

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
23 October 2014 (7.30 - 9.50 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Ray Best (Vice-Chair),
Philippa Crowder, Steven Kelly and +Osman Dervish

Residents' Group Stephanie Nunn and Nic Dodin

East Havering Linda Hawthorn and +Brian Eagling

Residents' Group

UKIP Group +John Glanville

Independent Residents Graham Williamson
Group

Apologies were received for the absence of Councillors Michael White, Ron Ower and Phil Martin.

+Substitute members: Councillor Osman Dervish (for Michael White), Councillor Brian Eagling (for Ron Ower) and Councillor John Glanville (for Phil Martin).

Councillors Melvin Wallace, Frederick Thompson and David Durant were also present for parts 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.

98 COMMITTEE MEMBERSHIP

Members noted the new membership of the Committee, including that Councillor Ray Best was now the Vice-Chairman of the Committee.

99 **MINUTES**

The minutes of the meeting held on 11 September 2014 were agreed as a correct record and signed by the Chairman.

100 **P1528.13 - 22-28 NORTH STREET, ROMFORD**

The proposal before Members was for the demolition of the existing four retail units, with vacant office accommodation above, and the erection of an eight storey building with four (A1) retail units at ground floor level, and 28 flats above (24 x 2 bedroom and 4 x 1 bedroom units), occupying seven storeys. The eighth storey element comprised of a services block at the top of the building.

The application was brought before Members on 26 June, 2014; the decision was deferred to allow an opportunity for the height of the proposal to be reduced through negotiations between the developer and officers.

The agent has subsequently submitted sketches to officers for comment. The sketches showed either a 6/7 storey development or a 6 storey development similar to the submitted proposal, where most of the site would be occupied by the full height of the development. The response of officers to these changes was that given the modest height of the buildings either side of the application site, that the proposal would appear out of place and overly bulky.

The outcome of negotiation process was that the developer had opted to continue with the 8 storey proposal. The applicant had submitted additional plans and images to illustrate the appearance of the proposal from different angles, with a minor change being made to the south eastern corner at 7th floor level, turning two existing balconies into a terrace.

Officers had also sought clarification over the proposed legal agreement and whether the applicant had sufficient interest in the neighbouring land to be able to sign an agreement to undertake works and cease the use of the nightclub. It appeared that the applicant was not the freehold owner of the adjoining land, and therefore any legal agreement to cease the nightclub use (discontinuance of the existing permitted use) and to undertake works would require the freehold owner to sign up to an agreement. The agreement of the freehold owner to enter into a S106 agreement had not been confirmed. In any event the discontinuance of use could only be given legal effect by the Secretary of State therefore irrespective of whether or nor the applicant had the freehold interest a legal agreement could not secure discontinuance of use. Therefore the offer to discontinue use of the nightclub could not be given any weight in planning terms.

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

The objector commented that the proposal was entirely against Council policy and that English Heritage had stated that the Local Planning Authority should make the determination but the Council's Conservation Officer had objected to the scheme.

In response the applicant's agent commented that the application would remove unsightly buildings and improve the vitality of the area. The agent also confirmed that the Designing Out Crime Officer had raised no objections to the scheme and that the applicant had also offered to enter into an obligation that would prevent the continued use of the neighbouring property (known as Buddha Lounge), being used as a night club.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the report was well written and that he agreed with officer's recommendations that planning permission should be refused.

During the debate several Members concurred with officers views that the proposal would impact on the nearby conservation area.

Members also received clarification regarding the proposed rear entrance to the building and the height of the "Rubicon" building opposite.

Members agreed that it was unfortunate that the applicant had not taken on board the Committee's previous comments regarding the possible reduction of the number of storeys that were proposed for the building.

The report recommended that planning permission be refused, however it was **RESOLVED** that consideration of the report be deferred to allow the applicant a further opportunity to consider reducing the development to no higher than six storeys.

101 **P0489.14 - 59 FAIRHOLME AVENUE, GIDEA PARK ROMFORD**

The proposal before Members involved the demolition of the existing rear projections and construction of a single storey rear extension.

Members were advised that the application had been called in by Councillor Melvin Wallace on the grounds that the proposal raised concerns with regards to its impact upon neighbouring amenity and the character of the surrounding area.

With its agreement Councillor Melvin Wallace addressed the Committee.

Councillor Wallace commented that both of parties present were constituents of his and therefore he was in a tricky situation as he empathised with both parties points of view and therefore had called in the

application to allow the Committee to consider the report and reach a decision.

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 proposal would lead to overshadowing of his property and a loss of amenity. The objector also commented that his daughter suffered from poor health and that the proposed development would be detrimental to his daughter's health due to the aforementioned loss of amenity. The objector asked that the Committee deferred consideration of the report until a site visit had taken place to allow Members to obtain an accurate understanding of the situation.

In reply the applicant commented that the current extension had been built under permitted development rights but due to her parent's failing health a larger extension to the property was required to allow the family to live together in the future.

During the debate members discussed the possible loss of sunlight and amenity to the neighbouring property and what possible remedies could be considered by the applicant to alleviate the problem.

The report recommended that planning permission be granted, however it was **RESOLVED** that consideration of the report be deferred to allow the applicant the opportunity to consider reducing the extension to comply with the 45° guideline that was referred to in the Council's guidance so as to lessen the impact on the neighbouring property's amenity.

The vote for the resolution to defer consideration of the report was carried by 9 votes to 2.

Councillors Kelly and Dodin voted against the resolution to defer consideration of the report.

102 **P1156.14 - BRITTONS ACADEMY, FORD LANE, HORNCHURCH - THE INSTALLATION OF TWO 0.6M TELECOMMUNICATIONS DISHES AT ROOFTOP LEVEL, ONE EQUIPMENT CABINET AND ANCILLARY EQUIPMENT THERETO ALL TO BE LOCATED AT GROUND LEVEL**

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

103 **P1034.14 - 1 ALBYNS CLOSE, RAINHAM - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 19 DWELLING HOUSES WITH ASSOCIATED AMENITY, PARKING AND LANDSCAPING**

Officers advised that one late letter of representation had been received which requested that the existing properties be refurbished rather than demolished.

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £8,000 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

104 **P0324.14 - 41-43 MAYLANDS AVENUE & 70 CORONATION DRIVE, ELM PARK HORNCHURCH**

The application before Members proposed the demolition of the existing office building and the construction five 2-bedroom flats with associated parking.

During a brief debate Members discussed the residential density of the area which appeared to be above that which was suggested in the Council's planning policies.

The Committee noted that the proposed development qualified for a Mayoral CIL payment of £3,800 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 £6,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, 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.

105 **P0271.14 - LAND AT EAST HALL FARM, RAINHAM**

The planning application before Members proposed the extraction of approximately 1.15 million tonnes of sand and gravel at East Hall Farm over a ten year period, with subsequent infilling and restoration to agricultural use. The processing of extracted material would take place at Rainham Quarry, with transportation of the material by road.

Rainham Quarry would also be restored, following the extraction of any remaining sand and gravel, to a publicly accessible recreation area in accordance with details previously approved.

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

The objector commented that the proposal would have a detrimental effect on Wennington village due to operational noise, dust and road movements by lorries transporting gravel to and from the processing plant. The objector also commented that the proposal was harmful to the Green Belt and visual amenity of the village and could lead to possible traffic accidents due to the many vehicular movements taking place.

In response the applicant confirmed that the application was not connected with existing schemes of a similar nature that were currently in operation in the area and that the proposed works would only commence once the existing operations at Spring Farm had been concluded.

With its agreement, Councillor David Durant addressed the Committee.

Councillor Durant commented that the proposal along with other operations currently taking place in the area would have a cumulative effect on the village of Wennington and affect the amenity of residents. Councillor Durant asked that if the Committee were minded to approve the granting of planning permission that additional conditions be included covering the commencement date of works and the types of waste and soils that could be deposited onto the site.

During the debate members discussed the levels of contributions towards the upkeep of the road infrastructure that had been proposed by the applicant, road signage surrounding the entrance/exit to the site and hours of operation of movements between the site and the processing plant. It was agreed that the Head of Regulatory Services be given authority to negotiate an increased contribution towards the annual contribution towards highways.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into and completing a Section 106 Legal Agreement pursuant to Sections 106 and 106A of the Town and Country Planning Act 1990 to secure the following:

- The payment of at least £5,000 per annum (see below), for the duration of the proposed development, towards the cost of maintaining Lauanders Lane;
- The dedication of a public right of way on land owned by the applicant, to the east of Rainham Quarry, as depicted on the plan entitled “proposed bridleway route” (received on 17 July 2014), through a Section 25 Agreement under the Highways Act 1980;
- Adherence to a lorry routing agreement, to be approved in writing by the Mineral Planning Authority prior to commencement, to ensure that heavy goods vehicles associated with the proposed development do not travel through Rainham, Wennington Village, along East Hall Lane with the exception of the approved crossing point between the two extraction areas located either side of East Hall Lane, or along Lauanders Lane to the north of the Rainham Quarry entrance, at any time;
- The planning obligations in the agreement dated 16 March 1995 in respect of planning permission P2239.87 as varied by subsequent Deeds of Variation pursuant to Section 106A of the Town and Country Planning Act 1990 dated respectively 22 July 1998, 20 December 2006, and 1 March 2012 (copies of which are annexed to this report at appendix 1), will be repeated in this agreement to the extent that they have not already been discharged at the discretion of the Head of Regulatory Services and will include amongst other obligations the agreement of the Council and the owner/developer to set aside the following planning permissions ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63, PL/DB15/2143(A) and L/HOR/428/63 (PL/DB15/2143) without application for compensation under the Town and Country Planning Act 1990;
- The planning obligation in the agreement dated 1 March 2012 in respect of planning permission P1323.11 (a copy of which is annexed to this report at appendix 2), will be repeated in this agreement to prevent the importation and processing of skip waste at the site;

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 Council’s reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;

- The Council's planning obligation monitoring fees shall be paid 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 and to include the following amended/ additional conditions and negotiation upwards of planning obligation on highway contribution:

- Incorporate into condition 38 a requirement for road safety signage.
- Adjustment of the legal agreement head to require upward of £5,000 pa highway maintenance contribution, the amount to be negotiated by Head of Regulatory Services.
- Informative encouraging the developer to be vigilant in addressing any highway maintenance issues caused specifically by their operations.

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

Councillor Williamson abstained from voting.

106 **P0887.13 - 191-193 NORTH STREET, ROMFORD - DEMOLITION OF SHOP AND FLAT OVER, CONSTRUCTION OF 7 NEW APARTMENTS WITH ASSOCIATED PARKING.**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £140, (and not £3,620 as quoted in the report), and without debate **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 £36,000 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.

107 **P0963.14 - CROWLANDS INFANTS & JUNIOR SCHOOL, LONDON ROAD ROMFORD - INSTALLATION OF A MULTI-USE GAMES AREA, WOODEN PLAY STRUCTURE, A LIBRARY BUS AND ADDITIONAL SOFT LANDSCAPING**

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

108 **P1133.14 - ORCHARD VILLAGE - VARIATION OF CONDITION 21 OF P2058.08 TO INCLUDE D1 USE**

- A. The Committee considered the report and without debate **RESOLVED** that the S106 agreement dated 3 November 2009 (as previously varied on 5 December 2012) be varied to include use within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) as one of the uses that the building defined as the “Community Hub” may be used for
- That the owner/developer pay the legal costs associated with the preparation of the Section 106 Deed of Variation irrespective of whether the Deed is completed or not.
 - All recitals, headings and clauses of the original agreement dated 3 November 2009 shall remain unchanged unless there are consequential changes resulting from the above Head of Term.
- B. That the Head of Regulatory Services be authorised to enter into such legal agreement and upon completion of it, to grant planning permission subject to the conditions as set out in the report.

- 109 P0819.14 - LAND ADJACENT TO HILLDENE AVENUE, HILLDENE CLOSE AND BRIDGWATER ROAD, HAROLD HILL, ROMFORD - DEMOLITION OF FILLING STATION CONSOLE BUILDING AND CANOPY, REMOVE HARDSTANDINGS AND ERECT TWELVE TWO-STOREY SEMI-DETACHED AND TERRACED DWELLINGS AND NINE SELF-CONTAINED FLATS IN A THREE-STOREY APARTMENT BLOCK, CONSTRUCT BIN AND CYCLE STORES, LAY OUT PARKING AND AMENITY AREAS AND FORM NEW VEHICULAR ACCESSES ONTO HILLDENE CLOSE, HILLDENE AVENUE AND BRIDGWATER ROAD.

The Committee **RESOLVED** that consideration of the report be deferred to allow officers to enter into further discussions with the applicant regarding purpose and need of the application.

Chairman