

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
12 March 2015 (7.30pm - 11.15 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Reg Whitney and +June Alexander

East Havering Linda Hawthorn and Ron Ower

Residents' Group

UKIP Group Phil Martin

Independent Residents Graham Williamson
Group

Apologies were received for the absence of Councillors Michael White and Stephanie Nunn.

+Substitute members: Councillor Robert Benham (for Michael White) and Councillor June Alexander (for Stephanie Nunn).

Councillors Dilip Patel, Roger Ramsey, Brian Eagling, Linda Van den Hende, John Glanville and Lawrence Webb were also present for parts of the meeting.

65 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.

219 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Ron Ower declared a personal interest in application P1638.14. Councillor Ower advised that he was a personal friend of the application site owner.

Councillor Ower took no part in the vote on the proposal having left the room prior to members discussing the proposed application.

220 **P1653.14 - HAROLD HILL LEARNING VILLAGE**

The application before Members was for a reserved matters application. Outline planning permission for the Harold Hill Learning Village was granted in December 2009, with a condition that details of the development, to be developed in phases, be submitted within 5 years. Only one phase had been completed and the present application sought to extend the time for reserved matters applications to be submitted.

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

The objector commented that the application was now out of date and failed to recognise the changes that had taken place in the area. The objector also commented that the open space/playing field was essential to the character of Pyrgo School which would be remaining on the site.

In response the applicant's representative commented that the Council had recognised the changes that had taken place on the site but now needed to progress with the implementation of the rest of the learning village.

With its agreement Councillor Lawrence Webb addressed the Committee.

Councillor Webb commented that the proposal had been a good plan when originally considered but there had been substantial changes since then, the most significant being that Pyrgo School was now an academy and therefore not under the control of the Council.

During a brief debate members discussed the benefits of the proposal and that the application was in outline and that the details would come back to Committee in the form of reserved matters. Therefore detailed reserved matters for each stage would still need to be submitted in the future.

There was an amendment to the reports with the addition of Condition 38 which required the completion of a planning agreement and the deleting of paragraph "c)" of the Recommendation heads of terms. The wording of Condition 38 was as follows:-

Condition 38:

38. Planning Obligation Relating to College - The further education college (shown as Havering College and associated parking on Plan Number P8002) hereby approved shall not be commenced until those with an interest in the relevant part of the application site have entered into an agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- That subject to securing the necessary legal interest in that part of the land to enable the implementation of that part of the

development comprising the further education college within 3 years of the occupation of the further education college, the developer (Havering College or any successor in title to the Quarles Land) shall vacate and demolish all buildings on the Quarles Land and remove all resulting materials including footings of all buildings slabs structures and plant on the Quarles Land and cap services and further immediately following removal of all of the said resulting materials from the Quarles Land the Developer shall cover the Quarles Land with top soil sufficient to promote natural vegetation and sow the Quarles Land with grass seed in the first planting season following removal of material resulting from the demolition if all buildings slabs structures and plant from the Quarles Land.

- That the developer pay the Council's reasonable legal costs associated with the legal agreement prior to completion of the agreement.

Reason: The proposed further education college was inappropriate development in the Green Belt. The very special circumstances put forward were particular to Havering College as the controlling owner of the Quarles campus and therefore no other institute should occupy the new building until the Quarles Campus had been vacated and the site cleared.

It was **RESOLVED** that the proposal was unacceptable as it stood, but would be acceptable subject to:

- a) no direction to the contrary from the Mayor for London,
- b) no call-in following referral of the application to the Secretary of State as a departure from the development plan,

That subject to the foregoing the Head of Regulatory Services be authorised to enter into a legal agreement and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and to include the following amendments

- Additional Condition 38 to require Havering College to enter into a legal agreement.
- Delegation to Head of Regulatory Services to agree wording of Conditions 14 and 15 in consultation with GLA.
- Delegation to Head of Regulatory Services to negotiate with TfL over any possible bus service contribution.

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

Councillors Martin and Williamson voted against the resolution to extend the time limit for reserved matters applications.

221 **P1638.14 - 311-313 COLLIER ROW LANE, ROMFORD**

The report before Members detailed an application for the permission for the variation of conditions 2 and 20 of P0393.12 to enable the ground floor commercial unit to be used for either Class A3 or mixed class A3/A5 purposes between the hours of 08.00 and 23.00 on any day including on Bank and Public Holidays.

Members were advised that a late letter of representation had been received objecting to the proposal on the grounds of noise and parking. A letter had also been received from the local MP objecting to the proposal.

Members noted that the application had been called in by Councillor Dilip Patel on the grounds of the adverse effect on the area and increased noise and disturbance.

With its agreement Councillor Dilip Patel addressed the Committee.

Councillor Patel commented that there were existing parking problems in the area and that extending the opening hours would only exacerbate the problem and create more noise and disturbance to neighbouring properties.

During a brief debate Members discussed the significance of the Planning Inspector's previous refusal to extend the trading hours condition.

It was **RESOLVED** that planning permission be refused as per the reasons contained within the report.

The vote for the resolution to refuse the granting of planning permission was carried by 8 votes to 1 with 1 abstention.

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

Councillor Best abstained from voting.

As discussed previously in these minutes Councillor Ron Ower declared a personal interest in application P1638.14. Councillor Ower advised that he was a personal friend of the application site owner.

Councillor Ower took no part in the vote on the proposal having left the room prior to members discussing the proposed application.

222 **P0098.15 - 1 ETHELBURGA ROAD, ROMFORD**

The application before Members was for the conversion of a care home into a House of Multiple Occupancy. The proposal would retain the 9 bedrooms, all with en-suite shower rooms. The existing common areas would be

converted to facilities such as utility/laundry room, kitchen, lounge/diner which would all be shared.

Members noted that the application had been called in by Councillor Brian Eagling on the grounds of inadequate parking.

With its agreement Councillor Brian Eagling addressed the Committee.

Councillor Eagling commented that the property had been sold because the facilities had become unsuitable for use. Councillor Eagling also commented that if the property was converted then the multiple occupancy would lead to an impact on amenity as the amenity space was totally inadequate. Councillor Eagling concluded by commenting on the lack of refuse storage facilities referred to within the report.

During the debate Members discussed the lack of amenity provision for prospective residents and the effect on the amenity of neighbouring properties with particular reference to the lack of parking facilities. Members paid particular reference to planning policies DC5 and DC33.

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

- Intensity of use proposed would adversely impact on neighbouring residential amenity from noise, comings and goings including noise and disturbance from use of rear garden.
- Intensity of use proposed would result in increased demand for on-street parking to the detriment of amenity of nearby residents and road safety.
- The proposed development had insufficient amenity space for the intensity of the use proposed.

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

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

223 **P0972.14 - 16 & 18 PROSPECT ROAD HORNCHURCH AND LAND TO THE REAR OF**

The report before Members concerned an outline planning application to demolish 16 and 18 Prospect Road for the creation of a new access road to provide nine new detached dwellings and two replacement dwellings.

The application was previously considered by the Committee on 2 October 2014, where it was deferred to enable staff to seek to obtain details of the construction methodology in advance, to control the construction hours and

to agree the phasing of the development. The report was now brought back to Members, updated to reflect the outcome of these negotiations with the applicant. Members also sought clarification on the impact and application of the the Human Rights Act 1998 and Articles 1 and 8 of the European Convention of Human Rights on the rights of those affected by the proposed development.

Members noted that the application had been called in by Councillors Roger Ramsey, Ron Ower and Darren Wise.

Councillor Ramsey requested the application be called in to the Committee, on the grounds of its impact on neighbours and the streetscene.

Councillor Wise requested the application be called in to Committee, as the previous proposal had issues regarding overcrowding and insufficient pedestrian access to the site via the access road and this required a more detailed review.

Councillor Ower requested the application to be called in to Committee, due to the previous planning history for the site, the closeness to the Green Belt and possible traffic problems.

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 proposed development would have a severe negative impact on the quiet and peaceful environment of Prospect Road. The objector also commented that whilst understanding that everyone had human rights there seemed to be little consideration being given to the human rights of the elderly neighbours living either side of the development site who would be subjected to the impact of months of excessive noise, disturbance and stress.

In response the applicant's representative commented that the restriction on construction hours would lead to a delay in completing the project and would extend the noise and disturbance on neighbouring properties. The representative also commented that the application was recommended for approval by officers and had only previously been refused by the Planning Inspectorate due to the lack of a financial agreement being in place.

With its agreement Councillors Roger Ramsey and John Glanville addressed the Committee.

Councillor Ramsey commented that the Planning Inspector had not addressed the human rights issues connected with the application as he had dismissed the appeal on other grounds. Councillor Ramsey also commented on the proposal which allowed for the "cutting in half" of the two bungalows and the effect this would have on the elderly residents.

Councillor Glanville agreed with Councillors Ramsey's comments and also commented that both of the residents were elderly with one in particular suffering from ill health.

During the debate members discussed the possibility of the proposal being rejected which in turn could lead to an appeal to the Planning Inspectorate and the possibility of the Council facing costs if the inspectorate found in favour of the applicant.

Members also discussed the applicant's apparent negative response to the changing of the hours of construction condition which would have gone some way to alleviating some of the inconvenience suffered by the elderly neighbours.

The Legal Adviser to the Committee advised that human rights legislation was a qualified or limited right and not an absolute or unqualified right. The legal advisor referred to and cited paragraphs 8.7.4 – 8.7.6 of the report.

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

- The proposal would result in the demolition of 2 x halves of semi-detached properties where the occupiers of the remaining halves were single housebound vulnerable elderly people with medical conditions. Given the particular characteristics of the occupiers of the retained halves in this case, there were significant concerns that the demolition stage of the proposal would cause unacceptable levels of stress to those occupiers through noise, dust, vibration, mental anguish, uncertainty and loss of quiet enjoyment of their home. Whether conditions or other legislation could adequately address the concerns had been carefully considered, but in this case it was considered that the particular vulnerability of the existing occupiers meant that the concerns could not be overcome. The proposal would seriously impinge upon the Human Rights of the occupiers of the adjoining properties and was therefore considered unacceptable.

224 P0104.15 - 57 BROOKDALE AVENUE, UPMINSTER

The application before Members sought an alteration to a previously approved scheme for two new dwelling houses to the rear of 57 Brookdale Avenue. The previous application proposed two adjoining properties, however consent was now sought to create a separation distance between the two dwelling houses making them detached.

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 proposal would lead to noise and light pollution and had inadequate parking.

During a brief debate Members discussed the possibility of acoustic fencing alongside No 51 Brookdale Avenue to help dissipate noise.

The Committee noted that the proposed development qualified for a Mayoral CIL contribution of £3,040 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 £12,000 to be used towards infrastructure costs in accordance with the draft 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.

225 **P1220.14 - OLD WINDMILL HALL, ST MARY'S LANE, UPMINSTER**

The application before Members was for the redevelopment of the site previously in community use for twenty two older person flats, landscaping and car parking.

The application had been called in by Councillor Linda Van den Hende on the grounds of over development, bulk at the location, insufficient parking, and effect on the streetscene and impact on Upminster Park.

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 would create an adverse impact on the three listed buildings situated in close proximity to the development

site. The objector also commented that the proposal would have a detrimental impact on the amenity of Upminster Park and only provided sixteen car parking spaces for twenty two flats.

In response the applicant's representative commented that the comments by English Heritage had been somewhat surprising as there was a varied streetscene in the area. The representative also commented that it was believed that the design was the correct one but alterations to the appearance could be discussed further as there were a number of options available.

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

Councillor Van den Hende commented that the proposal was a large development for the area and that the parking provided was inadequate. Councillor Van den Hende also commented that proposal was of a bulky nature, out of keeping with the streetscene and an overdevelopment of the site.

During the debate Members discussed the bulk of the design and the inadequate parking provision.

Members also discussed the benefits of the proposal noting that it was a national company that specialised in older persons accommodation that was proposing the development and that there was some flexibility in the final design.

Members received clarification of the distance between the proposed development and properties in Gridiron Place that could have been subject to overlooking.

Following a motion to refuse the granting of planning permission which was lost by 3 votes to 5 with 3 abstentions.

The Committee noted that the proposed development qualified for a Mayoral CIL contribution of £54,800 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:

- The financial contribution of £312,000 to be paid prior to the commencement of the development, to be used towards the provision of affordable housing within in Havering in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A financial contribution of £132,000 to be paid prior to the commencement of the development, 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 should 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 was completed.
- The Developer/Owner to pay 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 with a minor correction to Condition 21 by replacing reference to section 273 of the Town and Country planning act 1990 with section 257.

The vote for the resolution to grant planning permission was carried by 5 votes to 3 with 3 abstentions.

Councillors Misir, Benham, Best, Crowder and Kelly voted for the resolution to grant planning permission.

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

Councillors Alexander, Martin and Williamson abstained from voting.

226 P1655.14 - SULLENS FARM, SUNNINGS LANE, UPMINSTER

The report before Members was for an application for the conversion of existing brick barns to create three new apartments, demolition of modern barns, to allow construction of six new houses, removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking.

The application together with the associated application for listed building consent (L0016.14) had been called-in by Councillor Ron Ower on the grounds of the closeness of the site to the Green Belt, the additional traffic that would be generated and the planning history of the site.

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 proposal would attract extra traffic to the site, result in a loss of privacy for neighbouring properties and also disregarded the openness of the Green Belt.

In response the applicant's representative commented that the proposal would reduce the volume of buildings in the Green Belt. The representative also commented that the reduction in the Green Belt footprint had been agreed in conjunction with planning officers and that the site would be managed by a management company.

During a brief debate Members discussed the impact the proposed development would have on the openness of the Green belt and its impact on the amenity of neighbouring properties.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was supported unanimously it was **RESOLVED** that planning permission be refused on the grounds that

- Noise disturbance given the proximity to adjoining residential property.
- Scale and bulk of the proposed buildings detracting from the openness of heritage assets and the Green Belt.
- Absence of any mechanism to secure planning obligations.

227 L0016.14 - SULLENS FARM, SUNNINGS LANE, UPMINSTER

Following consideration of application P1655.14 where planning permission had been refused by the Committee it was considered premature to grant listed building consent when no suitable planning permission was in place.

The report recommended that listed building consent be granted however following refusal of planning permission for the development for which listed building consent was sought it was **RESOLVED** that listed building consent be refused on the grounds that

It would be premature and unsupportable to grant listed building consent for a development for which planning permission was refused.

228 P0101.15 - LAND TO THE REAR OF TESCO EXPRESS, OAKLANDS AVENUE, ROMFORD - VARIATION TO CONDITION 2 OF P0813.14 (APPEAL REFERENCE APP/B5480/A/14/2223922) TO CATER FOR ALTERATIONS TO EXTERNAL OPENINGS, INCLUDING CHANGES TO DORMER WINDOWS AND INSERTION OF AN ADDITIONAL FLANK WINDOW

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £13,540 and without debate **RESOLVED** that the Head of Regulatory Services be authorised to enter

into a Deed of Variation under section 106A of the Town and Country Planning Act 1990 (as amended), to vary the legal agreement completed on 16 September 2014 in respect of planning permission P0813.14 to change the definition of Proposed Development to include either planning permission P0813.14 or planning permission P0101.15.

The Developer and/or Owner to bear the Council legal costs in respect of the preparation of the legal agreement Deed of Variation irrespective of whether or not the matter was completed.

Save for the variation to the definition of Proposed Development set out above and any necessary consequential amendments to the legal agreement dated 16 September 2014 all recitals, terms, covenants and obligations in the said agreement shall remain unchanged.

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.

229 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND AT DELDERFIELD HOUSE, PORTNOI CLOSE, COLLIER ROW RM1 4DH**

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

Subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

The Council made a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the plan as the land was required to enable development for which the Council had granted the Planning Permission.

In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.

In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council could proceed to confirm the Order.

In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

230 **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