

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
18 December 2014 (7.30 - 11.55 pm)**

Present:

COUNCILLORS: 11

Conservative Group Ray Best(in the Chair), Philippa Crowder, Steven Kelly, Michael White and +Melvin Wallace

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Linda Hawthorn and Ron Ower

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

An apology for absence was received from Councillor Robby Misir.

+Substitute members: Councillor Melvin Wallace (for Robby Misir).

Councillors Roger Ramsey, Frederick Thompson, John Glanville, Patricia Rumble and David Durant 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.

139 MINUTES

The minutes of the meetings held on 2 October, 23 October and 13 November 2014 were agreed as a correct record and signed by the Chairman, with the following amendment to minute 93 of the minutes of 2 October 2014 Councillor White to be replaced with Councillor Ower.

140 **P1116.14 - 44 HERBERT ROAD HORNCHURCH**

The proposal before Members was for the erection of one detached two-storey five-bedroom house and a detached double garage on a rectangular plot of land located to the south of the larger development site at 44 Herbert Road.

It was noted that the application had been called in to the Committee by Councillors Ron Ower and Roger Ramsey in view of the impact on the surrounding properties and the planning history of the site.

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

The objector commented that the application was of poor design and impacted on the amenity of his property. The objector also commented that the proposal circumvented several planning policies and had not addressed previous reasons for refusal.

In response the applicant's representative commented that there had been several design alterations to the previously submitted application including the removal of dormers and balconies. The revised application was also now only one storey high where the proposed property faced Channing Close.

With its agreement Councillor Roger Ramsey addressed the Committee.

Councillor Ramsey commented that he had been approached by local residents who had expressed concerns regarding the substantial scale and mass of the proposed dwelling which he felt had still not addressed policies DC61 and DC69 and the Emerson park policy Area SPD. Councillor Ramsey also commented that the proposal would result in the loss of a number of trees that were the subject of preservation orders.

During the debate Members discussed current building works that were taking place in the vicinity of the proposed development area and the loss of amenity to surrounding properties.

Members also received clarification of the exact location of the trees protected by preservation orders and how the proposal complied with the Special area SPD.

The report recommended that planning permission be approved, however following a motion to refuse which was carried by 8 votes to 1 with 1 abstention it was **RESOLVED** that planning permission be refused for the following reasons:

- Harm to character and streetscene of that particular part of Emerson Park.

- Loss of trees.
- Overlooking and invasion of privacy of properties in Channing Close.

The vote for the resolution to refuse planning permission was carried by 8 votes to 1 with 2 abstentions.

Councillors Crowder, Wallace, White, Hawthorn, Ower, Nunn, Whitney and Williamson voted for the resolution to refuse planning permission.

Councillor Kelly voted against the resolution to refuse planning permission.

Councillors Best and Martin abstained from voting.

141 **P1265.14 - LAND ADJACENT TO 33 PLATFORD GREEN
HORNCHURCH**

The application before Members was for the construction of three five-bedroom properties with private access and external parking and turning areas.

Members noted that there was already a valid planning permission for two dwellings on the site and that therefore the principle of residential development was acceptable.

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

The objector commented that the proposal was visually intrusive on surrounding properties and that there was insufficient turning space and parking for vehicles in Platford Green.

In response the applicant's representative commented that the parking guidelines had been met by the proposal and that the application looked to address the issues of bulk and mass by building smaller properties.

With its agreement Councillor Roger Ramsey addressed the Committee.

Councillor Ramsey commented that the design was at variance to the design of the other properties in the surrounding area and that there was insufficient parking available for the properties.

During the debate Members discussed the lack of parking provision and the appearance of the proposed properties.

The report recommended that planning permission be approved however, following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused for the following reasons:

- Cramped development, out of keeping with surroundings and harmful to streetscene and character of the area.
- Insufficient space within the development to adequately cater for parking and manoeuvring space sufficient to meet reasonable living conditions and future amenity for residents of the five bedroomed houses and
- That delegated authority be given to the Head of Regulatory Services on wording of a further reason for refusal based on there being no mechanism to secure infrastructure tariff.

142 **P1376.14 - 22 WOODLANDS AVENUE, HORNCHURCH**

The proposal before Members related to an application to enclose the existing porch, altering the fenestration to the front elevation, ground floor rear extensions and a first floor rear extension.

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

The objector commented that very little consideration had been given to himself and his family when the application had been made with regards to overlooking and screening which would affect their amenity.

With its agreement Councillor John Glanville addressed the Committee.

Councillor Glanville commented that the proposed development sat very close to the boundary of the neighbouring property and would affect the natural light that the property currently benefitted from and asked that the Committee consider the loss of amenity that the neighbouring property would lose.

During the debate Members received clarification of the exact dimensions between the two neighbouring properties and of the exact proposed increase in floor space of the development.

The report recommended that planning permission be approved however, following a motion to refuse planning permission which was carried by 10 votes to 0 with 1 abstention it was **RESOLVED** that planning permission be refused for the following reasons:

- The proposal by reason of its excessive bulk and its position along the boundary would result in an overly dominant feature harmful to the outlook and rear garden character of 22 Woodlands Avenue contrary to Policies DC61 and DC69 of the LDF.
- The proposal would adversely affect a preserved tree which would materially harm its contribution to the amenity of the garden setting and character of Emerson Park, contrary to Policies DC60 and DC69 of the LDF.

143 **P1304.14 - 37-39 MANOR ROAD ROMFORD**

The report before Members concerned a planning application for the demolition of a three and four storey office building known as Service House and the erection of nine single family houses with associated garages, parking spaces and gardens.

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

The objector commented that the design and layout of the proposed development would have an adverse impact on the Victorian dwellings in Manor Road.

In response the applicant's representative commented that that the applicant had listened to the previous concerns of the local residents and that the boundary conditions had been carefully thought through. Comment was also made that each house was of a different style however there was a design theme that was in keeping with the streetscene.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that he supported the application as the design of the development would address existing anti-social behaviour in the area.

During a brief debate Members agreed that the proposed development would be more favourable than a flatted development.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £4,360 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:

- A financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- 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 agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;

- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be 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.

144 **P1534.14 - TESCO ROMFORD EXPRESS (LAND R/O) OAKLANDS AVENUE ROMFORD**

The Committee **RESOLVED** that consideration of the report be deferred to allow staff to ascertain the position on speaking rights of objectors who wrote in response to the Council's consultation letter, the deadline for which had expired very close to the date of the meeting.

145 **P1493.14 - 60 STATION ROAD UPMINSTER**

The application before members was for the conversion and extension of the existing buildings to provide four flats over two floors and A1/A2 (retail/financial and professional services) floorspace on the ground floor.

The application followed the refusal by the Committee of proposals for the demolition of the existing buildings and re-development of the site for mixed use in June and September 2014. The most recent application was refused on the grounds of the visual dominance of the Howard Road elevation. The application now proposed reduced the scale of the development along the Howard Road frontage and proposed conversion and extension of existing buildings rather than complete redevelopment following demolition.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a written response given on behalf of the applicant.

The objector commented that the new proposal had still not addressed the issue of a lack of parking provision and that the new extension would lead to a loss of natural light to the neighbouring property.

The applicant's written response supported the revised scheme emphasising that the original character of the building was to be retained.

Prior to the debate Members received clarification from the Legal Adviser as to the rights to natural light that the neighbouring property may have accrued as a proprietary rights, rights of light and that proprietary rights of themselves do not preclude the granting of planning permission. They may however preclude the implementation of a planning permission. In this case the impact on daylight is a material planning consideration.

During the debate Members discussed the possibility of allocating parking spaces to each of the residential dwellings and received clarification from officers of the lighting provision that the development would benefit from.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £2,040 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:

- A financial contribution of £24,000 to be used towards infrastructure costs 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.
- 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.

That the Head of Regulatory Services be 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.

The vote for the resolution to grant planning permission was carried by 9 votes to 1 with 1 abstention.

Councillor Whitney voted against the resolution to grant planning permission.

Councillor Nunn abstained from voting.

146 **P0808.14 - FORMER POLICE STATION GOOSHAYS DRIVE, HAROLD HILL ROMFORD**

The report before members detailed an application for the re-development of the site for a new foodstore with forty car parking spaces.

Members were advised that there were a number of changes to conditions contained within the report which are listed at the end of this minute.

With its agreement Councillor Patricia Rumble addressed the Committee.

Councillor Rumble commented that the building design was out of keeping with the area and that the opening hours proposed were not suitable for a residential area. Councillor Rumble also asked that consideration be given to planting mature trees on the site.

During the debate Members discussed the development's possible impact on the vitality of the local town centre.

Members also discussed the possibility of installing a condition covering anti-graffiti measures being taken to protect the outer walls of the building.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £23,060 and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include the following amendments:

- Condition 1 (Commencement): Reason;
- Condition 6 (Delivery Times): Delivery and collection hours and reason;
- Condition 13 (Construction methodology): Requirement to carry out in accordance with the approved details and reason;
- Condition 15 (Refuse and recycling): Reason;
- Condition 20 (GDO Restriction): Inclusion of relevant Class and reason;
- Condition 25 (Visibility splays): Reference to height of any obstruction and reason.

Plus the wording of an additional condition requiring a scheme of anti-graffiti/vandalism maintenance for the building's elevation facing Trowbridge Road to be submitted, agreed and implemented prior to the building being first used and then maintained thereafter is delegated to the Head of Regulatory Services.

147 **P1566.12 - RAINHAM LANDFILL**

The report before Members dealt with an application for the continuation of waste inputs and operation of other waste management facilities.

The application had been brought before Members on 11 September and 17 July 2014. Members previously 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 under the 1998 permission but which would settle over time to a lower height that is similar to what was previously approved.

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.

During the debate members discussed the cumulative impact of vehicle movements from the proposal and other current and proposed developments within the area.

Members also discussed the percentages of waste that would be road borne/river borne and the possible inclusion of the Rainham & Wennington Working Party to ascertain their views of the proposed time extension and the benefits to the community of the continued operation of the site.

It was **RESOLVED** that subject to the Stage 2 referral process resulting in no significant adverse comments being received or contrary direction from the Mayor of London, that the proposal was unacceptable as it stood but would be acceptable subject to the planning conditions set out in this report and subject to the applicant first entering into a Legal Agreement under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure (for the avoidance of doubt the heads of terms of the Section 106 agreement, set out below, are amplified by the draft agreement attached to this report and the detailed terms of the draft annexed take precedence should there be any inconsistency between the heads of terms and the draft; further the Head of Regulatory Services is given delegated authority to insert title details, plans and draft documentation to amplify and give effect and meaning to the draft Section 106 agreement attached and to make textual changes which have substantially the same effect as the terms of the draft agreement as agree between Veolia and the Council in late 2012) and to include a £100,000 contribution for highways maintenance and a Bond to fully protect the Council in the event of default in carrying out the obligations in particular the obligations to fully remediate and restore the application site, such Bond to be index linked from December 2012 to the date or dates when it is drawn down by the Council. provided that if this agreement remained incomplete later than six months after the date of this resolution the resolution be brought back to Committee for further consideration.

Also subject to additional planning condition the exact wording of which was delegated to the Head of Regulatory Services requiring the applicants to submit to the Local Planning Authority, annually, a summary report, based on professional site survey, confirming the prevailing land restoration levels both absolute above datum and in comparison with the final restoration scheme levels shown on the previous drawing. The reason for the condition

is to ensure that progress is being made to achieve the approved contour levels within the permission timeframe so that the impacts of the proposal are limited in time.

The vote for the resolution was carried by 10 votes to 0 with 1 abstention.

Councillor White abstained from voting.

148 **P1107.14 - THE KENNELS OCKENDON ROAD, NORTH OCKENDON - THE INSTALLATION OF TWO 600MM DIAMETER DISHES ON EXISTING 30M HIGH LATTICE TOWER AND THE INSTALLATION OF ONE METROSITE EQUIPMENT CABINET AT GROUND LEVEL AND ANCILLARY DEVELOPMENT**

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

Councillor Philippa Crowder was not present during the discussion of item P1107.14 and did not take part in the vote.

149 **P1249.14 - CLAY TYE FARM, CLAY TYE ROAD UPMINSTER**

The report before Members proposed the installation of a solar farm on land at Clay Tye Farm, which would generate 16MW of electricity for the National Grid. The proposal would involve the siting of solar arrays across approximately 35ha of land; the erection of a control building, substation building, and inverter buildings; the erection of fencing and CCTV masts; the creation of a nature conservation area, public viewing area, and public information point.

During a brief debate Members questioned whether approving the application would be setting a precedent allowing a number of similar sites to be erected throughout the borough and whether such an installation was inappropriate use within the Green Belt.

The report recommended that planning permission be approved however, following a motion to refuse the granting of planning permission which was carried by 10 votes to 0 with 1 abstention it was **RESOLVED** that planning permission be refused for the following reasons:

- Inappropriate development harmful in principle within the Green Belt plus additional physical harm not outweighed by very special circumstances.
- Adverse impact on amenity enjoyed from a public right of way.

150 **P1362.14 - FORMER ELM PARK HOTEL, ST NICHOLAS AVENUE ELM PARK - EXTENSION OF THE BUILDING BY ONE LEVEL TO ACCOMMODATE FOUR NEW SELF-CONTAINED FLATS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £5,876 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:

- A financial contribution of £24,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of the development in accordance with the Planning Obligations SPD.
- 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, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be 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.

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

Councillors Best, Crowder, Kelly, Wallace, White, Ower and Martin voted for the resolution to grant planning permission.

Councillors Hawthorn, Nunn, Whitney and Williamson voted against the resolution to grant planning permission.

151 **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