

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
17 July 2014 (7.30 - 10.25 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Ray Best, Steven Kelly,
Michael White and +Frederick Thompson

Residents' Group Ron Ower (Vice-Chair), Linda Hawthorn,
Stephanie Nunn and Nic Dodin

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

An apology for absence was received from Councillor Philippa Crowder.

+ Substitute members: Councillor Frederick Thompson (for Philippa Crowder)

Councillors Jody Ganly, Barry Mugglestone and Linda Van den Hende were also present for parts of the meeting.

30 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.

23 P0065.12 - LEPRECHAUN, GERPINS LANE, UPMINSTER

The application before Members was for a retrospective permission for the retention of a new building erected to the western part of the site. The building was initially erected as a stable block but was now intended to be used for the breeding, incubation and the rearing of ducks, geese and other fowl.

The issues arising from this application were the principle of development within the Green Belt, the impact of the development on the character and openness of the Green Belt generally, amenity and parking and highway issues.

The report detailed taking all of these factors into account, officers considered that very special circumstances had not been demonstrated which overcome the in principle harm arising from inappropriate development and the physical harm to the openness of the Green Belt.

However, in support the applicant had stated that at the time that the subject building was erected in 2010, it was the reasonable belief that the building was being constructed under permitted development.

The application had been called in by Councillor Linda Van den Hende as she did not wish for the application to be determined under delegated powers as it seemed complex.

With its agreement Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that the issue was the size of the new building in the Green Belt. Councillor Van den Hende also commented that there had previously been a building on the site but agreed that the new one was bigger and of a more attractive nature. Councillor Van den Hende asked that the Committee considered granting planning permission.

Following a brief debate during which members discussed the Green Belt aspect of the site and the lack of very special circumstances a motion to grant planning permission was proposed but was lost by 4 votes to 7.

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report. The vote for the refusal was carried by 7 votes to 4. Councillors Dodin, Hawthorn, Nunn and Ower voted against the resolution to grant planning permission.

- 24 **P0196.14 - ELITE PANELCRAFT, 65 GUBBINS LANE, ROMFORD - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A TWO STOREY DEVELOPMENT WITH GROUND FLOOR TO PROVIDE 352 M2 RETAIL (A1 USE) FLOORSPACE, 9 RESIDENTIAL UNITS (C3 USE) AT FIRST AND SECOND FLOORS AND ASSOCIATED CAR PARKING AND LANDSCAPING.**

The Committee considered the report, noting that a late letter of representation had been received stating that the site was unsuitable for retail use, and without debate **RESOLVED** that planning permission be refused for the reasons as set out in the report.

- 25 **P0568.14 - INGREBOURNE LINKS GOLF COURSE, NEW ROAD, RAINHAM - VARIATION OF CONDITION 1 (TIMESCALE) OF P0084.12)**

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

26 **P0648.14 - TESCO STORES, 300 HORNCHURCH ROAD, HORNCHURCH**

The Committee considered the report that sought consent for variation of condition 8 of L/HAV/1719/83 (as amended by Reference P0195.97) to extend the store's opening hours from 8:00 - 22:00 Monday to Saturday and 10:00 - 16:00 on Sunday to 24 hours Monday to Saturday and 10:00 and 16:00 on Sunday.

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

The objector commented that the proposed application was against council policy and that local residents were already suffering sleep deprivation as a result of antisocial behaviour in the area.

The application had been called in by Councillor Jody Ganly on the grounds of unacceptable disturbance to neighbouring residents.

With its agreement Councillor Ganly addressed the Committee.

Councillor Ganly raised concerns on the extent of the consultation carried out to notify resident of the proposed change of operating hours. Councillor Ganly requested deferral of the application in order for a wider consultation to be undertaken. Councillor Ganly also added that there were no demand for a further 24 hour Tesco store to be open in this part of the borough, it was also suggested that this application could lead to future application for a 24 hour alcohol licence. Councillor Ganly requested that the proposal be refused.

During the debate members discussed their concerns in respect of the application raising issues of anti-social behaviour with the vicinity of the premises and the impact of extended opening hours to local residents.

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

- Intensification of activity with attendant noise, disturbance at anti-social hours with harmful impact on residents' amenity.
- There was a reasonable basis for fear of anti-social behaviour harmful to amenity resulting from 24 hour working Monday to Saturday.
- The above concerns would not be materially overcome by enforceable conditions for site security or management arrangements.

27 **P0780.14 - YMCA, RUSH GREEN ROAD, ROMFORD**

The application before members proposed the erection of two temporary buildings to provide accommodation for a primary school. The Oasis

Academy was awaiting construction of its proposed permanent facility at the former Oldchurch Hospital site in Romford, and required a temporary arrangement in the meantime. It was intended that the proposed, temporary facility would be open in time for the September 2014 intake and would be required for two years.

Following a brief debate it was **RESOLVED** that planning permission be **GRANTED** subject to the following conditions.

1. Altering Condition No.2 to a three year temporary consent so that the use would cease and buildings would be removed on or prior to 31st August 2017.
2. No development to commence unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority (LPA) which demonstrates to the satisfaction of the LPA that adequate provision for parking has been secured to serve the temporary use within the YMCA Rush Green car park and that such an approved scheme further demonstrate that adequate measures are in place to safely manage parking to ensure safe segregation of childrens' play areas from parking areas. Such approved scheme to be fully maintained during school use.
3. Secured By Design condition.
4. Informative for Head of Regulatory Services to explore with Head of StreetCare potential for no right hand turn sign.

28 P1053.13 - LAND OFF HARLOW GARDENS, ROMFORD

The application before members sought permission for the erection of three 2 bedroom chalet bungalows and two 2 bedroom bungalows with associated parking and amenity. The proposed bungalows would be arranged on site as 2 detached bungalows situated along the narrowest part of the site and a terrace of 3 chalet bungalows situated in the wider part (south-eastern corner) of the site.

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

The objector raised concerns of overlooking into their property. The objector also commented that the land had been a playground for children and that the premises would not be accessible for Fire Service or refuse vehicles.

In response, the agent for the applicant stated that no objections had been received from the statutory consultees and that the dwellings were low level homes that were very much needed in the borough. Issues of overlooking and privacy issues had been adequately addressed by planning conditions

on obscure glazing and removal as appropriate of certain permitted development rights.

Following a brief debate during which members raised concerns about the lack of parking provision in the area it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. The vote for the resolution was carried by 9 votes to 2. Councillors Hawthorn and Ower voted against the resolution to grant planning permission.

29 **P1566.12 - RAINHAM LANDFILL**

The application before members 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 requires the site to be restored by 2018, relying solely on river sourced waste imports from 2012.

The report before the Committee 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 deprived landfill sites of materials such as bottles, plastics, cans, building waste, which might previously had been landfilled.

As a result, the amount of settlement at this landfill site had been greater than envisaged. Consequently, without re-grading of the landform the site would likely suffer from poor drainage and increased pollution risks. Moreover, current settlement rates would mean that the landform may not be suitable for public access. The additional waste would ensure that a landform could be achieved that was accessible and safe for public use, with incorporation into the Wildspace regeneration project.

The applicant was therefore seeking planning permission for updated settlement rates in order to create a satisfactory final landform similar to that originally envisaged. The revisions included 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 revised landform would assist in the delivery of the site for public access, and allow for the potential delivery of various visitor facilities.

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 31 December 2024, with restoration to be completed by 31 December 2026.

The original planning permission was subject to a detailed legal agreement which sought to ensure, amongst other things, adequate restoration and aftercare and to ensure public access. It was recommended that the extant clauses in the agreement are brought forward and amended as necessary with changes/additions to allow early public access to the site, local employment training, and any other matters detailed in the recommendation.

The application under consideration proposed the following elements:

- An extension to the period of working, including landfilling and all other waste processing uses at the site, to 2024;
- Completion of restoration by 2026;
- The importation of an additional 3.6 million tonnes of waste over the proposed period of working;
- An increase in pre-settlement levels of between 3.5m and 12m across the site, including at the peaks and midslopes;
- An increase in post-settlement levels in the mid-slopes of up to a maximum of 7.5m;
- Changes to the approved restoration arrangements with previously proposed visitor facilities to be the subject of later applications;
- Changes to the site approved access so that they remain as existing, with landfill access at the north of the site from Coldharbour Lane, and recycling activities access at the southern end of the site from Coldharbour Lane.

Although the pre-settlement contours are higher than those approved as part of the existing planning permission, this was required in order to achieve appropriate post settlement contours that would be more representative of the current permission. This occurred via a number of means through mechanical and bio-chemical processes. Wastes generally compact and shift to nearby voids and the biodegradable components of the land filled waste break down over a period of time and form landfill gas and leachate. The landfill gas was extracted as part of the process and converted to energy. The leachate was extracted and treated before being disposed of. The total volume of waste therefore steadily reduces and the restoration surface steadily settles. The rate of settlement was comparatively rapid in the early years and the rate gradually decreases with time.

The land raising would be completed on a phased basis that would see the completion of the more visually prominent areas, first along the northern fringe that will both create a visually softer landform to the adjacent marshes

and to enable parts of the site for early public access and associated public facilities such as pathways, lookout points and car parking. As the site was restored, this would be the subject of a final restoration plan to detail landscaping, visitor facilities and ecological habitats to ultimately form part of the wider Wildspace project.

Members raised a number of points on the proposal. Members sought clarification of the current planning permission and whether there was a planning condition that required waste to be transported to the site by river. On confirmation by officers that the current planning permission was subject to such a planning condition members asked why this was not a continuing requirement under this proposal.

Members expressed 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 and officers corrected a mistaken inference that it was calculated on the basis of impact on roads between the A13 and the application site and the costs of remedial road works to ameliorate the impact. The calculation of the sum of £25,000 as a Highways Contribution was the cost of the above solely over the highway 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 are 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. Members sought clarification following officer's reference to a viability appraisal presented by the applicants in confidence to officers to justify their negotiating position. The Legal Officer considered that an assessment of the viability appraisal could be presented by the applicants to committee, under Part 2 which would be in camera.

A motion to refuse the application based on the perceived shortcomings of the planning obligations and conditions set out in debate was seconded, however before going to the vote the Chairman suggested deferring consideration to fully explore the issues raised by members in debate. This motion to defer was seconded.

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

- Preference for River borne delivery of waste to the application site.

- Financial contribution reflecting the above comments to compensate for continued road borne waste.
- Review of highways contributions to ensure that it adequately addresses the effects of HGV movements between the A13 and the Application Site and vice versa
- Explore confidential presentation of the viability assessment in Part 2 of the Committee. .
- Measures for monitoring (any movements, e.g. weighbridge/electric count) .
- Measures to ensure that no HGV Movements to and from the application site are routed through built up residential areas including Rainham Village.
- Should the Council be minded to take any legal interest in the application site that indemnity against risk of liability to the Council might be explored.

30 **P1583.13 - LAND ADJACENT TO 32 HAMILTON AVENUE, ROMFORD**

The proposal before members related to a site that was currently occupied by a two-storey semi-detached dwelling with existing parking for approximately three vehicles on a hardstanding to the front of the dwelling. The dwelling currently had a single storey side extension, which extended up to the boundary with No. 30 Hamilton Avenue.

The proposal would result in the removal of two small trees to the front of the existing dwelling. The surrounding area was characterised by similar two-storey semi-detached and terraced dwellings.

Following a brief debate during which members raised concerns regarding the proposal and commented that the proposal was an overdevelopment of the site that also had an adverse impact on streetscene.

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

- Overdevelopment of site, adverse impact on streetscene.
- Insufficient amenity space provision.
- Lack of tariff (legal agreement).

31 **P0615.14 - 102-120 VICTORIA ROAD, ROMFORD**

The application before members was for the redevelopment of the site and erection of a residential development consisting of a part two and three storey building (including apartments in the roof space) fronting onto Victoria Road and a two storey building (including apartments in the roof space) to the rear of the site.

The development would comprise of two separate buildings with block 1 consisting of seventeen apartments and block 2 consisting of seven apartments, giving a total of twenty four new residential units of which 50% would be affordable housing.

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

The objector stated that in principle the scheme was acceptable but there was a concern regarding the location of the refuse storage.

In response the applicant's agent commented that they had consulted with local residents whilst developing the scheme and would be happy to reconsider the location of the refuse bins with the objector.

During a brief debate members raised concern as to whether the relocation of the refuse bins would lead to a reduction in the car parking spaces on the site.

Following a motion to refuse the granting of planning permission which was lost by 2 votes to 9. It was **RESOLVED** that planning permission be granted subject to first completing a section 106 agreement based on the heads of terms set out below and the conditions as set out in the report with an additional condition requiring the submission and implementation of a refuse storage scheme within the site without the loss of parking spaces the negotiation and precise wording of which to be delegated to the Head of Regulatory Services and failing the successful negotiation of a satisfactory condition the matter be remitted to a future meeting of Regulatory Services Committee for further consideration .

- The provision on site of 50% of the units within the development as affordable housing (comprising 12 apartments) of which 70% (8 units) will be rented (with 50% of this provision capped rent and the other 50% discounted rent) and the remaining 30% (4 units) will be shared ownership.
- A financial contribution of £144,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- A financial contribution of £9,456 to be used towards the "Community Sustainable Energy Fund" in lieu of the shortfall of 3.94 tonnes CO₂/yr in achieving the required 40% CO₂ reduction target, to be paid by the developer prior to commencement of the development.
- 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 obligations/ monitoring fee prior to completion of the agreement.

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

Councillors Best and White voted against the resolution to grant planning permission.

32 P0677.13 - 165 ST ANDREWS AVENUE, ELM PARK

The proposal before the Committee sought permission for the conversion of an existing 2 storey extension at No.165 St Andrews Avenue into a 2 storey dwelling house.

The only external changes to the existing side extension would be a new entrance door to the proposed new dwelling on the ground floor flank wall and an obscure window on the first floor of the side elevation.

There would also be a sub-division of the back garden to ensure both dwelling houses (the host and proposed) would have their own rear private garden space. The existing outbuilding to the rear of the host dwelling would be demolished and removed. The proposals indicated that a parking space would be provided in the rear garden of the proposed dwelling.

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

The objector commented that the proposed development would be an over development of the site that would be out of character with the streetscene.

In response the applicant's representative informed the committee that the development was an integral part of the application site.

With its agreement Councillor Barry Mugglestone addressed the Committee.

Councillor Mugglestone commented on the planning history of the application site and that the development was out of character with the streetscene. Councillor Mugglestone commented that there was a condition that tied the annex to the house with regards to use and occupation.

During a brief debate members raised concerns on the impact that the development would have on the streetscene and on amenities and parking spaces.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission It was **RESOLVED** that planning permission be refused for the following reasons.

- Over intensification of the plot with consequent harm to character and amenity of local area.
- Adverse impact on parking arrangements of donor property.
- Lack of tariff (legal agreement).

33 **PLANNING ENFORCEMENT - 1 SPINNEY CLOSE**

Members considered the report and without debate **RESOLVED** it to be expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

- Remove the unauthorised outbuilding; or
- Reduce the height of the outbuilding to a maximum of 2.5m in compliance with Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended;
- Remove from the land all materials and equipment associated with or resulting from compliance with either of the above.

In the event of noncompliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

34 **PLANNING ENFORCEMENT - 9 SHAKESPEARE ROAD**

Members considered the report and without debate **RESOLVED** it to be expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

- i) To relay the hard surface with porous materials; or
- ii) Provision shall be made to direct runoff water from the hard surface area to a permeable or porous area or surface within the curtilage of the dwelling house; or
- iii) Take up the hard surface
- iv) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance of (i, ii, iii) above.

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.

35 **SECTION 106 - OLDCHURCH SWAN**

The Committee considered the report and without debate **RESOLVED** that:

The Director of Legal and Governance (acting on behalf of the London Borough of Havering) be authorised to:

Enter into a Deed of Variation pursuant to Section 106a of the Town and Country Planning Act 1990 to amend the obligations of a section 106 Agreement entered on 20 April 2011 to enable the use of the Affordable Housing Site (registered under title number EGL520145) to include an element of share ownership affordable dwelling units as set out in paragraph 1.3 of this report: with the precise terms of the amendments of the Definitions and Schedule 1 of the Section 106 Agreement delegated to the Head of Regulatory Service.

The Council's legal fees for preparation of the Deed of Variation would be paid on or prior to completion.

36 **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