

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
30 April 2013 (7.30 - 10.25 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 Andrew Curtin, Wendy Brice-Thompson, Melvin Wallace, Pat Murray, Jeffrey Tucker and Michael Deon Burton were also present for parts of the meeting.

35 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.

No declarations of interests either personal or prejudicial were made. Councillor Durant sought guidance on whether Cabinet Members voting on the planning proposals who had supported in Cabinet disposal and acquisition of sites including the application sites would mean that the planning process would be vulnerable to challenge. He was advised that these were separate processes. A vote by the Cabinet to negotiate a land disposal & acquisition did not by itself amount to a closing of minds to the planning merits of detailed proposals for the relevant sites. All members of the planning committee should come to committee without closing their minds to the proper planning considerations raised by the proposals and that it was up to each individual member to determine whether they should declare an

interest. The Chair asked again if there were any declarations of interest. No declarations of interest were made.

209 **P1492.12 - ROMFORD LEISURE DEVELOPMENT**

The report before members detailed an application which related to a proposed new public leisure development, including a swimming pool and ice rink, on a site located in Western Road, Romford. The proposals were a culmination of long term ambitions to re-introduce a swimming pool and public leisure facilities back into the centre of Romford. The proposals had been made possible through a land swap arrangement involving other land owned by the Council at Rom Valley Way, which currently housed the existing Romford Ice Rink. The Rom Valley Way site was now subject of a separate planning application, reported separately on the agenda, for a new Morrisons food store and residential development. Whilst both applications were separate there was a strong degree of linkage between the proposals, such that each would be considered with regard to the other.

The application had been through all of the statutory consultation processes, including consultation with the Greater London Authority (GLA) and these consultees were satisfied that the proposed provision of a new leisure facility on the site was entirely acceptable in principle. A wide range of planning issues, including factors such as design, layout, parking and cycling provision, environmental factors and impact on amenity had been considered, as set out in the report. Detailed consideration had also been given to other factors, such as continuity of ice rink provision and public realm improvements in Western Road which were linked with consideration of the proposals.

Staff were satisfied, having regard to all material factors, that the proposals were acceptable in principle and it was recommended that planning permission be granted, subject to no contrary direction from the Mayor for London and no call in from the Secretary of State under the notification procedures, the prior completion of a legal agreement with the GLA to secure Heads of Terms set out below and further subject to conditions as set out in the report.

The following updates were provided by officers:-

Officers referred to paragraph 7.3.4 of the report to correct any misapprehension. It was anticipated that the provision of a replacement leisure facility would take up to two years but it could be longer period depending on contractual position and other contingencies.

Officers referred to paragraph 7.4.12 of the report and confirmed that no further comments were received from GLA in respect of revised design.

Officers referred to paragraph 7.9.1 of the report, the reference to Planning Obligations SPD and replaced with reference to the Crossrail SPD which was adopted in April 2013. It was confirmed that this correction does not affect the fact that this development is not liable under the Crossrail SPD.

With its agreement Councillors Andrew Curtin, Jeffrey Tucker and Michael Deon Burton addressed the Committee.

Councillor Burton commented that he welcomed the re-introduction of a swimming pool back into Romford town centre and also stated that sport was an important part of everyday life. Councillor Burton was asked to confine his observations to planning issues related to the proposal and he raised concerns over the impact of overnight emptying of the swimming pool and the disposal of waste from the site.

Councillor Tucker commented that he wanted the project to work but had doubts whether such a large scheme would be profitable for the Council. Councillor Tucker also advised that he had concerns regarding the lack of parking that the proposal offered. He considered that it could not be a viable business without more on site parking provision

Councillor Curtin commented that he supported the recommendations contained in the report as the Council had previously committed to providing sporting facilities in the town centre. Councillor Curtin also advised that the proposal would ensure long term provision of ice skating facilities in the borough. Councillor Curtin considered that the proposal was supported by Development Plan policy that it had been carefully designed, was sustainable and fully accessible.

During the debate members requested further information in respect of CCTV provision, coach/car parking, proximity to the synagogue and other adjacent premises, whether the facility could be used for competitive ice hockey, whether opening hours are controlled, what the rear elevation will look like, provision of disabled access and the effect the proposal would have on other leisure centres in the borough.

In reply officers advised:-

- That the CCTV proposed in the application would be run independently of the Council's Town Centre CCTV system.
- That there were a number of car parks close to the proposed leisure facility and that there were a number of coach parking/drop off areas within the town centre including Grimshaw Way.
- The boundaries of the application site are in close proximity to some adjacent properties including the synagogue, Chaucer House and Hexagon House.
- Officers confirmed that the ice rink was designed to accommodate competitive hockey.
- Officers explained that the hours of operation of the café on the ground floor are controlled by condition however as the facility was of competition standard to facilitate its use by elite athletes outside hour of use by the public a restriction was not considered appropriate.
- Officers explained that the front and rear facades would not be materially different though as with most large buildings plant is located to the rear so there would be differences.

- Disabled spaces will be provided approximately 90 metres from the proposed front entrance and there will be a dropping off point closer to the entrance.

Members asked whether elements of the proposal would be cherry picked and that the ice rink element might not be built. Officers explained that the application was detailed and that there was an accordance with plans condition imposed. Members addressing concerns on parking identified a number of town centre sites for both car parking and coach drop off points. Members also pointed out the proximity to public transport links including Romford Station and numerous bus routes. Members sought clarification from the Council's highway engineers as to whether London Buses were considering routing buses down South Street after 9.30pm. It was confirmed that they are. Mention was also made of the proposal and how it sat within the streetscene. Members also queried possible maintenance issues of the façade of the building.

Members sought clarification of the arrangement in case of injury in light of the proposed floor level of the ice rink. Officers confirmed that each floor would be served by a lift. Staff clarified seating arrangements and numbers in response to a Member query. A member raised concerns over the viability of the proposed scheme with the unusual combination of swimming pool and ice rink. The Chair reminded members to confine consideration to the material planning considerations. A member sought some guarantee that the proposed scheme would be delivered. In response officers referred to the obligation which would form part of contractual term with the GLA to provide a facility.

The Committee noted that the development was liable for a Mayoral CIL of £133,920 and RESOLVED that the proposal was unacceptable as it stood but would be acceptable subject to

A: No direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008);

B: No call in from the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009: and

C: Prior completion of a legal agreement under the appropriate enabling statutory powers, including Section 1 of the Localism Act 2011, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 111 of the Local Government Act 1972 to secure the following:

- * Secure provision of the new leisure facility
- * Provision of improvement works to Western Road subject to successful bid for funding to Transport for London
- * Provision of a training and recruitment scheme for local people to be employed during the construction period and operation of the facility.

Subject to recommendations A), B) and C) above 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 1.

Councillor McGeary voted against the resolution to grant planning permission.

210 **P1537.12 - CHAUCER HOUSE AND HEXAGON HOUSE 28 WESTERN ROAD, ROMFORD**

This application before members was for the partial demolition of Chaucer House and Hexagon House, together with the provision of new fire escapes and relocation of air handling plants and reconfiguration of the car park. The works were required to be undertaken in order to enable the construction of a proposed new leisure centre on the car park adjacent to Chaucer House (application P1492.12). The proposal was considered to be acceptable in all material respects and it was recommended that planning permission be granted.

Members sought clarification on the proportion of the office space in Chaucer House and Hexagon House which was currently vacant. The information was not to hand. Members also sought clarification on the procedure for notification of the Mayor for London and the Secretary of State. The process was explained.

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

211 **P1468.12 - ROMFORD ICE RINK, ROM VALLEY WAY, ROMFORD**

This application before members related to a proposed development on the site of the existing Romford Ice Rink in Rom Valley Way. The proposal was a hybrid application, consisting of a full application for a new supermarket and petrol filling station and an outline application for a residential development of up to 71 units. The proposals had been made possible through a land transaction, which enabled the Council to separately pursue the redevelopment of a site in Western Road to provide a new public leisure facility, including a swimming pool and an ice rink. Whilst both applications were separate there was a strong degree of linkage between the proposals, such that each had to be considered with regard to the other.

The application had been through all of the statutory consultation processes, including consultation with the Mayor's office and Staff are satisfied that the proposed development is acceptable in principle, although this was predicated on ensuring delivery of a leisure facility to replace that being lost from the application site i.e. securing a replacement for the existing ice rink. There was a need for a legal agreement to ensure the delivery of the leisure element. A sequential test approach had been applied

to the acceptability of providing a new retail supermarket outside of the existing town centre, in line with the National Planning Policy Framework, and the location of the proposed development was considered to be justified and appropriate.

Consideration had been given to a wide range of planning issues, including factors such as design, layout, parking, access issues, relationship with neighbouring land uses and environmental factors. Detailed consideration had also been given to the loss of the existing ice rink and the consequent impact on the current users of the facility.

Staff were satisfied, having regard to all material factors, that the proposals were acceptable in principle and it was recommended that planning permission be granted, subject to no contrary direction from the Mayor for London or call in from the Secretary of State under the referral procedures, the prior completion of a legal agreement and conditions.

The following updates were given by officers:-

- The financial contribution for highways and transportation related improvements within the vicinity of Queens Hospital was confirmed by the applicant as £30,000;
- Conditions 32 and 33 will be amended to refer to parameters plan number SK-101;
- Paragraph 7.4.8 of the report which suggests the likely period of up to two years between closure of the ice rink and re-provision could be longer depending on contractual position;
- Paragraph 7.5.4 of the report addresses the issue of the request for an additional lane. Further representation were received from interested parties which were addressed by officers;
- CIL liability which is referred to at paragraph 7.10.5 of the report is not finally determined and officers advised that this did not preclude Members from reaching a decision this evening. The value of the Mayoral CIL and that for Crossrail are calculations that can be finalised before a decision notice is issued;
- Additional letters of representation were received and read in summary: one from Inaltus on behalf of Asda Stores and a letter in response from Chase and Partners in response.

Officers explained that for the reasons set out within the report they were satisfied that the proposals were acceptable in respect of retail policy. The objections received do not change the position stated within the report.

A further letter was received and read in summary from Barking, Havering and Redbridge University Hospitals NHS Trust, emailed to Members

directly. A further letter from Transport for London (TfL) was read in summary.

In response officers stated that they were satisfied that the additional access lane is not needed as a direct result of the proposal. The cases put forward by the applicant and the NHS Trust have been carefully considered and the Officer's report set out the conclusions reached in this respect.

In respect of the Pedestrian Link while officers recognise that the provision of the pedestrian link between the store and the bus station would be beneficial, it was acknowledged that the prospects for delivering the pedestrian link are limited given that the land is outside of the applicants' ownership. It was further noted and welcomed that the Trust are willing to discuss access over its land with the Council and the applicant. However, the Trust's offer in this respect is subject to the applicant being obligated to provide the extension to the extra access lane. Given the conclusions reached in the report about the additional lane, an agreement is not possible in this respect. However, to ensure that there is a commitment to examine the pedestrian link further, an obligation is recommended within the legal agreement which requires the applicant to use reasonable endeavours to negotiate with the Trust to enable this to happen.

The letter from the Trust also questioned provision of Public Open Space and the perceived absence of a financial contribution. Officers explained that part of the Planning Obligations payment could be used towards improvements to the open space.

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

With its agreement Councillors Andrew Curtin, Jeffrey Tucker and Michael Deon Burton addressed the Committee.

Councillor Tucker commented that he had concerns regarding access and egress to and from the site and could foresee problems with additional traffic in the future. He was also concerned that parking provision was not adequate.

Councillor Burton commented that he welcomed the development as it provided much needed jobs and additional housing.

Councillor Curtin commented that he supported the recommendations and welcomed the possibility of new jobs being created both in the construction phase and the retail phase of the development in accordance with NPPF policy. It was a sustainable proposal with a high level of provision of private gardens in the residential element of the proposal.

Members welcomed the new roundabout proposed. A member questioned the impact the proposed residential element would have on parking in the surrounding area. Officers advised that the parking provision was within

guidance at 0.7 per dwelling and there would be a restriction on residential parking permits save for blue badge holders.

Members sought clarification on the position of TfL and the Trust in respect of the additional lane and Pedestrian Link. Officers advised that there was not compelling evidence submitted that indicated the need for an additional lane link to the proposal. However TfL will be part of the notification/referral to the Mayor for London and the Secretary of State. The judgement for members would then be whether without the additional lane members should refuse the application.

Councillors again questioned whether the car parking provision for the supermarket was sufficient particularly with the levels of employment created. Officers advised that a travel plan would be required by condition to encourage sustainable modes of transport for staff at the proposed development.

A member asked if there was provision for recycling of waste as part of the supermarket proposal. Officers advised that there was no such requirement but through delegated authority to the Head of Development and Building Control scope for a suitably worded condition could be explored.

A member asked if the Transport Assessment has anticipated potential future growth in demand for services at Queens Hospital. Highway engineers clarified that the transport assessment indicated spare capacity in the surrounding road network.

Members also queried the stores opening hours and officers advised that there were no set hours for store opening but deliveries to the store were covered by conditions set out in the report.

Members noted that a Mayoral CIL contribution was liable for the proposed development and that the amount of the CIL would be determined prior to any decision being issued. It was RESOLVED that the proposal was unacceptable as it stood but would be acceptable subject to

A: No direction to the contrary on referral to the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008);

B: No call-in from the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009: and

C: Prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- * Provision of the new leisure facility
- * Use of reasonable endeavours by the applicant to negotiate with the NHS Trust to enable provision of a more direct public footpath link to the site from the existing bus interchange at Queens Hospital and should the appropriate owner(s) dedicate the pedestrian route for

highway use, that the appropriate owner(s) enter into the appropriate highways agreement under Section 38 or Section 25 of the Highway Act 1980 to secure the provision of a pedestrian link open to the public

- * Provision of a training and recruitment scheme for local people to be employed during the construction period and during the operation of the supermarket and petrol filling station.
- * Payment of a financial contribution of £6,000 per dwelling unit created on the residential element of the site to be paid prior to commencement of construction of the first residential unit in accordance with the Planning Obligations SPD.
- * Payment of a financial contribution of £30,000 to secure highway and transportation related improvements within the vicinity of Queens Hospital
- * Submission of a travel plan, which shall include provision for monitoring and review
- * Restriction on occupiers of the residential development, save for blue badge holders, from obtaining residential parking permits within any current or future proposed controlled parking zone within which the site is located.

Subject to recommendations A), B) and C) above that planning permission be granted subject to the conditions as set out in the report and to delegate to the Head of Development & Building Control to ensure a BREEAM rating of very good was secured against the foodstore, the wording of a condition on waste recycling on site and to clarify the final Mayoral CIL payment.

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

Councillors Oddy, Tebbutt, Brace, Kelly, Misir, Osborne and pain voted for the resolution to grant planning permission.

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

212 **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