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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
2 August 2012 (7.30 - 8.25 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Jeffrey Brace, Robby Misir, Frederick Osborne, +Steven Kelly, +Pam Light and +Billy Taylor

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Sandra Binion, Mark Logan, Garry Pain and Barry Tebbutt.

+ Substitute Member: Councillors Billy Taylor (for Sandra Binion), David Durant (for Mark Logan), Pam Light (for Garry Pain) and Steven Kelly (for Barry Tebbutt)

Councillors Andrew Curtin and Linda Van den Hende were also present for parts of the meeting.

10 members of the public and a representative of the Press were present.

There were no disclosures of pecuniary interest.

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.

42 P0598.12 - 223-225 ST MARY'S LANE, UPMINSTER

The proposal was an outline application for the erection of a 40-bed residential care home for the elderly. The proposal was in outline form only with access, appearance, layout and scale to be determined. Landscaping was reserved for future consideration.

The proposed building would comprise of 4 levels and a basement level, 40 bedrooms (all with en-suite), kitchen, laundry, staff kitchen and lounge facilities, storage, a “celebrations” room, hairdressers/therapy room, managers and admin rooms, dining rooms, resident lounges, assisted bathrooms, cinema, staff training room and roof garden. 11 parking spaces would be provided as part of the proposal.

16 letters of representation had been received along with comments from 3 statutory and non-statutory consultees.

It was noted that a Mayoral Community Infrastructure Levy (CIL) payment of £44,052 was liable for the proposed development.

With the Chairman’s agreement, Councillor Linda Van Den Hende addressed the Committee. Councillor Van Den Hende commented that there was significant local public support for the scheme and that Council staff’s only objection to the scheme was on the basis of design, not the principle of development. In her view, the design would enhance the appearance of the street scene and was considerably more attractive than a nearby development which was contemporary in its design and looked out of keeping in the street scene. She urged the Committee to approve the application.

During the debate, members discussed matters concerning the design of the proposed development, specifically whether it would improve the appearance of the street scene. A discussion also took place in respect of the massing and scale of the proposal and whether it would overly dominant in the street scene to the detriment of neighbouring amenity, and whether there was sufficient parking provision included as part of the proposals.

A motion was proposed that planning permission be granted on the basis that the proposal would not be overly dominant in the street scene; it was well served by local public transport and there was sufficient nearby car parking. That motion was lost by 2 votes to 9. Councillors Hawthorn and Ower voted for the motion to grant planning permission.

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report. The vote for the resolution to refuse planning permission was passed by 9 votes to 2. Councillors Ower and Hawthorn voted against the resolution to refuse planning permission.

43 **P0624.12 - 168/174 & 182/186 SOUTH STREET, ROMFORD**

The proposal was for the construction of an additional storey to the existing 3-storey sections of the building to provide 7 additional flats. It was proposed to provide 4 flats (2, 2-bed and 2, 1-bed) above 168-174 South Street and 3 flats (3, 1-bed) above 182-186 South Street. Each flatted section would also have separate cycle and refuse stores.

It was noted that 8 letters of representation had been received along with comments from a local ward councillor, and comments from 4 statutory and non-statutory consultees.

It was also noted that a Mayoral CIL payment of £8500 would be liable for the proposed development should permission be granted.

With the agreement of the Chairman, Councillor Andrew Curtin addressed the Committee. Councillor Curtin commented that the proposed development would have a detrimental effect on neighbouring amenity, particularly for the elderly residents who lived in nearby Gibson Court, through loss of daylight and privacy. He referred to Policy ROM14 of the Romford Area Action Plan which sought to improve the character of the area; in his view, this application detracted from that aspiration. Councillor Curtin urged the Committee to refuse the application.

Members voiced their disapproval at the proposal with comments concerning its overbearing impact on adjoining occupiers and the loss of amenity they would suffer as a consequence. Members commented that the proposal was of a poor design and would be visually intrusive, detracting from the street scene.

The report recommended that planning permission be granted, however following a motion it was **RESOLVED** that planning permission be refused on the grounds that the proposal was of poor quality design, detracting from the street scene resulting adverse impact on outlook, privacy and living conditions of residents of Gibson Court, and the overlooking of the communal external amenity area within Gibson Court.

44 **P0547.12 - 25 STATION PARADE, ELM PARK, HORNCHURCH**

The report before members detailed a proposal for a change of use from A1 to a nail bar/beauty salon. It was reported that there would be one employee and that the opening hours would be 9am to 7pm Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays.

10 letters of representation had been received.

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

Following a comment by the objector, members were reminded that competition was not a material planning consideration.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was passed by 9 votes to 2. Councillors Durant and Taylor voted against the resolution to grant planning permission.

45 **P0558.12 - LAND WEST OF FAIRVIEW INDUSTRIAL ESTATE**

The Committee considered a report detailing the application for the construction of a sustainable energy facility comprising the erection and operation of a gasification/power generation plant with associated buildings, plant and infrastructure.

It was reported that conditions 4 to 7 of the report were to be replaced and reworded to reflect Environment Agency recommendations in their letter dated 1 August 2012. In addition, the Section 106 legal agreement was to include an additional requirement for a lorry routing plan so that primary approaches to the site were from the M25/A13 and lorries were not to be routed through Rainham Village during the construction and operation of the development.

It was **RESOLVED** that subject to:

- the expiration of the consultation period on 3 August 2012 and there being no new consultation responses received raising material considerations other than those already considered by Committee; and
- there being no contrary direction from the Mayor of London under the Mayoral referral procedure

The Committee delegated to the Head of Development and Building Control authority to grant planning permission, subject to the completion of a legal agreement and planning conditions. If new material considerations were raised, then the matter would be remitted back to Regulatory Services Committee for its further consideration and resolution.

The Committee noted that the development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) of £18,800.

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:

- The safeguarding of an area along the riverside part of the site for use as a future riverside walk.

- A contribution of £150,000 to be used, either in part or in full, towards any of the following:
 - Thames side path to the south of the application site
 - Public access improvements between Rainham and the River Thames
 - Street lighting along Marsh Way
 - A public bus bridge over Creek Way.
- A contribution of £1,500 to fund an air quality monitoring program for a period of five years.
- A clause that the developer employs reasonable endeavours to ensure that the recommendations of the Local Employment and Training Scheme are taken into account by the Construction and Operations Contractors during the respective phases of the proposed development and if requested by the Council, to provide evidence of the measures taken to ensure the compliance of these Contractors with the Scheme
- A clause providing for the eventuality that, should the neighbouring Flogas site no longer be needed as a COMAH site, that the developer employs reasonable endeavours to provide a conveyor belt between the proposed facility and the neighbouring waste recycling facility to the east.
- A clause requiring the developer to undertake sufficient work within the site to enable the connection of the proposed facility to a heat network in the area, should one be established in future. The proposal should be connected to the heat network within two years of the network being established.
- Provision of a Travel Plan for employees of the proposed development to the satisfaction of the Council.
- A clause that the operator only uses solid recovered fuel, and only that produced at the Frog Island and Jenkins Lane facilities, except under given circumstances.
- 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 costs in association with the preparation of the legal agreement shall be paid prior to 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, subject to there being no new material considerations, the Head of Development and Building Control 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 but with the replacement and rewording of conditions 4 to 7 of the report to reflect Environment Agency recommendations; and the legal agreement was to include an additional requirement for a lorry routing plan so that primary approaches to the site were from the M25/A13 and lorries were not to be routed through Rainham Village during the construction and operation of the development.

In the event that the Section 106 agreement was not signed and completed by the expiry of this application's determination date on 30 August 2012, planning permission be refused on the grounds that the proposal does not make adequate arrangements:

- (a) for the provision of environmental and connectivity improvements in the local area;
- (b) a Travel Plan;
- (c) an air quality monitoring scheme to measure the impact of the proposal;
- (d) the potential provision of a conveyor belt to provide a sustainable means of transportation between the proposed facility and its waste source;
- (e) for providing training/employment opportunities for local people.

46 L0002.12 - BRETONS SOCIAL CLUB, THE MANOR HOUSE

The Committee considered the report and, without debate, **RESOLVED** to delegate to the Head of Development and Building Control authority to grant Listed Building Consent subject to the conditions as set out in the report; a referral of the application to the Secretary of State and there being no contrary determination. In the event of a contrary determination by the Secretary of State the matter would be remitted back to Regulatory Services Committee for its further consideration.

47 P0554.12 - FORMER COMMUNITY HALL, NELSON ROAD, RAINHAM

The Committee considered the report, noting that a Mayoral CIL contribution of £16,160 was liable for the proposed development. The Committee **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 £48,000 to be used towards infrastructure costs in accordance with 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 agreement prior to the 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.

Staff were 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.

48 **P0539.12 - FORMER DUCKWOOD PUBLIC HOUSE, 59 WHITCHURCH ROAD, HAROLD HILL**

The Committee considered the report, noting that a Mayoral CIL contribution of £13,440 was liable for the proposed development. The Committee **RESOLVED** that the proposal was unacceptable as it stands 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 £36,000 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 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.

Staff were 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.

49 **P0685.12 - FERNDALE, 1 PATERNOSTER ROW**

The Committee considered 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 Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The owners / developers covenants that the occupation of the proposed development shall be restricted to relatives of the owners of the land comprising Ferndale, 1 Paternoster Row;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising Ferndale, 1 Paternoster Row;
- 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 the completion of the agreement.

Staff were 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 passed by 10 votes to nil with 1 abstention. Councillor Durant abstained from voting.

50 **P0649.12 - LAND ADJ 151 HARROW CRESCENT, HAROLD HILL**

The Committee considered the report, noting that a Mayoral contribution of £1,480 was liable for the proposed development. The Committee **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 used towards infrastructure costs associated with the development in accordance with the draft 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.

Staff were 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.

Chairman

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