

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Council Chamber - Town Hall
10 January 2013 (7.30 - 9.50 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Robby Misir, Frederick Osborne, Garry Pain and Steven Kelly

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Sandra Binion and Mark Logan.

+Substitute members: Councillor Steven Kelly (for Sandra Binion) and Councillor David Durant (for Mark Logan)

Councillors Michael Armstrong and Pat Murray were also present for parts of the meeting.

19 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.

There were no disclosures of interest.

136 P1310.12 - 2B MORAY WAY, ROMFORD

The application before members sought planning permission for a change of use from restaurant/café (A3) to a takeaway (A5) and an extension to the opening hours.

Members noted that the application had been called in by Councillor Barry Tebbutt in order that the Committee could consider what appropriate

opening hours were and to consider whether bring a vacant unit back into use should be accorded any weight.

Members were advised that one letter of objection had been received.

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

With its agreement Councillor Michael Armstrong addressed the Committee.

Councillor Armstrong commented that he was disappointed that the scheme had been brought before the Committee as applications in the area for similar opening hours had previously been refused. Councillor Armstrong advised that the area was mainly residential in character and the proposed application would lead to an increase in traffic movements and noise nuisance. Members were also advised that a church nearby was heavily used and this often created parking problems. Councillor Armstrong advised that he felt the officers' report was well written and that he agreed with the recommendation to refuse the application.

During the debate members discussed the opening hours of the other units in the parade and possible conditions that could be imposed regarding litter collection in front of the premises.

A motion was proposed and seconded that consideration of the application be deferred but that was lost, with 4 votes in favour, 6 against and 1 abstention.

The report recommended that planning permission be refused, however following a motion it was **RESOLVED** that planning permission be granted with the precise wording of the conditions delegated to the Head of Development and Building Control but which were to cover the following matters:

- Standard time condition
- Submission, approval, implementation and maintenance of extract scheme (flue).
- Noise scheme and maintenance (flue noise and vibration).
- Refuse storage and disposal.
- Hours (as per application 11am to 9pm Monday to Saturday and at no other times which will include Sundays and Public Holidays).
- Internal noise insulation scheme.
- Waste management scheme (to deal with customer litter).
- No delivery service.

Reason for Approval

The proposed development was considered to be in accordance with the aims, objectives and provisions of Policies DC16, DC55, DC61 and DC63 of

the LDF Core Strategy and Development Control Policies Development Plan Document.

The vote for the resolution was to grant planning permission was carried by 8 votes to 2 with 1 abstention. Councillors Brace, Kelly, Misir, Oddy, Pain, Tebbutt, Hawthorn, Ower voted for the resolution to grant planning permission. Councillors Durant and McGeary voted against the resolution to grant planning permission. Councillor Osborne abstained from voting.

137 **P1276.12 - LAND ADJACENT TO HILLDENE CLOSE, BRIDGWATER ROAD, DARLINGTON GARDENS AND NORTHALLERTON WAY, HAROLD HILL**

The application before members was for the redevelopment of the site to create 100 units of housing, comprising 56 houses and 44 flats. 58% of the units were proposed as affordable housing.

Members noted that two letters of representation had been received.

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

During the debate, members sought clarification as to whether existing Havering residents would get the first nomination rights for the affordable housing units. Members were advised that Havering residents would get first nomination rights.

Members also discussed the current need for sheltered accommodation for elderly residents in the borough and whether a proportion of the Section 106 monies could be used to provide additional education facilities in the area.

Members noted that a Mayoral CIL contribution of £138,440.00 was liable for the proposed development and **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:

The provision of a minimum of 50% of the units within the development as affordable housing in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document with a 36:64 split affordable rent to shared ownership.

- A financial contribution of £600,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- The provision of a training and recruitment scheme for local people to be employed during the construction period.

- 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.
- Staff were 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 to include additional/alter conditions covering the following provided that No objection from the Environment Agency was raised and maintained during the consultation period which was not considered by the committee and if that is the case the proposal be remitted back to Committee for further consideration and resolution.
- Alter Condition 19 (sustainability to "occupation" not "commencement").
- Adjust Condition 26. After "and development" add "on that part of the site which includes adopted highway".

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

Councillors Hawthorn and Ower voted against the resolution to grant planning permission.

138 P1279.12 - LAND AT CHIPPENHAM GARDENS, HAROLD HILL

The report before members detailed an application for the redevelopment of the site to create 72 units of housing, comprising 38 houses and 34 flats. All of the units were proposed as affordable housing for rent.

Members noted that no objection had been received from London Fire Brigade.

Members were advised that condition 7.3.8 of the report should read 10 units as opposed to 8.

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

With its agreement, Councillor Pat Murray addressed the Committee.

Councillor Murray commented that the scheme was important to the regeneration of Harold Hill and that residents were in favour of the scheme. Councillor Murray informed the Committee that several residents had concerns that the residential parking would be lost due to the development and that this would lead to displaced parking in other areas.

During a brief debate members discussed the need for a parking management programme to be put into place for the development.

Members were advised that additional parking spaces were being created in the area under another proposed scheme.

Members noted that a Mayoral CIL contribution of £115,060.00 was liable for the proposed development and **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:

- The provision of a minimum of 50% of the units within the development as affordable housing (100% for affordable rent) in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A financial contribution of £432,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- The provision of a training and recruitment scheme for local people to be employed during the construction period.
- 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.

Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out in the report and to add/alter the following conditions provided that no objection from the Environment Agency was raised and maintained during the consultation period which was not considered by the committee and if that is the case the proposal be remitted back to Committee for further consideration and resolution.:

- Add condition to require phasing plan to be submitted and approved.
- Subsequent change to conditions
4,5,6,7,8,9,10,11,12,13,14,15,17,18,19,20,22 to reflect phasing.
- Alter Condition 18 (sustainability) to "occupation" not "commencement".
- Adjust Condition 25. After "and development" add "on that part of the site which includes adopted highway".
- Additional condition requiring submission, approval, implementation and maintenance of a scheme of parking management controls for the development.

The vote for the resolution was carried by 10 votes to 0 with 1 abstention.
Councillor McGeary abstained from voting.

139 **P1238.12 - PENTOWAN FARM, CHURCH ROAD, NOAK HILL, 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.

140 **P1020.12 - 69 OLDCHURCH ROAD, ROMFORD**

The report before members detailed an application relating to the demolition of an existing industrial building and a residential development of 34 flats and 2 houses.

During a brief debate members sought clarification of how vehicle manoeuvres would be carried out within the site.

It was also noted that only 8% of the proposed properties would be classified as affordable housing.

Members noted that a Mayoral CIL contribution of £33,656.80 was liable for the proposed development and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The provision on site of 8% of the units within the development as affordable housing on the basis that an independent assessment of viability of the proposed development confirms the provision of 8% of dwelling units affordable housing units being appropriate.
- Save for those holding blue badges restriction on residents of the development applying for parking permits within the local area.

- A financial contribution of £216,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee.

Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, and that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions as set out in the report:

The vote for the resolution was carried by 9 votes to 1 with 1 abstention. Councillor McGeary voted against the resolution to grant planning permission. Councillor Tebbutt abstained from voting.

141 **P1176.12 - PRAM STORE AT HIGHFIELD TOWERS, HILLRISE ROAD, COLLIER ROW**

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

142 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND ADJACENT TO 11 RODING WAY, RAINHAM, ESSEX, RM13 9QD (OS 553595, 183177; 553609, 183181; 553612, 183159; 553603, 183165)**

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:-

1The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.

- 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 are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

Chairman