

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
11 September 2014 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Steven Kelly, Carol Smith, Frederick Thompson and Roger Westwood

Residents' Group +Alex Donald, Linda Hawthorn, Stephanie Nunn and Nic Dodin

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

Apologies were received for the absence of Councillors Ray Best, Philippa Crowder, Michael White and Ron Ower.

+Substitute Members: Councillor Roger Westwood (for Ray Best), Councillor Carol Smith (for Philippa Crowder), Councillor Frederick Thompson (for Michael White) and Councillor Alex Donald (for Ron Ower).

Councillor Linda Van den Hende was also present for part of the meeting.

15 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.

75 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Frederick Thompson declared a prejudicial interest in agenda item 5 planning application P1550.12. Councillor Thompson advised that he had previously spoken against the scheme and had a pre-determined view.

Councillor Thompson left the room prior to the discussion of the item and took no part in the voting.

76 **MINUTES**

The minutes of the meeting held on 31 July 2014 were agreed as a correct record and signed by the Chairman.

77 **P1550.12 - 71 MAIN ROAD ROMFORD**

The report before Members proposed the retention of the existing building on the site and the addition of two storey side and rear extensions. The extensions and alterations would facilitate the creation of a 26-bedroom care home for elderly dementia residents on the site. The existing double garage would be demolished.

During the debate members discussed the nature of the proposed design and previous planning history of the site.

Members agreed that the scale and bulk of the design would be harmful to the Gidea Park Conservation area and would destroy the outlook.

Following a motion to approve the granting of planning permission which was lost by 2 votes to 8.

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

The vote for the resolution to refuse planning permission was carried by 8 votes to 2.

Councillors Donald and Hawthorn voted against the resolution to refuse the granting of planning permission.

78 **P0507.14 - FISHING LAKE ADJACENT TO BRAMBLE FARM, BRAMBLE LANE UPMINSTER**

The report before Members related to an application to alter a previously agreed planning application.

The proposed development was the same as that previously approved as part of planning permission P0206.13, except to the extent that less material would be dredged from the bottom of the lake, and more material (up to 3000 tonnes more than previously approved) would need to be imported in order to create the proposed safety ledges and island. The submitted information stated that 950 tonnes had been imported so far, with the activities having ceased whilst further planning approval was sought.

Members noted that the application had been called in by Councillor Linda Van den Hende for the following reasons: The proposal was considered to

be inappropriate in terms of Green Belt policy, highway impact, and neighbouring amenity.

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

The objector commented that lorry movements on to the site, importing material, had increased and that the previously agreed level of importation had been excessively exceeded. The objector also commented that there were concerns that the importation of rubbish had taken place as rubbish had begun to float on the surface of the lake.

In response the applicant's agent commented that dredging the bottom of the lake would not provide enough material to construct the safety ledges and the island. Importation of the extra material would not change the outcome of works and the applicant intention was to provide details of the waste transfer to the Council.

With its agreement Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende commented that there had been alterations to the previously agreed permission and there was now a loss of amenity to the occupiers of Bramble Farm and a possible risk of flooding to the adjacent land.

During a brief debate Members discussed the possibility of flooding and officers confirmed that an overflow was in place to deal with such issues. Members also discussed the possible need to monitor lorry movements and imported materials and were advised by officers that the Environment Agency would monitor importation of materials to the site.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include the following amendments to the conditions:

Condition 1: Delete.

Condition 8 & 9: Amend conditions to read as follow:

Condition 8: No more than 170 HGV deliveries associated with the development shall take place in total. No more than 10 HGV deliveries associated with the development shall take place per day in accordance with the scheme of vehicle monitoring received on 8 September 2014. Up to date information about the total numbers of HGVs accessing the site shall be kept on record at the site at all times, and shall be made available to the local planning authority in writing within 7 days of a request being made.

Reason: In the interests of highway safety and residential amenity.

Condition 9: Imported soils shall be tested for chemical contamination in accordance with a scheme of soil testing that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

The vote for the resolution to grant planning permission was carried by 5 votes to 4 with 2 abstentions.

Councillors Misir, Kelly, Smith, Thompson and Westwood voted for the resolution to grant planning permission.

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

Councillors Martin and Williamson abstained from voting.

79 **P0874.14 - WENNINGTON MARSH RAINHAM - HABITAT ENHANCEMENT ON WENNINGTON MARSH**

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 the following amendments: The deletion of condition 5 (contamination) – since this had now been satisfied – and to ensure the text of condition 3 (archaeology) was fully printed on decision notice as it had only been part reproduced in the agenda.

80 **P1566.12 - RAINHAM LANDFILL**

The planning application considered was brought before Members on 17 July, 2014. Members resolved to defer the application to allow for additional information to be gathered in relation to various matters. These issues were dealt with further on in the report.

The application related to a 177 hectare site located on the River Thames at the most south-eastern part of the Borough. The application site currently benefited from an existing consent (reference: P1275.96) to deposit refuse materials through controlled landfill amounting to the importation of 12.3 million cubic metres of waste. The current landfill consent required the site to be restored by 2018, relying solely on river sourced waste imports from 2012.

The proposal was for the importation of an additional 3.6 million tonnes of non-hazardous waste over the current landform. This would achieve a

higher pre-settlement restoration height than previously approved, which would settle over time to a lower height that was similar to what was previously approved.

The current application had been submitted as the landfill was settling at a greater rate than originally anticipated. This was due to the biodegradable content of domestic waste steadily increasing over time, owing to the imposition of landfill tax and the resultant drive towards recycling which has resulted in the removal of materials such as bottles, plastics, cans, building waste, which might previously have been landfilled.

Without re-grading of the landform the site would likely suffer from poor drainage and increased pollution risks and may not be suitable for public access. The proposal was to bring in additional waste that would ensure that a landform could be achieved that was accessible and safe for public use, with incorporation into the Wildspace regeneration project.

The importation of additional volumes of waste would require an extension in time for road-borne waste imports for the life of the landfill. The proposed completion date for landfilling was now proposed for December 2024, with restoration to be completed by December 2026.

Members had previously expressed a preference for solely river-borne delivery of waste and to the extent that the waste was delivered to the site by road that a significant commuted sum be paid to the Council for the adverse impact over the extended period proposed. Members questioned the Highways Contribution which they considered to be inadequate. The calculation of the sum of £25,000 as a Highways Contribution only covered an area from the application site to the entrance to Tilda Rice. Members were not satisfied with the adequacy of the Highways Contribution offered.

Members were concerned that if road borne waste was allowed contrary to the current planning condition, adequate and enforceable controls should be in place to ensure that the HGV movements were not through residential areas including Rainham Village.

Members were cautious in respect of the Council taking any legal interest in the application site. The Legal Advisor suggested that an indemnity covering the Council for the risk of liability during the term of any interest could be considered. However Members felt that the indemnity would need to adequately cover the Council's liability in to the future and currently that was not adequately provided for.

Members questioned why the waste processing plant would still be required if the site was to be filled with landfill. The figures quoted financial viability case in the application stated that little profit was to be made from landfilling the site but if the site was used for waste disposal there would be a higher level of profit to be gained from the site whilst at the same time increasing the height contours of the site to a much higher level than had originally

been planned for. Members required a full and clear financial viability assessment to be provided for further scrutiny.

Following the debate it was **RESOLVED** that consideration of the report be deferred for two cycles to allow officers to contact the applicant for further negotiations of heads of terms of the legal agreement to include the following:

- What were the safeguards to ensure there wouldn't be repeated requests for project extension which would result in a progressive delay of the site's completion?
- The proposal provides inadequate mitigation for the added detrimental impact on the local environment and the quality of life of the local community caused by extending the period, additional material and not utilising the river as required. What was the applicant's response to this?
- Since 2012 the development had operated in breach of the requirement that waste was borne to the site only by river. In light of the failure to transport waste by river, lorry impact had been significantly in excess of that originally envisaged for the project and was having an adverse effect on the infrastructure of the local transport network and would continue to do so until the proposed extended timeframe for completion in 2026. Additional lorry traffic resulting from the failure to bring river borne waste created additional mitigation need. Members in considering mitigation require that the detrimental effects of the continued breach of planning control through use of road rather than river over the period from 2012 to completion of the proposed works be taken into consideration. In terms of the effect on the highway the basis of calculation for this should be for the road between the A13 and the site entrance. In this context the proposed mitigation payment of £25,000 was markedly inadequate and what was the applicant's response?
- Members wished to see greater clarification in the distinction between waste and landfill. If the extended programme was dependent on using waste, the Committee had strong concerns that the financial viability case promoted by the applicant is inaccurate. An independent assessment of the financial viability case was required so that the scope for environmental and social mitigation package could be verified. If the extended programme was materially dependent on using inert landfill material, what difference would this make to the settlement characteristics of the site and the strength of case for additional material to be brought on to achieve the final finished contours.
- In light of the above, there had been an insufficient explanation of why the land form must increase in height from that previously approved to the detriment of local visual amenity.
- A covenant was required to address risk associated with future public access to and subsequent use of the finished land.
- Should the Council exercise the options to take leases of the application site or parts thereof, what indemnity and insurance provisions would Veolia have in place against risks of injury or damage to the property of

third parties over the term of any lease or tenancy the Council might enter?

- The Bond which would address default in the event that aftercare works were not completed to the satisfaction of the Council would need to be recalculated and increased in line with inflation.

81 **P0811.14 - 230 ST MARY'S LANE, UPMINSTER**

The application before Members was for the demolition of an existing single storey building currently in mixed office and residential use. The application proposed nine flats over three floors with basement car parking.

Members were advised that condition 13 should have read St Mary's Lane instead of Howard Road and that the number of parking spaces proposed was 11 instead of 10 as mentioned in the report.

During a brief debate Members discussed access and egress arrangements to the underground parking and the possibility of installing an acoustic fence to minimise noise and disturbance.

The report recommended that planning permission be granted, however following a motion to refuse that was carried by 6 votes to 5 it was **RESOLVED** that planning permission be refused on the grounds that the site was in a sensitive location close to a listed building. Having regard to the predominantly traditional architectural form and appearance of the prevailing streetscene, the contemporary design of the proposal and its combined bulk, taken with its eastern neighbouring block, would overpower the streetscene and detract from the character of the area, contrary to policies DC61 and DC67 and the Council's Infrastructure Contribution as required in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document would not be provided.

The vote for the resolution to refuse planning permission was carried by 7 votes to 1 with 3 abstentions.

Councillors Donald, Dodin, Hawthorn, Nunn, Smith, Martin and Williamson voted for the resolution to refuse the granting of planning permission.

Councillor Misir voted against the resolution to refuse the granting of planning permission.

Councillors Kelly, Thompson and Westwood abstained from voting.

82 **P1010.14 - 60 STATION ROAD, UPMINSTER**

The report before Members proposed the demolition of an existing building and construction of a new mixed use building with retail use on the ground floor with a cycle store and two bin stores and six residential units on the upper floors.

The application followed the refusal by the committee in June 2014 of a similar proposal for the demolition of the building and the re-development of the site for mixed use. That application had proposed seven flats above retail use and was refused on the grounds that the development would appear dominant and visually intrusive in the streetscene that would be harmful to the character and appearance of the area. This application proposed a reduced height and some design changes.

Members noted that Councillor Linda Van den Hende called in the application on the grounds of concerns regarding the bulk and unsuitability in the street scene, parking for residents and for the shops.

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

The objector commented that there would be a substantial reduction in the amount of natural light received in the adjoining first floor offices and other premises. The objector also commented about the lack of parking provision and the over-development of the rear of the building.

In reply the applicant advised that the overall height of the building had been reduced by the removal of the top floor. The parking spaces provided would be for the residents of the development and the area also benefitted from excellent transport links.

With its agreement Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende commented that the number of flats proposed had been reduced to six from seven and that the reduction in the height of the front elevation was in keeping with the streetscene and attractive. However, the over-development and bulk of the rear elevation facing on to Howard Road was overbearing and unsightly. Councillor Van den Hende also commented on the lack of parking provision and that the issue of loading/unloading of commercial vehicles servicing the retail unit had not been addressed. Councillor Van den Hende highlighted that items 7.7 and 7.8 of the report stated that whilst officers were recommending approval it was a balanced judgement as to whether the changes to the proposal were sufficient on balance to support approval.

During the debate members discussed the lack of parking provision and the overbearing nature of the rear of the building.

The report recommended that planning permission be approved, however following a motion to refuse planning permission which was carried by 10 votes to 1, it was **RESOLVED** that planning permission be refused on the grounds that the proposal would be excessively bulky and overpowering in the Howard Road streetscene and thereby harmful to character and amenity and the Council's Infrastructure Contribution as required in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document would not be provided.

The vote for the resolution to refuse the granting of planning permission was carried by 10 votes to 1.

Councillor Thompson voted against the resolution to refuse the granting of planning permission.

83 PLANNING CONTRAVENTION - 15 SOUTH STREET, ROMFORD

The Committee considered the report and without debate **RESOLVED** it expedient that an Enforcement Notice be issued and served by the Head of Regulatory Services to require, within 3 months:

1. Remove from the land the unauthorised uPVC cladding covering the windows at first floor level
2. Restore the windows to their condition prior to the cladding and the previously removed unauthorised advertisements being installed
3. Remove the unauthorised boxed roller-shutter to the ground floor front of the Shop premises from the land.

Time for compliance: 3 months from the effective date of this

In the event of non-compliance and if the Head of Regulatory Services deemed it expedient; that legal proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

Chairman

