

**MINUTES OF A MEETING OF THE
TOWNS & COMMUNITIES OVERVIEW & SCRUTINY SUB- COMMITTEE
Committee Room 2 - Town Hall
21 January 2016 (7.30 - 8.30 pm)**

Present:

Councillors Lawrence Webb (Chairman), Linda Hawthorn (Vice-Chair), Robby Misir, Frederick Thompson, June Alexander, Jody Ganly, Ray Best and David Durant

Apologies for absence were received from Councillor Steven Kelly and Councillor Michael Deon Burton

11 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Steven Kelly (Councillor Ray Best substituting) and Councillor Michael Deon Burton (Councillor David Durant substituting).

12 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

13 CHAIRMAN'S ANNOUNCEMENTS

The Chairman gave details of arrangements in the event of fire or other event that may require the evacuation of the meeting room.

14 MINUTES

The minutes of the meeting of the Sub-Committee held on 18 August 2015 were agreed as a correct record and signed by the Chairman.

15 ROMFORD MARKET TRANSFORMATION

The Business Development Manager for Regulatory Services explained that the transformation strategy for the market had recently completed the requisition process.

It was announced that £1 million of funding had been secured for the market transformation work from the London Regeneration Fund. This was the full amount that had been asked for and a business case was now being developed in order to seek to also obtain match funding for the development.

A number of workstreams had now commenced including exit interviews with traders no longer working on the market and detailed financial forecasting. All funds would need to be allocated within two years and an architect had now been appointed to develop the detailed design proposals.

Branding and marketing for the market was also being reviewed and there would be discussions with the traders leading into a full public consultation on the proposals. This would include discussions with retailers based around the market.

The Sub-Committee **AGREED** that further details of the market transformation programme should be brought to the next meeting and congratulated officers on successfully securing the funding.

16 **UPDATE ON HARROW LODGE LAKE**

The Head of Culture & Leisure explained that the Council was investing in Harrow Lodge Park in order to seek Green Flag status for the park. A Friends of the Park group had also been set up in order to increase community involvement in the facility.

It was accepted that there were some problems in the park due to pollution of the river and lake and work was under way to ensure Thames Water took action on this. Pollution entered the river through surface water drains and it was felt that this may be due to either misconnection from nearby residential properties or local businesses not disposing of their waste correctly. Thames Water was trying to determine the source of the pollution and it would then be for the Council's Environmental Health section to take enforcement action. There would however be significant resource implications of doing this. It was confirmed that Thames Water and the Environment Agency had undertaken marketing campaigns about the pollution issue.

A further problem was that, in times of heavy rainfall, sewage could seep up from pipes into the park area itself. Thames Water did clean up these instances but the Council was looking at longer term solutions. The Leader of the Council had also met with Thames Water and the Environment Agency about this issue.

It was noted that it was preferable not to remove swans from the lake unless they were in obvious distress even though some swans and ducks had died in recent years. A Member added that some swans had in fact been

removed to a swan sanctuary. Aerators had been installed in the lakes and one lake had also been desilted in order to help wildlife.

There was not regular monitoring of pollution levels at the lake although both the swan sanctuary and the Environment Agency had done this in the past. The Environment Agency had confirmed however that they would not undertake this work regularly.

The Sub-Committee was informed that Thames Water had commissioned consultants to undertake a study of the lake to look at solutions to this issue and their findings was due in April 2016. The Council would consider the response it wished to make once it had received the report.

In the meantime, the service was considering some short term solutions to the issues with the lake.

The Head of Culture & Leisure agreed to keep the Sub-Committee updated on this matter.

The Sub-Committee **NOTED** the position.

17 **ROMFORD LEISURE DEVELOPMENT UPDATE**

The Head of Culture & Leisure informed the Sub-Committee that the enabling works being undertaken by Morrisons on the Western Road site in Romford Town Centre were about to be completed. This had involved moving an electricity substation and taking the side off one of the office buildings. Practical completion of these works was expected at the end of January 2016.

The Leisure Centre building works, which were being undertaken by Wilmott Dixon, were due to start 4-6 weeks after practical completion and the new Leisure Centre was due to open by May 2018.

The Council was currently tendering the management of its sports and leisure facilities, at this stage it was not clear who the operator of the new Romford facility would be. The Sub-Committee was informed that the first stage bids were due in on 22 January 2016.

The Head of Service advised that the facility mix remained as originally envisaged. The new Leisure Centre would include a 25 metre, 8 lane pool, with a moveable floor covering half of the pool; approximately 200 seats alongside the pool; a leaner pool; sauna and steam facilities; a 100 station gym; a dance studio and bike pinning room; a café and an ice rink with approximately 800 seats.

In response, it was confirmed to the Sub-Committee that the appointed operator would undertake the fitting of the centre.

A Member sought clarification that a thorough evaluation of tenders would be carried out in order to ensure the figures and capital investment plus equipment leasing were not detrimental to the returns due to the council.

A Member raised concern about the running cost for the Hornchurch and Chafford Sport Centres; the Sub-Committee was informed that a formula on the running cost for the new centre had been built in to the contract to be agreed with the operator.

It was noted that the new centre would not have diving facilities, only Hornchurch Sports Centre had such a facility in the borough.

The Sub-Committee **NOTED** the update.

18 **COUNCIL MOTION ON ARTICLE 4 DIRECTION**

Following the resolution of Council, a report had been referred to the Sub-Committee to consider the issue of walls which had been erected at the front of a property in the borough and any action that could be taken as a consequence.

The report detailed that a complaint was received regarding high boundary walls that had been erected at the front of a residential terraced house in Rainham. Following investigation, it was found that two brick walls had been erected to the front of the property along each side boundary. Each wall was 1.96 metres high from the front of the house itself for a distance of 3.25 metres with the height reducing down to 1.15 metres to the front of the property, adjacent to the public highway.

The issue of whether the particular walls fell under permitted development was still being considered. It was considered by officers that the examples of the walls provided insufficient justification of a problem that required the removal of permitted development rights across the borough in relation to walls and fences and that such a proposal was unlikely to be supported by the Secretary of State and would have resource implications.

In terms of whether the wall needed planning permission or not, staff had sampled relevant appeal decisions across the country and it appeared that any wall/fence perpendicular rather than parallel to the highway was not "adjacent" and would likely be permitted development if it was not considered a danger to users of the highway.

The report detailed that there was little guidance or precedent in relation to the issue of danger. Staff were of the view that a high wall/fence that obstructed the view of pedestrians to any vehicle leaving the site and vice versa could be a danger. Unlike a planning application, the decision was not made on policy or the merits for and against. For that reason no third party consultation had been undertaken.

In the circumstances, staff had sought a legal opinion on whether any part of the wall needed planning permission before deciding whether any action could be taken and if so in what form. As to whether any enforcement action could require the removal of the whole wall, it would normally be appropriate for enforcement action to solely address the harm being caused and the actual part of the development which needed permission, so officers' current view was that it would not be appropriate to require the removal of the whole wall, although a legal opinion on this point was also being sought.

The report also informed the Sub-Committee that another important consideration was that an Article 4 direction in relation to front walls and fences would result in an unknown number of planning applications being required to be submitted should residents wish to put up a new boundary treatment or replace existing.

An Article 4 direction could result in significant resource implications for the planning service. This outcome would be disproportionate to the comparatively isolated frequency and scale with which householders sought to use permitted development rights for front walls and fences in a way which, by any measure, was markedly and unreasonably harmful to their neighbours.

The Sub-Committee noted that in officers' view the justification for an Article 4 direction covering front walls and fences was weak.

It was considered that there was insufficient justification for an Article 4 direction covering the whole borough with a likely outcome that any Article 4 direction would not be supported by the Secretary of State.

The Council resolution asked the Sub-Committee to consider and recommend any action to Cabinet, but due to the conclusion that the erection of front walls and fences was unlikely to adversely affect the character of the borough or residential amenity, no action was recommended. It was therefore recommended that no further action be taken in relation to Article 4 directions and that subject to legal advice, action on the walls may be taken on the grounds of highway safety.

The current position was that the resident had submitted an application for a certificate of lawfulness claiming that the walls did not need planning permission. There was little clear guidance to enable Planning Services conclude whether the walls required planning permission or not, so the service had sought a legal opinion on the matter. The Sub-Committee was informed that this might take a little time, but it was considered appropriate to base any action on that legal advice.

A Member was of the opinion that enforcement action be taken against the walls in the public interest (even if as a test case) to resolve the problem and avoid the need for an Article 4 direction.

The Sub-Committee noted the report and agreed that no further action be taken until legal advice was received by officers.

It was also noted that the Sub-Committee would be updated on any developments on this matter.

19 **CORPORATE PERFORMANCE REPORT - QUARTER TWO 2015/16**

The Sub-Committee received the Performance Indicators within its remit for Quarters 1 and 2 of 2015. It noted that each indicator was given a red, amber or green (RAG) rating.

The report detailed 21 Corporate Performance Indicators under the remit of the Towns and Communities Overview & Scrutiny Sub-Committee. These related to Regulatory Services, Policy and Performance, Culture & Leisure, Housing, and Economic Development.

An indicator was currently showing an amber RAG status “Percentage of major applications processed within 13 weeks”. In response the Head of Regulatory Services explained to the Sub-Committee that performance would be monitored closely to identify any trends over a longer period as two quarters’ figures were not indicative of a pattern.

Another indicator “Percentage of appeals allowed against refusal of planning permission” was currently recording a red status. The Head of Regulatory Services explained that better pre-planning of major applications in order to avoid revisions and ensure a quick turn-round of the validation process when applications were received had been implemented.

In response to a Member enquiry, the Sub-Committee was informed that the enforcement team was fully staffed.

The Sub-Committee agreed to note the Performance Indicators reports for Quarters 1 and 2.

It also noted that that from the new financial year onwards, the quarterly and annual Corporate Performance Reports would be considered first by the individual overview and scrutiny sub-committees, then the Overview and Scrutiny Board and finally presented to Cabinet..

Chairman