manner that released biogas (methane). The biogas was then used as a fuel to generate electricity on-site, some of which would be used in the operation of the facility, with the rest being fed into the national grid. The proposed facility would process approximately 100,000 tonnes of organic waste per annum, with up to 5MW of electricity being produced. Heat generated by the facility would be recycled, being used by the proposed facility and an existing, neighbouring facility.

Members noted that there were a couple of amendments to the report.

Page 53 of the report should have the addition that planning permission was subject to no contrary direction on referral to the Mayor of London.

Page 55 of the report should have the addition of a condition regarding land contamination.

Transport for London (TfL) had also requested that consideration be given to investigating the possible use of river transport.

With its agreement Councillor Jeffrey Tucker addressed the Committee. Councillor Tucker commented that the proposal created very few jobs for a scheme of its size and was situated very close to Rainham Village. Councillor Tucker also commented that there was already a processing plant situated in Ferry Lane and that between the two sites the waste produced would be far in excess of the recommended target set by the East London Waste Authority (ELWA). Councillor Tucker asked that consideration be given to a deferral to allow the applicant to consider the extra conditions that were to be included in the report.

During a lengthy debate members discussed issues concerning lorry movements, access and egress to the site and the issue of lorries passing through Rainham Village.

In reply officers advised that it would be difficult to monitor lorry movements but the Head of Development and Building Control could negotiate with the applicant for the inclusion of a condition concerning lorry movements.

A motion was proposed that consideration of the application be deferred to enable officers to speak with the applicant about the proposed new conditions, but that motion was defeated by 2 votes to 8 with one abstention. Councillors Durant and Eagling voted for the motion for deferral. Councillor Ower abstained from voting.

It was **RESOLVED** that the Committee delegate to the Head of Development and Building Control authority to negotiate inclusion of lorry routing within heads of the legal agreement. Subject to this succeeding the Committee resolved to grant planning permission subject to prior completion of the legal agreement and subject to no contrary direction on referral to the

Mayor of London and also subject to the following changes/additions to conditions:

- Additional condition to require scheme for river transport both for construction and operation of development (required by TfL)
- Additional condition regarding maintenance and repair of Creek Way prior to commencement (required by EA)
- Additional conditions regarding contaminated land (required by EA)
- Additional condition controlling piling (required by EA)
- Changes to Condition 6 to reflect fact that Phase I and II reports have already been submitted
- Changes to Condition 9 to reflect EA suggested wording
- Changes to Condition 14 to reflect EA suggested wording
- Addition of EA suggested Informatives

In the event that negotiation to include lorry routing within the legal agreement was unacceptable then the application was to be brought back to Committee for determination.

The vote for the resolution was 10 votes to 1. Councillor Durant voted against the resolution.

147 **P1268.11 - ENTERPRISE HOUSE 34 FARINGDON AVENUE, HAROLD HILL, ROMFORD - CHANGE OF USE FROM B8 WITH B1 (WAREHOUSE WITH ANCILLARY OFFICES) TO A1 (RETAIL) WITH B1.**

The report before members detailed an application for planning permission for a change of use from Mixture of B8 and B1 (storage and distribution with ancillary offices) to A1 with B1 (retail with ancillary offices). The change of use covered a floorspace of 2810 square metres. Fifty five parking spaces would be provided on the existing areas of hard standing. Twenty five full time and thirty part time jobs and ten additional start up jobs would be created. No physical alterations to the building were proposed as part of the application.

Members were advised that the application had been called in by Councillor Lesley Kelly on the grounds that the proposed use created employment.

Unfortunately Councillor Kelly had been unable to attend the meeting and members were read an email which Councillor Kelly had submitted. The email supported the granting of planning permission as the unit had been empty for some time and would create employment in the area.

It was noted that one letter of representation had been received detailing an objection due to increased traffic and inadequate parking.

Following a motion to grant planning permission officers advised that as the report stood there were no conditions in the report restricting future uses of

the building and therefore a deferral may be more suitable to allow officers to enter into discussions with the applicant about the proposed use of the building.

The motion to grant planning permission was withdrawn.

During discussions members questioned whether a section 106 legal agreement could be entered into with the applicant.

A motion to defer the granting of planning permission was proposed to allow officers to enter into discussions with the applicant.

It was **RESOLVED** that the granting of planning permission be deferred to allow officers to:

- Seek clarification from the applicant of precise use proposed.
- Clarify whether applicant was willing to accept conditions restricting nature of use.
- List conditions which staff would recommend were the Committee to decide to grant planning permission.
- Explain extent to which an approval, contrary to recommendation, would set precedent for loss of industrial uses.
- Explore scope for aspects such as job creation for local economy to be covered by legal agreement plus any other S106 matters possible through negotiation.

148 **P1002.11 - HAROLD WOOD HOSPITAL, HAROLD WOOD, ROMFORD - PHASE 1B OF THE DEVELOPMENT OF THE FORMER HAROLD WOOD HOSPITAL, TO INCLUDE DEMOLITION OF EXISTING BUILDINGS AND THE CONSTRUCTION OF 68 RESIDENTIAL UNITS AND ASSOCIATED INFRASTRUCTURE AND LANDSCAPING**

The application related to the consideration of the second part of the first phase of residential development consisting of 68 residential units comprising:

- 7 1-bedroom flats
- 11 2-bedroom flats
- 21 3 bedroom terraced houses (11 of which were affordable)
- 16 3-bedroom semi-detached houses
- 1 3 bedroom detached house
- 12 3/4-bedroom terraced houses

The development would include four key designs of housing, a single individually designed detached house and a block of apartments. These would be served from the main spine road and various spur roads, the main one of which would maintain access to the Harold Wood Polyclinic and other retained buildings to the south west.

Members were advised that an extra condition was to be added to the report which restricted Permitted Development rights to preserve roof patterns.

Members were advised of an amendment to condition 27 preventing the addition of further windows in the northern elevation of the dwellings and an amendment to condition 21 with regard to revised drawings.

Members noted that two letters of representation had been received which raised concerns regarding overlooking onto properties situated in The Drive and the need for greater local services such as doctors, dentists and public transport.

In reply to a question officers confirmed that the previously agreed Section 106 Legal Agreement had now been signed by all interested parties.

It was **RESOLVED** that the application was considered unacceptable as it stood but it would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) (the 1990 Act) to secure the Heads of Terms set out in Annex 1 as required under planning application P0702.08 or a variation to that agreement under section 106A of the 1990 Act to secure the same result.

The Committee authorised staff to enter into such an agreement and upon completion of it, to grant planning permission subject to the conditions contained in the report.

The vote was 8 votes to nil with 1 abstention. Councillor Durant abstained from voting.

As stated at the beginning of the minutes Councillors Ower and Eagling declared a prejudicial interest in the application by virtue of pre-determination. Councillors Ower and Eagling left the room during the discussion and took no part in the voting.

149 **L0008.11 & P0529.11 - UPMINSTER COURT, HALL LANE, UPMINSTER - PROVISION OF NEW ACCESS DRIVEWAYS FROM HALL LANE WITH NEW ACCESS GATES AND RAILINGS TO SITE FRONTAGE**

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 Deed under Section 106 of the Town and Country Planning Act 1990 (as amended) to include a Schedule of Works which would complement and be consistent with revised Schedule of Works as set out in the legal agreement completed on 10 June 2010 pursuant to Planning Permission reference P2370.07.

Recommendation A – In relation to planning application P0529.11

That Staff be authorised to enter into a legal agreement to secure a Schedule of Works which will complement and be consistent with revised Schedule of Works as set out in the legal agreement completed on 10 June 2010 pursuant to Planning Permission reference P2370.07 and upon completion of that agreement, grant planning permission subject to the conditions set out in the report.

Recommendation B – In relation to listed building consent L0008.11

That Staff be authorised to enter into a legal agreement to secure a Schedule of Works which will complement and be consistent with revised Schedule of Works as set out in the legal agreement completed on 10 June 2010 pursuant to Planning Permission reference P2370.07 and upon completion of that agreement, grant listed building consent subject to the conditions set out in the report.

150 **P0695.11 - HAYDOCK CLOSE, HORNCHURCH - CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND 2 DETACHED DWELLINGS.**

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

151 **P1162.11 - LANGTONS GARDENS, BILLET LANE, HORNCHURCH - THE CONSTRUCTION OF A NEW END OF LAKE FEATURE WALL**

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

152 **P1220.11 - UNIT C, EASTERN AVENUE RETAIL PARK, ROMFORD - VARIATION OF CONDITION 4 OF PLANNING PERMISSION P1385.01 TO ALLOW A WIDER RANGE OF RETAIL GOODS TO BE SOLD AT UNIT C**

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

153 **P1128.11 - 20 PINWOOD ROAD, HAVERING-ATTE-BOWER - CONSTRUCTION OF REPLACEMENT 3-BEDROOM DWELLING**

Members were advised that no objections had been raised by either StreetCare or Essex & Suffolk Water.

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

- 154 **P1173.11 - 23 WINDERMERE AVENUE, ELM PARK - TWO STOREY SIDE EXTENSION, PART SINGLE, PART TWO STOREY REAR EXTENSION. SINGLE STOREY FRONT EXTENSION. WIDENING OF VEHICULAR CROSSING**

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

- 155 **P0974.11 - UNIT 15 177-181 HORNCHURCH ROAD, HORNCHURCH - CHANGE OF USE FROM CLASS B8(STORAGE) TO NURSERY CLASS D1**

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

- 156 **P1176.11 - 93 SHEPHERDS HILL, HAROLD HILL, ROMFORD - DEMOLISH SINGLE STOREY REAR EXTENSION AND GARAGE. TWO STOREY REAR EXTENSION , BAY WINDOWS, EXTERNAL ALTERATIONS & GARAGE**

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

- 157 **ENFORCEMENT REPORT - 178 CROW LANE, ROMFORD**

The report before members related to a site occupied by a removal business on the north side of Crow Lane in Romford. The site was in the Green Belt. Unauthorised development without the benefit of planning permission had taken place involving the erection of a canopy structure and a steel clad building.

It was considered that both the canopy and building were inappropriate development in the Green Belt and had a harmful impact on the openness of the Green Belt.

It was noted that the owner of the site had submitted planning applications for the retention of the canopy structure and the steel clad building. Members were advised that there was no certainty as to when these

planning applications would come before committee. Members were advised that the unauthorised structures could become lawful with the passage of time should enforcement action not be taken.

It was recommended that planning enforcement notices be served in order to preserve the Council position.

During the debate members discussed the merits of agreeing to serve enforcement notices in light of the fact that planning applications had been submitted for both of the structures.

Following the debate a motion was proposed that officers be authorised to issue enforcement notices in mid December, after two further cycles of the Regulatory Services Committee. Members noted that this timescale would preserve the Council's position and afford sufficient time for the planning applications to be decided.

It was **RESOLVED** that the committee considered it expedient to issue Enforcement Notices in mid December, after two further cycles of the Regulatory Services Committee requiring, within 6 months of the effective date of the notices that:

- (i) The canopy structure, edged black on the attached plan be removed from the site together with all rubble and associated materials resulting from the removal;
- (ii) The steel clad building, hatched black on the attached plan be removed from the site together with all rubble and associated materials resulting from the removal.

In the event of non-compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

Chairman