

REGULATORY SERVICES COMMITTEE

AGENDA

7.30 p.m.

Thursday,
25 August 2005

Havering Town Hall
Main Road, Romford

Members 13 Quorum 5

COUNCILLORS:

Conservative Group (6)

Jeffrey Brace (Chairman)
Jean Gower
Eric Munday
Barry Oddy
Barry Tebbutt
Frederick Thompson

Residents' Group (4)

Eileen Cameron
Linda Hawthorn
Reg Whitney (Vice-Chairman)
Mike Winter

Labour Group (3)

Wilf Mills
Denis O'Flynn
Jeff Stafford

For information about the meeting please contact:

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NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

The Council is committed to protecting the health and safety of everyone who attends meetings of its Committees.

At the beginning of the meeting, there will be an announcement about what you should do if there is an emergency during its course. **For your own safety and that of others at the meeting, please comply with any instructions given to you about evacuation of the building, or any other safety related matters.**

2. MOBILE COMMUNICATIONS DEVICES

Although mobile phones, pagers and other such devices are an essential part of many people's lives, their use during a meeting can be disruptive and a nuisance. Everyone attending is asked therefore to ensure that any device is switched to silent operation or switched off completely.

3. CONDUCT AT THE MEETING

Although members of the public are welcome to attend meetings of the Committee, they have no right to speak at them, there are however particular arrangements for speaking at the Regulatory Services Committee where identified objectors are permitted to address the Committee. Seating for the public is, however, limited and the Council cannot guarantee that everyone who wants to be present in the meeting room can be accommodated. When it is known in advance that there is likely to be particular public interest in an item the Council will endeavour to provide an overspill room in which, by use of television links, members of the public will be able to see and hear most of the proceedings.

In addition to the special arrangements the Chairman of the meeting has discretion, to invite members of the public to ask questions or to respond to points raised at the meeting.

PLEASE REMEMBER THAT THE CHAIRMAN MAY REQUIRE ANYONE WHO ACTS IN A DISRUPTIVE MANNER TO LEAVE THE MEETING AND THAT THE MEETING MAY BE ADJOURNED IF NECESSARY WHILE THAT IS ARRANGED.

If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please leave quietly and do not engage others in conversation until you have left the meeting room.

AGENDA ITEMS**1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**
(if any) - receive.**2 DECLARATION OF INTERESTS**

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

The Chairman will announce the following:

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

4 PLANNING APPLICATIONS – See Index and Reports – Applications within statutory time limits**5 P0084.05 – CLEANAWAY LTD, FREIGHTMASTER ESTATE, RAINHAM**

Regulatory Services Committee, 25 August 2005

- 6 PLANNING APPLICATIONS – See Index and Reports – Applications outside statutory time limits**

- 7 THE HAVERING (20-42 LODGE LANE) TREE PRESERVATION ORDER 02/04**

- 8 PLANNING CONTRAVENTION – 184 ELM PARK AVENUE, ELM PARK, HORNCHURCH**

- 9 URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

**Stephen Evans
Chief Executive**



Regulatory Services Committee

25 August 2005

WITHIN STATUTORY PERIOD

| Page No. | Plan No. | Ward | Address |
|-----------------|-----------------|----------------------|---|
| 1-8 | P1210.05 | Rainham & Wennington | Cleanaway Ltd, Rainham Landfill Site, Coldharbour Lane, Rainham |
| 9-15 | P1231.05 | Emerson Park | Lillyputts Childrens Centre, 272 Wingletye Lane, Hornchurch |
| 15-19 | P1245.05 | Upminster | 1 Little Gaynes Lane, Upminster |
| 19-25 | P1442.05 | Emerson Park | 11 Berther Road, Hornchurch |

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1210.05

WARD: Rainham & Wennington

Date Received: 27th June 2005

ADDRESS: Cleanaway Ltd
Rainham Landfill Site
Coldharbour Lane
Rainham

PROPOSAL: Development of soil recycling area within the boundary of the landfill site to provide soils for restoration

RECOMMENDATION:

To grant planning permission to 31st December 2012 subject to the conditions set out at the end of this report.

REASON FOR APPROVAL:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies MWD1, MWD3 and ENV1 of the Havering UDP, including interim planning guidance 'An urban strategy for London Riverside', policies 4A.1-4, A.3, 4C.1 and 3D.12 of the London Plan and government guidance in PPS10, PPG 9, and PPG25.

REPORT DETAIL:

SITE DESCRIPTION:

The application site amounts to about 7 hectares and lies adjacent to Coldharbour Lane at the northern end of the Rainham Landfill site. The landfill site itself amounts to about 177 hectares that extends along the edge of the Thames from the Common Watercourse, adjacent to the Tilda Rice plant to Coldharbour Point. To the north and west of the application site is an area of former silt lagoons that is part of a nature reserve operated by the Royal Society for the Protection of Birds (RSPB). The wider marshes are a site of special scientific interest (SSSI).

The application site forms a low area that has been excavated for silt used in restoration of the landfill site. The site is some 3 metres lower than elevated mounds that surround the area and the adjoining parts of the landfill site. The land is now largely covered with shallow water as a result of rainfall and run-off as there is no drainage outlet. The shallow water and small islands have made the site attractive for breeding birds.

DESCRIPTION OF PROPOSAL:

It is proposed to erect plant to process incoming inert waste materials to produce soils that are suitable for restoration of the adjoining landfill site. The proposed plant would be capable of carrying out two main sorting processes, screening and washing, to produce soils and reject materials. Before any material is fed into the plant unscreenable materials would be removed. The first screening process would separate soil materials from larger items, such as stones, concrete or lumps of clay etc. The second process would wash the larger materials to remove

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1210.05

further soils. The soils materials would be stored in stockpiles for later transport to the restoration areas.

A series of lagoons would be constructed where the water from the washing process would pass to enable suspended solids to settle out. Clean water would be drawn from the last in the series for re-use in the plant. The remainder of the site would be used to store incoming materials, reject materials and processed soils. The reject materials would either be disposed of on the landfill or reused or recycled.

The materials suitable for processing will be identified at the main site entrance and suitable loads sent to the soils recycling area via internal roads. Some materials would arise under contracts and all loads would need to be subject to appropriate testing for contamination.

A further 2 million cubic metres of restoration material is still required. The applicant wishes to locate plant that will efficiently process inert waste materials in a location where it will not be affected by landfill operations. Previously soils have been used 'as delivered', excavated on site from former silt lagoon areas or processed by mobile plant. The applicant has stated that the use of plant as proposed is the most efficient way of producing reclaimed soils and a fixed location is required for management and economic reasons. It would be costly and impractical to keep relocating the processing area as tipping progresses.

The applicant anticipates that most of the material for processing would come to the site by road, but should the opportunity arise materials could be brought in by river through the existing jetty facilities. The Cross Rail project is one potential source. The proposal is not expected to increase the number of heavy lorries that use the landfill site.

HISTORY (RELEVANT):

P1275.96 Deposit of refuse materials through controlled landfill, provision of materials recovery facilities and creation of contoured landform -approved.

P0442.05 Development of soil recycling area within the boundary of the landfill site to provide soils for restoration - withdrawn due to Environment Agency objection.

CONSULTATIONS AND REPRESENTATIONS:

The Environment Agency previously objected on the grounds that the site lies in a high flood risk zone but the application was not accompanied by a flood risk assessment. This matter has been resolved and no objections are raised.

English Nature has no objection to the application subject to the applicant:

" seeking advice regarding breeding birds on the site prior to any operations;

" undertaking an evaluation into the invertebrate interest of the site and the need for potential mitigation measures;

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1210.05

" considering the opportunity to use sands and gravels derived from the soil processing to create habitats as part of the landfill restoration scheme;

" restoring the site as a wetland feature on completion of operations.

The Port of London Authority supports the principle of transporting waste to the site by river. The PLA is aware of a number of upcoming redevelopments of major riverside sites that could be a potential source of restoration material. The PLA (as owner of the land) supports the proposal as the most practical solution to providing the quantity of restoration materials required.

The Royal Society for the Protection of Birds which runs the nature reserve on adjoining land does not oppose the application on nature conservation grounds. However, RSPB would wish the council to resolve issues regarding the final land use of the area, especially the matters raised in the London Development Agency's Visitor Study of the Conservation Park. As part of this to develop and give status to a master plan for the area that includes and is compatible with the development of the flagship conservation park cited by the Government in their document Greening the Gateway.

The Greater London Authority/Mayor has been consulted on this application because the annual processing capacity is in excess of 50,000 tonnes. The GLA has yet to respond, however, should members be minded to grant planning permission then the application would need to be referred formally to the Mayor, who could direct that planning permission be refused. In a separate response on application P0084.05, also on this agenda, the GLA raise the matter of potential conflicts with the proposed London Riverside Conservation Park. Any late response will be reported at the meeting.

The application has been advertised as major development and neighbours notified. Two letters of representation has been received, including one from a ward councillor. One letter of objection was received to the earlier, withdrawn application. Objections are raised on the following grounds:

" the site is too close to the riverside car park and adjoining pathways, and would have an adverse impact on the tranquillity of the area.

The restoration should take place by 2012 (the date for the cessation of waste input by road, other than restoration material);

" Increase in dust and odour which the applicant has been unable to control in hot weather, affecting the amenities of residents;

" Problem of fires on the landfill site;

" Noise impact on public areas;

" Adverse impact on wildlife;

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1210.05

" Would impede future plans for
conservation park;

" Processing activities should be located elsewhere.

STAFF COMMENTS:

POLICY CONSIDERATIONS:

The main government guidance relevant to this application is set out in PPS10 'Planning and waste management', PPG 9 'nature conservation' and PPG25, Development and Flood Risk. The relevant UDP policies are MWD1, MWD3 and ENV1. Interim planning guidance 'An urban strategy for London Riverside' and the London Riverside- development options consultation document are also relevant. The London Plan includes policies for waste management, the movement of waste by river and on nature conservation; policies 4a.1-4A.3, 4C.1 and 3D.12

PLANNING ISSUES:

The main issues for consideration by members are:

" whether this is an appropriate waste management use in this location and whether it would meet government and London Plan guidance on sustainable waste management;

" whether the establishment of the facility would compromise nature conservation objectives for the scrape area;

" whether it would compromise the development of the London Riverside Conservation Park and the opportunities for opening up restored areas to public access, and

" whether it would have a significant impact on the area from noise, dust and visually, such as to seriously affect nature conservation interests nearby or the public's enjoyment of riverside areas.

WASTE:

The waste that would be processed at the site is required to restore the landfill area under current planning permissions. Therefore, the proposal would not involve any additional waste disposal capacity; the waste would be coming to the site anyway. The proposed processing seeks to maximise the quantity of soil materials that can be recovered and represents an efficient use of the incoming waste that in some cases might otherwise be disposed of. Therefore, it can be argued from a waste management viewpoint, that the proposal is sustainable and would in principle accord with government and London Plan guidance. The question is, therefore, whether the proposed location is acceptable taking account of the other issues set out above.

NATURE CONSERVATION:

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1210.05

The application site currently has some nature conservation interest, mainly due to its wetland character. Wading birds bred on the site earlier in the year, including some protected species. However, the site has no specific designation. Neither English Nature nor RSPB raise objections on nature conservation grounds. However, they both wish to see the site developed as a scrape (an area of shallow seasonal water formed by scraping off the surface layers to form a shallow depression) in the longer term and any potential conflicts with the conservation park resolved as quickly as possible.

Government guidance in PPG9 recognises the importance of undesignated sites and the role they can play in providing links and stepping stones between designated sites. The application site would provide such a link between the Thames and the SSSI to the north. However, the guidance offers such sites no specific protection other than nature conservation objectives should be taken into account in planning decisions. The London Plan offers similar general guidance and identifies the opportunities that may arise for positive gains for nature conservation through new development.

Staff consider that, in light of the comments from English Nature and RSPB, and the guidance in PPG9 and the London Plan, that the site is not of such nature conservation importance to warrant rejecting this application on this ground. This site will be developed as a scrape under the current planning permission, thereby meeting the Mayor's policy. This proposal would not change this, only the timing of its implementation.

CONSERVATION PARK:

Proposals to establish a conservation park, comprising the Rainham landfill site and the SSSI to the north are contained in the 'urban strategy for London Riverside' adopted by the council as interim planning guidance. The implementation of the proposals was also included in the council's consultation document on development options. The Mayor supports these proposals and the London Development Agency has funded a number of studies into various visions for possible development of the park. However, there are no firm proposals for the park, such as the timing of its development, or the facilities that might be required.

Staff consider that in the absence of any firm proposals there is currently no case that the current application would prejudice the conservation park's implementation. However, within the lifetime of the proposed plant a scheme may well be agreed and staff are concerned that its early implementation could be affected. Discussions have been held with the applicant with the aim of securing improved public access on a phased basis as early as possible and raising the public profile of the site and the benefits it provides now and are planned for the future. The applicant has agreed to a review of the approved restoration scheme with the view of providing additional public access in advance of the site's full restoration. A public consultation exercised has been undertaken which included a public exhibition at the site's offices.

ENVIRONMENTAL IMPACT:

The main environmental impacts of the development would be from the visual impact of the plant and stockpiles and the impact on nature conservation interests. English Nature is satisfied that there would be no significant adverse impact on designated areas, such as the

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1210.05

SSSI to the north. However, no operations could take place on site during the main bird breeding season to safeguard those breeding on site. Staff are also satisfied that there would not be a significant impact from noise and dust.

In relation to visual impact staff are concerned that this is one of the more visible areas of the site from the public highway and other public areas. This could detract from the overall appearance of the site as the restoration of adjoining areas is progressed. Members may also be concerned about this and consider that the existing infrastructure area at Coldharbour Point or other parts of the landfill would be better locations. However, there is insufficient room at Coldharbour Point and a fixed location is necessary to justify the level of investment required. The facility could not be located where tipping operations are due to take place as this would require it to be relocated on a regular basis. The visual impact could be offset to a degree, with appropriate landscaping and operations could be time limited to encourage quicker processing and restoration. This would also allow for the possibility of riverborne materials being delivered to the site as encouraged by the PLA and a number of potential sources have been identified. A time limit might also encourage a faster rate of soil production. On the other hand members are reminded that this is an operational landfill site where activities take place on many parts of the site and that the areas available for processing diminish as areas are completed. Therefore, members will need to balance the requirements of the applicant and the need to restore the site, with the impacts the operations would have. The commitment by the applicant to review the timing and areas for public access might help to offset some of these concerns. Staff consider that in these circumstances an appropriate balance could be achieved and that the principle of the development is considered acceptable.

CONCLUSIONS:

Staff consider that subject to a limitation on the period of processing that the development can be considered acceptable in principle. The development would assist in securing restoration of the site within the agreed timescales by helping to ensure that the required restoration materials can be provided in sufficient quantities. This could also assist in achieving earlier public access where this is found to be practicable. Staff also consider that subject to appropriate conditions the development would not give rise to unacceptable environmental impacts, including those on nature conservation. However, it will be a matter for members to judge whether, on balance, it would be acceptable for the site to be used temporarily for waste processing or whether it should be allowed to develop now into a wetland habitat, rather than at a later date.

Should members agree the recommendation the application would need to be referred to the Mayor of London as a strategic waste application who has powers to direct refusal.

RECOMMENDATION Grant Planning Permission subject to the following conditions:

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1210.05

1. SC4 (Time limit)
2. This permission shall be for a limited period only expiring on 31st December 2012 on or before which date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:

In order that the Council may retain control over the development.

3. No goods or materials shall be stored on the site in the open above height of 4 metres without the prior consent in writing of the Local Planning Authority.

Reason:-

In the interest of visual amenity, and that the development accords with Unitary Development Plan policy ENV1.

4. The premises shall not be used for the purposes hereby permitted other than between the hours of 07.00 and 18.00 on Mondays to Fridays and 07.00 to 13.00 Saturdays, and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Unitary Development Plan policy ENV1.

5. SC32 (Accordance with plans)

6. SC11 (Landscaping)

- 7.

All restoration material derived from the screening process shall be used on the adjoining landfill site and all residual material shall be disposed of at that site. No materials shall be otherwise sold or taken from the site for use or disposal elsewhere.

Reason:

Planning permission is granted solely in connection with restoration of the landfill area.

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1210.05

8. Site preparation works and the installation of plant and equipment shall not take place between March and July.

Reason:

To avoid disturbance to breeding birds.

9. Prior to the commence of the development hereby permitted a scheme detailing measures to suppress dust during operations shall be submitted to the local planning authority for approval. The scheme shall be fully implemented as approved during soil processing operations.

Reason:

In the interests of amenity

10. All road access to the site shall be from the existing site access from Coldharbour Lane marked in green on the enclosed plan. No other road access shall be used for bringing waste materials to the processing plant.

Reason:

To minimise disturbance to the Coldharbour Lane cycleway and the access to the riverside car park, and in the interests of highway safety.

1. **INFORMATIVE:**

REASON FOR APPROVAL:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies MWD1, MWD3 and ENV1 of the Havering UDP, including interim planning guidance 'An urban strategy for London Riverside', Policies 4A.1-4, A.3, 4C.1 and 3D.12 of the London Plan and government guidance in PPS10, PPG9, and PPG25.

APPLICATION NO: P1231.05

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1231.05

WARD: Emerson Park

Date Received: 30th June 2005

ADDRESS: Lillyputts Children Centre
272 Wingletye Lane
Hornchurch

PROPOSAL: Conversion of existing barn to provide residential/ respite accommodation for ten children, along with external alterations.

RECOMMENDATION:

It is recommended that planning permission be refused.

SITE DESCRIPTION:

The 2.8 hectare site once formed part of Lillyput Farm and now comprises a group of buildings used as a centre for people with severe or profound learning disabilities and multiple handicaps. The main buildings are arranged to the middle and southern end of the site including the Listed farmhouse of Lillyputts. Access to the site is via a hardsurfaced roadway from Wingletye Lane. The barn in question lies to the north east of the main group of buildings beyond, though close to, a smaller barn. The site is surrounded by open grazing land and the nearest residential properties lie some 300m to the west, fronting onto Wingletye Lane. The site lies in the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL:

It is proposed to convert the barn into a residential/respite care accommodation for ten children which would include internal and external alterations. This would represent a significant extension of the existing centre which provides lifetime residential care for children and young people who have severe or profound learning disabilities and multiple handicaps. Each resident is provided with whatever support is necessary for them to enjoy a high quality of life. Both permanent and respite care accommodation are already provided, along with extensive facilities for their care.

There is a minor change to the roof lights of the proposed to the design of the building from the 2004 refused application. However additional information has been submitted in support of this current application. Much of the information relates to Essex and not London.

Based on a population size for LB Havering of 225,000, the National Autistic Society's prevalence rate of 91 children per 10,000 indicates that there are about 2,050 autism sufferers in the Borough. Using the national average, this would equate to 466 under 19s who currently suffer from Autism or related conditions in the Borough.

According to the Commission for Social Care Inspection, there are 105 care homes within 5 miles of the application site (within 10 miles this rises to 358 care homes and within 20 miles, 1,625). According to the agent, of those within 5 miles, only 2 provide places for under 18s with learning disabilities and that this provides only 10 places. However, none deal with autism or respite care leaving the application site as the only provider for this group (23 places)

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1231.05

within a 5 mile radius.

According to the agent, out of 21 Special Schools in Essex only 6 deal with autism and none offer respite care. There are no respite care facilities for children at any care facilities in Havering.

Lillyputts provides a unique facility with high quality facilities specifically designed for autistic children. The existing facilities would be shared by the new occupiers and as such would not require any further building to provide them.

Also provided are two accounts of parents who have children with autism.

The agent also advises that in May 2005, the Queen's Speech indicated that a Childcare Bill is to be introduced which it is intended would place a duty on local authorities to provide flexible, high quality child care places for all families, including disabled children whose families need it most. An extension of facilities at Lillyputts would help to meet this identified need.

HISTORY:

P1361.97 Change of use to residential accommodation for people with severe learning difficulties including part demolition, extension and new build - approved 18/3/98;

Duplicate applications P1454.00 and P1601.00 - conversion of barn to 20 bedrooms, provision of new façade to open front and alterations to other elevations - refused 9/2/01 - subsequent appeal dismissed 25/7/01;

D0033.03 - use of existing dwelling by not more than 6 residents where care is provided - Certificate granted 17/02/04;

P2325.04 - conversion of barn to provide residential/respite care accommodation for ten children including internal and external alterations - refused 18th March 2005 - a subsequent appeal is currently with the Planning Inspectorate. With the site visit having taken place on 5th August 2005, it is expected that a decision letter can be expected in early September 2005.

CONSULTATIONS/REPRESENTATIONS: 76 letters were sent to neighbouring and nearby properties. The application has been advertised as a departure from the Development Plan and affecting the setting of a Listed Building. 30 letters/emails have been received in response to public consultation together with a petition containing 230 signatories which object to the proposal on the following grounds:

- inappropriate development in the Green Belt
- precedent for further development
- loss of amenity
- inadequate parking
- inadequate ventilation/daylight for future occupiers
- the building would be lit in an area which is currently dark at night
- noise and disturbance
- increase in movements both of pedestrians and vehicles around the site
- contrary to UDP policy
- increase in traffic of access road
- the large number of windows and doors would change the appearance of the barn from all

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1231.05

directions

- it is unnecessary to make all the provision on one site
- a Planning Inspector has already dismissed a similar application on Green Belt grounds
- there are no special circumstances
- it would result in Grade 2 Farm Land being used for residential purposes

The Emerson Park and Ardleigh Green Residents' Association also object for the same reasons given above.

One letter has been received supporting the application.

Havering NHS Trust have replied that they have no comments. The Crime Prevention Officer has indicated that he has no material concern but requested that a condition offering his services be attached to any approval.

OFFICERS' COMMENTS:

Members will remember that a similar application was considered at Committee in March this year and that it was refused planning permission. This is currently at appeal and a decision letter is expected soon, but probably in early September 2005. The remainder of this report is substantially the same as that presented to the March committee, amended to include details of a minor change to the design of the barn conversion and incorporating further information regarding the need for the extension to the existing facility.

The issues in this case concern the appropriateness of the use in this location; the impact of the development on the open nature and character of the Green Belt; impact on neighbouring residential properties and a Listed Building. Policies GRB2, GRB10, GRB16, ENV1 and ENV4 of the Havering Unitary Development Plan and Planning Policy Guidance Note 2 - Green Belts are relevant, as are Policies 3A.10 and 3D.8 of The London Plan. Also, the comments of the Planning Inspector on an earlier appeal are particularly relevant. A principle issue for Members is whether the additional information now provided, justifies the scheme as very special circumstances.

Policy context

Policy GRB2 states that there is a presumption against any new developments (including change of use) in the Green Belt so as to avoid, amongst other things, materially affecting the open nature of the Green Belt. Policy GRB10 suggests that permission will normally be granted for the change of use of redundant agricultural buildings where the proposed use does not have an unacceptable effect on the function of the Green belt, local residents, local roads or the appearance and character of the surrounding area.

The latter policy has now been superseded by the guidance contained in PPG2 in that any building in the Green Belt can be considered for re-use and not just agricultural buildings. PPG2 states that the re-use of buildings inside the Green Belt is not inappropriate development provided that, amongst other things, the following criteria are satisfied. The development should not have a materially greater impact than present use on the openness of Green Belt. Strict controls should be exercised over extensions to the re-used buildings and over any

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1231.05

associated uses of land surrounding the building which might conflict with the openness of the Green Belt. The buildings should be of permanent and substantial construction, and are capable of conversion without major or complete reconstruction.

Policy GRB16 seeks to resist expansion of existing authorised industrial and commercial sites into the Green Belt. Changes of use, intensification of use or other development will only be allowed if they result in a particularly substantial improvement of current environmental conditions and enhancement of the Green Belt.

The proposal involves the conversion of the larger of two barns located to the north-east of the main area of buildings.

Members need therefore to address themselves to the following questions:

- if the development is inappropriate what harm is done to the Green Belt interest as a result of the inappropriate development; and
- is the harm outweighed by advantages or other factors so as to give rise to special circumstances which justify an exception to Green Belt Policy.

There is no change to the volume of the existing building and the only change to the proposed design of the building itself (compared to the refused proposal in March 2005) is the replacement of the 8 individual rear facing roof lights into six strips of in-line corrugated glazing panels. It is therefore more a matter of judgement as to whether the use of the building and the proposed conversion has an impact on the character of the Green Belt, located as it is some way (over 50m) from the main group of buildings and, in relation to those buildings, on the other side of a smaller barn. Since its volume is not affected, it is considered that it will have no worse an impact on the open nature of the Green Belt in this location. Nevertheless, it will spread the current residential use to a corner of the site where there is no such use at present.

The Planning Inspector, in considering a similar development for the conversion of this barn, in 2001 commented that the barn is "a large, dark green, comparatively modern, steel-framed corrugated metal-clad agricultural barn, with an open southern front." At the time the barn was effectively unused for agriculture, however at the time of the officer's site visit it was providing storage for a large amount of hay bales. The representative indicated that this was an arrangement with another and that only a small area was used for the storage of hay for the horse(s) they have on site.

The Planning Inspector summarised that the barn is located in an open area and that it is bounded by further open Green Belt land of entirely rural appearance. He dismissed the appeal on the grounds of encroachment into open countryside without sufficient special circumstances justified for it.

Unlike the appealed application the proposal would not entail new facades (except to the southern elevation) or a new roof. There would be the insertion of two doors to each of the side elevations together with a first floor window in each case and to the rear elevation, a door and the six corrugated glass panels. The southern elevation of the proposed development would have the greatest changes in that a front elevation will be inserted with full height, large glazed sections with some steel cladding in between. The entrance doors would be located centrally in

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1231.05

the front elevation. The front elevation would, with eight bedrooms, the entrance and an office and therapy rooms appear quite different from the existing open-fronted barn, both in its enclosed nature and the proposed use of the building.

The proposal also requires the upgrading of the exiting track by providing a tar sprayed shingle on a compacted layer of scalplings to provide a more usable pedestrian access. This would add considerably to the amount of hardstanding at the site and, again, would extend beyond the existing group of buildings to form a more urban/developed setting.

Unlike the 2001 dismissed proposal, this proposal would expand the existing use of the site rather than introducing a new care element. After the appeal failed, a subsequent conversion of the Lillyputt's farmhouse was undertaken which now accommodates an adult group who formed the previous proposed occupiers of the converted barn.

The applicants indicate that this proposal for the expansion of the facility for an additional 10 children is supported by The Ravensbourne Autistic Group, Corbets Tey School and Havering Association of People with Disabilities. They add that the new residents would be drawn from the Havering area and have provided supporting evidence of the need for additional specialist places and, in particular for respite care.

The Planning Inspector considered that there was possible social benefit to be gained but that the dismissed proposal, as this, would have an impact on the character of the Green Belt. He concluded that as no supporting information was available, that no exceptional circumstances had been put forward to consider a departure from Green Belt Policy.

PPG2 separates the re-use of existing buildings and the construction of new buildings when considering the impact that a development would have in the Green Belt. Generally, the re-use of an existing building would be acceptable, subject to any ancillary development also being acceptable. New buildings are generally not considered to be acceptable unless they are associated with acceptable uses in the Green Belt. Policy GRB2 supports this presumption against new development. The barn was considered to be ancillary to the main use when planning permission was granted for the current use in 1997. The barn would retain its three walls and in this respect the application could be considered to be a re-use of the existing building. However, to make the building habitable extensive works would need to be undertaken and this is the issue that differentiates this application from that previously dismissed by the Planning Inspector.

Whilst it is a matter of judgement, staff consider that the proposed development is not so far removed from the previously dismissed proposal in terms of its impact on the existing rural character of the locality. The Planning Inspector's comments regarding the application not having very special circumstances again becomes a focal point for consideration.

Staff consider that the evidential support provided does indicate that there is a shortage of suitable care facilities being provided for those with disabilities within the autism spectrum. Whether this amounts to the very special circumstances required to consider that planning permission might be granted is a matter of some considerable judgement. The evidence provided points to the current shortfall in provision of facilities and it is clear that a need has

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1231.05

been identified. Also clear from the evidence is that, even if this application was approved, the need for significantly more additional places would not be satisfied.

Whilst it is acknowledged that the current site provides a service for which there is an identified need in the community, Staff are not convinced that the supporting evidence provides the exceptional circumstances required for an extension of this facility which represents a departure from Green Belt policies. There is no specific evidence as to why the conversion of a barn located some distance away from the existing group of buildings is the only way further provision could be made at the site nor that this is the only site in the whole of Havering which could make suitable provision for those with autism living within the Borough. Members may, of course, place different weight on the general need for increased places within the Borough.

Nevertheless, whilst the proposal would help meet an identified need, staff do not consider that this of itself justifies an exception to Green Belt Policies.

Traffic.

Prior to the use being approved in 1997, the previous use of the site as an equestrian centre gave rise to significant levels of traffic including some heavy goods vehicles. With some 47 horses housed within the stables deliveries of animal feeds and transportation of horses to and from events were frequent. Car borne visitors to the site were also significant with riding lessons taking place within the indoor menage and horse events taking place during the summer months. The proposed conversion of the barn is likely to result in an increase in the number of vehicles entering the site. Staff are employed on a shift system with most movement taking place at the beginning and end of each working day. The number of staff employed is expected to rise from between 17-20 to 25/26 on site at any one time. Occupants of the facility will continue to be transported to and from the site by mini-bus. Other visitors to the site will include parents of permanent residents or parents bringing children for a period of respite care. This aspect is likely to give rise to about one or two vehicle movements per day. There is no proposal to increase the current sixteen parking spaces which is considered to be ample for the requirements of the site. Even though the proposed conversion would increase the number of staff and residents at the site, this still represents a considerable reduction in vehicular activities in and around the site from the pre-1997 use. In this respect the levels of traffic may be regarded as no worse than the previous commercial use. Furthermore as no additional hardsurfacing is required there will be no greater impact on the Green Belt. The proposal, therefore, may be considered an improvement on the existing situation.

Impact on residential amenity.

The nearest independent residential properties are set some 300m away to the west along Wingletye Lane and are unlikely to suffer any loss of amenity from the proposed conversion of the barn. These properties have been subjected to the traffic associated with the equestrian use in the past and while the proposal would increase the current levels of traffic, it would not increase to the levels previously associated with the site. It is considered to be acceptable in terms of its impact on residential amenity.

Due to the relative distance from the barn, the setting of the nearby Listed Building would not be adversely affected.

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1231.05

Conclusions.

The proposal would result in the conversion of an existing building which is generally acceptable, subject to conditions being met.

Whilst this is a matter for members' judgement, staff consider that the proposed conversion of the barn would introduce an urban element to a remote part of the site where the character is otherwise open and rural in nature. The evidential information submitted does not, in staff's view, indicate that very special circumstances exist in which the harm to the Green Belt is outweighed by the need for the development. Staff consider that the proposal would allow the spread of this existing facility to an ancillary barn and that this would be contrary to Policy for the Green Belt.

RECOMMENDATION Refusal for the following reason(s):

1. The site is within the area identified in the Havering Unitary Development Plan as Metropolitan Green Belt. The Unitary Development Plan and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy GRB2 of the Havering Unitary Development Plan.

APPLICATION NO: P1245.05

WARD: Upminster

Date Received: 4th July 2005

ADDRESS: 1 Little Gaynes Lane
Upminster

PROPOSAL: Amendment of condition No.4 (Application P0544.00) to allow an increase of number of practitioners from 2 to 4 for a 12 month period.

RECOMMENDATION: The application is recommended for approval subject to the conditions set out at the end of the report. Authority for parking restrictions is also sought.

SITE DESCRIPTION: The application site is a long established doctors' surgery permitted back in the 1970's. It is located on the southern side of Little Gaynes Lane close to the junction with Corbets Tey Road. Adjacent to the west is a residential property, no 3 Little Gaynes Lane, a chalet-style property. To the east is the Little Gaynes Rest Home.

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1245.05

The surgery has fairly recently been rebuilt and comprises a purpose built two-storey building for which planning permission was granted under reference P0544.00.

DESCRIPTION OF PROPOSAL: This application proposes to vary condition No.4 of planning permission P0544.00. Condition No. 4 states "The property 1 Little Gaynes Lane, the subject of this planning permission, shall only be used as a General Practice Surgery with not more than two practitioners practising from the premises at any one time. Reason: To avoid parking congestion in nearby streets and in the interests of residential amenity."

The proposed variation in condition seeks to increase the number of practitioners from 2 to 4.

The practice is presently based on 3 doctors working on a rotational basis, though never with more than 1 doctor and the practice nurse practising and at any one time. The doctors also run a separate practice at 143 Ingrebourne Gardens and, therefore, split their time between the two surgeries. There is also a nurse, who likewise splits her time between the two surgeries, as does the practice manager.

Planning permission has been granted under reference P0024.04 for a new surgery building with car park at 143 Ingrebourne Gardens. The doctors intend to implement this permission and whilst the works are underway the practitioners from that surgery wish to temporarily relocate to 1 Little Gaynes Lane in order that the service can continue.

HISTORY: L/HAV/1243/74 - Erection of prefabricated building for surgery - Approved
P0544.00 - Proposed new surgery - Approved

CONSULTATIONS/REPRESENTATIONS: Eight letters of representation have been received; one of the letters is in support of the proposal the other 7 express concern on the grounds that the proposal would exacerbate an existing inadequate parking situation resulting from the surgery and commuters. The proposal would increase traffic and parking to the detriment of road safety; double yellow lines should be provide on the corners of Little Gaynes Lane and Corbets Tey Road and Little Gaynes Gardens and Little Gaynes Lane; commuter restrictions should be added at the Corbets Tey Road end of Little Gaynes Lane and at the start of Little Gaynes Gardens for the duration of the temporary permission; provision of white lines to mark driveways. Restrictions are necessary to improve the physical environment and living conditions of residents. Harmful effect on value of property; Detrimental to safety of children walking to and from Gaynes School; Little Gaynes Lane is a country lane.

STAFF COMMENTS:

The issues to be considered in this case are the impact of the increase in the number of practitioners on adjacent properties and the surrounding area, as well as car parking implications. UDP Policies ENV1 and TRN18 apply in this case, together with the parking standards set out in Appendix 2. Planning Policy Guidance Note 13: "Transport" is also relevant.

Condition No. 4 of P0544.00 states "The property 1 Little Gaynes Lane, the subject of this planning permission, shall only be used as a General Practice Surgery with not more than two

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1245.05

practitioners practising from the premises at any one time. Reason: To avoid parking congestion in nearby streets and in the interests of residential amenity."

The applicant's agent has stated amongst other things that works are scheduled to commence at the Ingrebourne Gardens site in January 2006 and goes on to state that "the proposal put forward is for the doctors (of which there will be three in practice) to operate from the surgery at 1 Little Gaynes Lane for the construction period which is estimated to be 12 months. Two or three doctors or one or two nurses will operate from time to time at 1 Little Gaynes Lane."

AMENITY:

The proposed variation to condition 4 of P0544.00 would not alter the appearance of the premises. As such there are no streetscene implications. However, it is likely that the proposal would lead to an increase in the number of persons visiting the premises. This may increase the amount of noise and disturbance to neighbouring residential properties. The present surgery is well used by the local community as is that at Ingrebourne Gardens. It is acknowledged that the temporary suspension of facilities provided at Ingrebourne Gardens may cause inconvenience to not only to its existing patients and staff but to the existing residents of Little Gaynes Lane by virtue of the increased use of the premises. Members may agree with staff however, that two additional practitioners would not be likely to raise the levels of noise and disturbance to such a degree as to justify a refusal and in any event this proposal is for a temporary period. There is no intention to alter the approved hours of operation at the site. Should Members be minded to grant planning permission a condition could be imposed that grants temporary permission for a maximum of 1-year or as soon as the new surgery is completed if it is sooner than 1-year, i.e. whichever is the earlier, in order to minimise the use of the Little Gaynes Lane site.

HIGHWAY/PARKING

Turning, to parking/highway issues, there are 4 on-site car parking spaces available for this surgery. UDP standards require in-curtilage parking at the ratio of 1 space per practitioner. Additional parking of 1 space per 2 additional staff, plus 2 per consulting room is also required. Under UDP standards the current situation at the surgery means that there is a shortfall of 4 spaces at that time of granting P0544.00 Members accepted that as an established surgery the parking spaces made available were no worse than the existing situation. The current proposal for 4 practitioners on the site would require an extra 2 parking spaces, which are clearly not available on-site. Members would need to make a judgement as to whether the increase in the activity at the surgery, which cannot be met in terms of additional parking, is acceptable.

There are no parking restrictions along this stretch of Little Gaynes Lane and it is clear that there is extensive parking along the road as a result of the surgery, rest home, commuters and indeed local residents. Staff are of the opinion that the increased number of practitioners could exacerbate the parking situation, however, consideration should be given to the provisions of PPG13 (Transport) when assessing whether such a shortfall would be acceptable for these premises.

PPG13 states that 'The availability of car parking has a major influence on the means of transport people choose for their journeys. Some studies suggest that levels of parking can be

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1245.05

more significant than levels of public transport provision in determining means of travel (particularly for the journey to work) even for locations very well served by public transport. Car parking also takes up a large amount of space in development, is costly to business and reduces densities. Reducing the amount of parking in new development (and in the expansion and change of use in existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices.

The application premises are not located within an area subject to parking controls. However, an application has been received and is being considered by the Council's Strategic Planning and Technical Services Department for the introduction of parking controls at the site. This could result in double yellow lines being introduced in strategic places within close proximity of the site. Should the application be successful it is considered that the introduction of these parking controls could encourage visitors to these premises to utilise modes of transport other than the private motor car. In order to progress that application it is recommended that Members consider within this application granting approval in principle the proposed parking restrictions as recommended by Strategic Planning and Technical Services.

CONCLUSION:

In concluding, the proposed variation to condition 4 of P0544.00 would not have a detrimental impact upon the character of this area or the existing streetscene. It is not considered that the likely increase in visitors to these premises would have a significant impact upon the existing environment.

In terms of noise and disturbance the proposed increase in the number of practitioners would be unlikely to have a significant detrimental impact on the amenity of the neighbouring residential properties above what might be expected from 2 practitioners.

It should be noted that issues regarding impact on the valuation of properties are not material considerations.

It is acknowledged that the proposal would result in a shortfall of 2 spaces, in accordance with UDP standards. However, having regard to the provisions of PPG13 and the site specific circumstances' bearing in mind this is a temporary planning permission to enable the continuation of surgery facilities for residents elsewhere in Upminster while the other surgery is rebuilt; it is considered that on balance a shortfall in parking standards can be justified in this instance. This Committee is also recommended to give in principle approval of waiting restrictions subject to comments or objections.

RECOMMENDATION Grant Planning Permission subject to the following conditions:

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1245.05

1. (A) RECOMMENDATION:

This permission varies planning permission condition No.4 be for a limited period only commencing on the 1st January 2006 and expiring 31st December 2006 on or before which date the number of practitioners operating from the site shall revert back to no more than two persons at any one time in accordance with condition 4 of planning permission reference P0544.00.

REASON:

In the interest of amenity.

2. INFORMATIVES:

1. The applicant is reminded that all other conditions attached to planning permission P0544.00 remain in force.

2. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy ENV1 of the Havering Unitary Development Plan.

3. (B) RECOMMENDATION:

That approval in principle be given to the proposed parking restrictions as shown on the attached plan. In the event that representations are received the Head of Strategic Planning and Technical Services in consultation with the Chair of this Committee be authorised to implement the scheme or present a further report to the Committee.

APPLICATION NO: P1442.05

WARD: Emerson Park

Date Received: 2nd August 2005

ADDRESS: 11 Berther Road
Hornchurch

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1442.05

PROPOSAL: Two No. residential detached dwellings
RECOMMENDATION:

It will be recommended that planning permission be granted subject to the conditions set out at the end of this report.

SITE DESCRIPTION:

The application site is roughly rectangular in shape and is situated on the northern side of Berther Road, east of the junction with Butts Green Road. The application site covers an area of some 0.2 hectares, having a frontage of 37.0 metres onto Berther Road and measuring a maximum depth of 53.0 metres. The current accommodation on the site comprises a two-storey detached property.

The site is located within Sector 6 of the Emerson Park Policy Area and is within an area characterised by two-storey detached housing.

DESCRIPTION OF PROPOSAL:

The application is for the demolition of the existing dwelling and the construction of two new five bedroomed dwellings. The proposed dwellings would be two storey and each have integral double garages.

The proposed dwellings would be mirror images of each other and each measure 16.0 metres in depth by 14.1 metres in width and be 9.5 metres in height to the ridge of a hipped roof. Both dwellings are set 1.8 metres from the party boundaries of the site. Plot 1 would be set back 7.4 metres from the front of the site and Plot 2 would be set 9.4 metres from the front of the site.

A number of small trees would have to be removed for the construction of the proposed development none of which are protected by TPO status.

HISTORY:

P0918.05 - Two residential dwellings - Members will recall that this application (with a recommendation for approval), was deferred from the meeting on 14th July 2005. At this meeting the applicant agreed to move the dwelling situated on Plot 2 back by a further 2.0 metres as a response to a neighbour objection. The application was subsequently withdrawn.

CONSULTATIONS / REPRESENTATIONS:

Notification letters were sent to 30 neighbouring properties. At the time of drafting this report for committee the application was still within the statutory consultation period which expires on 25th August 2005 (also the date of the committee meeting), any subsequent representations received will be reported at the meeting. It should be noted that this is the re-submission of a previous scheme and amendments have been made in line with comments received from the neighbouring occupants.

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1442.05

STAFF COMMENTS:

This application is brought before the Committee because it does not comply with Policy ENV21 with regard to required frontage widths, it is, however, considered that this may be acceptable in this instance.

The proposed dwellings will be assessed against policies ENV1, ENV21, HSG1, HSG5, TRN18 and Supplementary Planning Guidance (Amenity Space) of the Havering Unitary Development Plan. Consideration should also be given to government guidance contained within PPG3 (Housing) and the London Plan. As assessment as to whether the proposal is consistent with the objectives of these policies is discussed below.

Principle of development

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is, therefore, appropriate for residential development in accordance with Policy HSG1 of the Havering Unitary Development Plan. The principle of residential development is therefore considered acceptable in land-use terms and the provision of additional housing is consistent with PPG3 as the application site is within an established urban area. PPG3 prioritises the development of brownfield land then wants efficient use to be made of it.

The Council recognises the need to extend the range and availability of housing in the Borough as reflected in Policy HSG3. When considering proposals for the development of housing sites, the Council's first consideration will be to ensure that each scheme is appropriately designed in relation to the characteristics of the site and its surroundings.

The proposed dwellings would contribute to the Mayor's London Plan objective of increasing the overall supply of housing, specifically relevant are Policies 3A.1 and 3A.2.

Impact on local character

Policy ENV1 of the Havering Unitary Development Plan seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. In this case existing local character is drawn largely from two-storey detached dwellings situated in spacious plots.

The proposals relate to the development of 2 no. two-storey dwellings. Policy ENV21 of the UDP specifically relates to the Emerson Park Policy Area and sets out a number of both general and detailed policy criteria to apply to all forms of residential development. Generally, all new development should retain and contribute towards soft landscaping, development should be compatible with local massing, spacing and architectural character, and development should be consistent with surrounding plot sizes and should make adequate provision for car parking.

With regard to detailed policy criteria Appendix 5 states that new houses should be limited to

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1442.05

infill development of existing frontages with plot sizes equivalent to immediately surrounding properties. Redevelopment will not be permitted where it materially increases the density of the immediately surrounding area. New houses are also required to:

- (i) Comprise detached, large single family dwellings that are architecturally varied;
- (ii) Have plot widths of 23.0 metres;
- (iii) Provide a minimum of 2 covered parking spaces.

The proposal would result in the provision of two detached family dwellings, with integral double-garages. The proposed dwellings would be located in plots that front onto Berther Road and would have frontage widths of 17.2 metres and 19.1 metres respectively. With regard to criteria (i) and (iii) above, these tests are, therefore satisfied.

With regard to the proposed plot widths (ii) these would be less than the 23.0 metres stated in Appendix 5. However, the proposed plot widths would be comparable with the other properties in this section of Berther Road which also fail to achieve the 23.0 metre width. The majority of properties along Berther Road achieve a frontage of between 15.0 and 20.0 metres. The purpose of the policy is to maintain the existing residential character and the spacing between dwellings. On merit the scheme achieves this due to local circumstances even though the Sector 6 width criteria of 23.0 metres is not achieved. Members may take a contrary view and consider the scheme unacceptably prejudices the policy and affects local character.

Policy ENV21 states that new houses should achieve plot sizes equivalent to immediately surrounding properties. The proposed plot areas for each of the new dwellings would exceed 1000 square metres. Other properties within Berther Road and within Sector 6 vary between 575 - 2,430 square metres. The plot sizes would, therefore, not be wholly incompatible with development in the surrounding area. Given the pattern of existing development in Berther Road, it is not considered that the character of this part of the policy area would be adversely affected by the proposed plot sizes.

Density and site layout

Policy indicates that redevelopment will not be permitted where it materially increases the density of the immediately surrounding area and the Interim Planning Guidance for Housing Density has been adopted by the Council in this regard. This guidance has been developed in response to the London Plan and constitutes a density matrix, which has been tailored to reflect the particular circumstances of the borough. The Havering density matrix does, however, not apply to areas of special character within the Borough, including Gidea Park Conservation Area and Emerson Park, as these areas have special policies formulated to ensure that their special character of large units in generous landscaped plots is retained.

In this regard, it is considered that the provision of one additional dwelling in this location would not markedly increase the density of the locality to such an extent that it would result in serious or material harm to the established character of the area.

The proposed development would see Plot 1 set back some 7.4 metres from Berther Road and Plot 2 set back 9.4 metres. Emerson Park is characterised by large detached properties set in

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1442.05

spacious plots, with the separation of properties at the boundaries enhancing the spacious character of the area. This aspect of development in Emerson Park is guided by the criteria set out in Appendix 5 of the Havering Unitary Development Plan. In this regard it is guided that 'no new building or extension to an existing building will be permitted to be built within a minimum of 1.0 metre from an adjoining common party boundary at ground floor or 2.0 metres at first floor' and that these are minimum requirements.

Appendix 5 criteria therefore require a 2.0 metre gap at two-storey level to the common boundary and a 1.0 metre gap at ground floor level. The proposed development would see a flank to flank separation of over 5.0 metres but with a pinch point 3.4 metres wide between the facing chimney breasts. Plot 1 would allow a separation distance of 2.0 metres to the party boundary with No.9 Berther Road. For Plot 2, the proposed dwelling would be located at a distance of some 3.0 metres from the party boundary with No.15 Berther Road. As such, the proposed development would allow sufficient separation distances in accordance with the criteria set out in Appendix 5 of the Havering Development Plan.

Impact on amenity

In response of a neighbour objection, plot 2 has been set a further 2.0 metres back from the front of the site than the previous application (reference: P0918.05) resulting in a total set back of 9.4 metres, this increased set back has not given rise to any detrimental impacts. The footprint of the proposed dwellings generally aligns with the front and rear building lines of neighbouring dwellings and so is not considered to be materially harmful to amenity by way of overshadowing or overbearing impact. The proposed front garage and rear projections to both dwellings would be situated a considerable distance from the neighbouring dwellings and have been designed in accordance with the Supplementary Design Guidance. Furthermore, the proposed front and rear projections would be contained within notional 50 degree lines taken from both neighbouring properties. It is therefore considered that the proposed projections would not materially harm the amenity of occupiers of these properties. No objection to the proposals is therefore raised on the grounds of impact on amenity. However, it is recommended that rights for house extensions be removed to enable control to be exercised over future development.

Both new dwellings would have side access to rear gardens with the garden depths of 29.0 metres. The back to back distance with the neighbouring properties to the rear of the application site in Parkstone Avenue would measure at some 70.0 metres. This is in accordance with the Council's Supplementary Planning Guidance and staff are of the view that the proposed development would not result in material harm to the amenities of these neighbouring properties. No adverse issues are therefore raised in respect of potential overlooking or loss of privacy. The windows created in the flank elevation of each dwelling would serve bathrooms and could be conditioned with obscured glass should the application be granted permission.

Furthermore, the proposed development would allow private amenity space to the rear of each dwelling, exceeding the 100 square metre requirement set by Supplementary Planning Guidance. No amenity issues are, therefore, raised in respect of the future occupiers of the development.

REGULATORY SERVICES COMMITTEE
25th August 2005
WITHIN STATUTORY PERIOD

APPLICATION NO: P1442.05

Parking and highway issues

Appendix 3 of the Havering Unitary Development Plan requires the provision of three off-street parking spaces per dwelling for each of the proposed five bedroom dwellings, of which at least one space should be by garage. The proposed development would have the provision of integral double-garages for each of the dwellings, with additional forecourt parking for at least two additional vehicles being provided. This is in accordance with the Council's car parking standards and no objections are raised in this regard.

The proposed development would see access for each dwelling being taken off Berther Road via the existing vehicular crossovers. No adverse issues are raised by the proposed development in this regard.

Conclusions

In conclusion, it is considered that the proposed development would respect the local character of the area with regard to plot size and the general form of development and would acceptably maintain the spacious appearance of the Emerson Park Policy Area. The proposed development would be sited generally in keeping with the main building lines and would not appear unacceptably obtrusive in the streetscene. It is considered that the proposed development would not result in unacceptable harm to adjacent residential amenity and would secure acceptable levels of amenity to the future occupiers of the site. No adverse issues are raised in respect of highway or parking issues.

RECOMMENDATION Grant Planning Permission subject to the following conditions:

1. SC4 (Time limit)
2. SC08 (Garage) - restriction of use
3. SC06 (Parking provision)
4. SC09 (Materials)
5. SC11 (Landscaping)
6. SC13 (Screen fencing)
7. SC34 (Obscure glazing)
8. SC46 (Standard flank window condition)
9. SC32 (Accordance with plans)

REGULATORY SERVICES COMMITTEE

25th August 2005

WITHIN STATUTORY PERIOD

APPLICATION NO: P1442.05

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A-D, no enlargement of the dwelling shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Unitary Development Plan policy ENV1.

1. **INFORMATIVE:**

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies ENV1, ENV21, HSG1 and TRN18 of the Havering Unitary Development Plan.



| MEETING | DATE | ITEM |
|---------------------|----------------|------|
| REGULATORY SERVICES | 25 AUGUST 2005 | 5 |

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: P0084.05 - CLEANAWAY LTD, FREIGHTMASTER ESTATE, RAINHAM

PROPOSAL: Autoclave processing facility for municipal solid waste
(Date received: 18th January 2005)

WARD: Rainham and Wennington

SUMMARY

It is proposed to develop a waste management facility, known as an autoclave, at the Coldharbour Lane Commercial Area. This would steam treat waste brought to the site in containers from Tower Hamlets. The waste would be transported in barges along the Thames and landed at an existing jetty adjoining the Rainham landfill site. The processing would help to increase waste recycling rates in accordance with government and London Plan targets. Residues from the process would be deposited on the adjoining landfill area. The proposals would accord with London Plan policies and recently issued government guidance. However, there are potential conflicts with emerging proposals to establish a conservation park in the area. Subject to appropriate safeguards on the life of the facility and the source of waste staff consider that on balance the proposals are acceptable and that planning permission should be granted. Should members agree the proposals the application needs to be formally forwarded to the Mayor of London for consideration.

RECOMMENDATION

That the Committee agree that, subject to there being no direction for refusal by the Mayor; the proposal is unacceptable as it stands but would be acceptable subject to the applicant first entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure the following:

Regulatory Services Committee, 25 August 2005

- No development under the permission to commence until a contract with London Borough of Tower Hamlets for the processing of waste through the autoclave has been signed and evidence of this provided to the Council;
- No waste arising under this contract to be delivered other than by river via the existing waste jetty;
- No waste to be processed through the autoclave after 31/12/12 other than that from London Borough of Tower Hamlets contract;
- No other waste contracts to be entered into before 31/12/12 for treating roadborne wastes to utilise any spare capacity;
- No waste intended for autoclaving to be stored outside the application site boundaries.

That staff be authorised to enter into such a planning obligation and that upon its signing grant planning permission for an autoclave processing facility subject to the following conditions:

- SC04 (time limit)
 SC05 (Parking)
 SC09 (Details of materials)
 SC11 (Landscaping)
 SC21 (Personal permission) For the benefit of Cleanaway

Reason: Permission is granted solely to meet the applicant's proposals to take waste from the London Borough of Tower Hamlets.

SC25 (Open storage)

SC32 (Accordance with plans)

SC40 (Internal noise attenuation)

NSC1 The autoclave and associated facilities hereby permitted shall cease operation on 31 December 2020 or at such earlier time as the contract with the London Borough of Tower Hamlets for the processing of waste through the autoclave ceases or is terminated under the terms of that contract.

Reason: The autoclave and associated facilities are permitted solely for the purposes of processing waste from the London Borough of Tower Hamlets that runs to 2020.

NSC2 The autoclave and associated facilities hereby permitted shall be dismantled and all materials and equipment removed from the site by the 30th June 2021 or within such other period as may be agreed in writing with the local planning authority,

Reason: To ensure that the facility is removed from the site as soon as reasonable possible after operations cease in the interests of amenity.

Regulatory Services Committee, 25 August 2005

NSC3 Prior to the commencement of the development hereby approved a report on potential contamination of the site shall be prepared by an appropriately qualified person and submitted to and approved in writing by the LPA. The report shall include:

- i) a survey of the scale and nature of any contamination;
- ii) an assessment of potential risks to the public, buildings (existing or proposed) or the environment, including adjoining land and the water environment; and
- iii) details of any remedial measures necessary to make the site suitable for the proposed use or development.

The remedial measures shall be carried out as approved before the development begins.

If during development works any contamination should be encountered which was not previously identified and is either from a different source of a different type to that identified in the original approved survey then revised remediation measures shall be submitted to and approved by the local planning authority.

If during development works any contamination should be encountered in areas previously expected to be free from contamination, remedial measures shall be carried out in accordance with the approved details prior to the first occupation of the development.

Reason: To protect those engaged in construction and the occupation of the development from potential contamination.

NSC4 The construction of the site surface and foul drainage systems shall be carried out in accordance with details that shall be submitted to and approved in writing by the local planning authority before the development commences. The drainage system shall be constructed in accordance with the approved details.

Reason: To prevent the pollution of the water environment.

NSC5 The construction of the site foundations shall be carried out in accordance with details that shall be submitted to and approved in writing by the local planning authority before the development commences. The foundations shall be constructed in accordance with the approved details.

Reason: To prevent the pollution of the water environment.

NSC6 The development shall be carried out in accordance with the environmental standards, mitigation measures, requirements and

Regulatory Services Committee, 25 August 2005

methods of implementing the development contained in the environmental statement relevant to the development and appendices thereto, submitted in December 2004, the development specification and framework and any Regulation 19 submission documents, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of this permission and the approved strategies, frameworks, protocols and other documents to be submitted pursuant to it.

Reason: To ensure the development is carried out in accordance with the assessment carried out as part of the environmental statement and the mitigation measures proposed therein.

NSC7 No soakaways shall be constructed in contaminated ground.

Reason: To prevent the contamination of ground water.

NSC8 Surface water control measures shall be carried out in accordance with details that shall have been submitted to and approved in writing by the local planning authority before the development commences.

Reason: To prevent the increased risk of flooding and to improve water quality.

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies MWD1, MWD3, EMP4, and MWD14 of the Havering UDP, including interim planning guidance '*An urban strategy for London Riverside*', policies 4A.1-4A.3, 4C.1 5C.1 and 3B.5 of the London Plan and government guidance in PPS10. The proposal would also help to meet the objective of sub-regional self-sufficiency proposed by the Mayor of London in draft revisions to the London Plan. The Havering UDP (policy MWD3) recognises that the Rainham Landfill site has a potential role in the waste management requirements of other parts of London where this can be done in an environmentally acceptable manner, especially where the waste is delivered via the River Thames. The potential for the management of riverborne waste from central London at the Rainham Landfill site is recognised in the S106 planning obligation signed in conjunction with planning permission P1275.96. Planning permission is granted in recognition of these needs and that Tower Hamlets, the source of a majority of the waste to be processed also lies within the East London Sub-region.

Informatives:

1. Planning permission is granted in this case taking account of the linkages with the existing landfill site, including the jetty and the

Regulatory Services Committee, 25 August 2005

provisions of the S106 planning obligation in relation to riverborne waste. Account has also been taken of the existence of other waste management facilities in the vicinity of the application site that are linked to the life of the landfill operations. A judgement has been made in this case over the impact of an additional 2 years taking account of the period of the Tower Hamlets contract and policies/guidance in the London Plan and PPS10. However, the granting of this permission should not be taken as indicating that the council will accept longer term waste management facilities at the Coldharbour Lane Commercial Area. The future of this area for waste management or industrial/commercial use will be determined through the preparation of the Havering Local Development Framework. There is an opportunity to comment on the site's future allocation by responding to the recently published options consultation paper.

2. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 16 metres of the tidal defence structure.
Contact Lucy Martinez on 0207 091 4003 for details.
3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld.
Contact Regulatory Water Quality on 01707 632442 for further details
4. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse.
Contact Environment Management on 01707 632702 for further details
5. The proposed scheme may require a waste management licence in accordance with the requirements of the Environmental Protection Act 1990.
Contact the Regulatory Waste team on 01707 6323000 for further details.

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|----------------------|
| REPORT DETAIL |
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1.0 Site Description:

Regulatory Services Committee, 25 August 2005

- 1.1 The application site lies within an existing commercial and industrial area adjacent to the River Thames at Coldharbour Point. The site area amounts to approximately 1.43 hectares and is currently occupied by companies undertaking crane hire, container refurbishment, and vehicle storage and repair. Access to the site is from Coldharbour Lane via a new access road along the Thames frontage.
- 1.2 To the north of the site is the applicant's waste disposal site and other waste management facilities. These include composting and recycling, leachate treatment and power generation from landfill gas. The industrial area to the south contains mainly storage buildings and the site's offices.
- 1.3 The nearest residential properties are in Erith about 1.3 kilometres (0.8 miles) to the south. Rainham and Wennington are about 2.2 kilometres (1.4 miles) away. To the north of the landfill area is the Inner Thames Marshes Site of Special Scientific Interest (SSSI), which includes a nature reserve run by the RSPB.

2.0 Description of proposal:

- 2.1 It is proposed to construct an autoclave waste processing facility for the treatment of municipal solid waste (black bag waste). The autoclave process is a means of steam heating waste which breaks down the biodegradable content into a stable 'floc' material which can be separated from other recyclable materials such as plastics and metals. The facility is designed to take containerised waste from Tower Hamlets which would be brought to the site by river and landed at the existing jetty. The contract if awarded would be for 15 years to 2020. The application is accompanied by an environmental statement.
- 2.2 The autoclave has a capacity for 160,000 tonnes of waste a year and would operate 24 hours a day, 360 days a year. The capacity has been designed to take the current arisings of 115,000 tonnes a year from Tower Hamlets allowing for future growth over the contract period. Therefore, in the early years of the contract there would be spare capacity for waste from elsewhere. This could include waste currently transported to the site by road.
- 2.3 The proposed building would comprise three internal elements: a waste reception area; the autoclave plant area and a materials sorting plant area. Externally there would be storage areas and car parking. There would also be offices and staff/visitor welfare facilities. The offices would include a small visitor facility. The main building would be L-shaped, of steel frame construction with grey steel cladding. The dimensions would be 70 metres by 35 metres for the main section, and 40 metres by 45 metres for the smaller northern part. The maximum height would be 13 metres.
- 2.4 The treatment process can be summarised as follows:-

Regulatory Services Committee, 25 August 2005

- The untreated waste would be tipped and stored in the reception area from where it would be loaded into hoppers and transported by conveyor to the autoclaves.
 - There would be two autoclaves with associated boilers. The autoclaves consist of horizontal steel vessels about 16 metres long and 3.5 metres in diameter. The waste would be heated by steam in the drum which would rotate during the processing. The two autoclaves would operate on an alternative batch basis, 24 hours a day. Each would have a capacity of 20 tonnes. From the autoclave the treated waste would go to the sorting area.
 - The sorting plant would automatically separate the treated waste materials which would be sold on for recycling. Materials would be transported by conveyor to their respective storage containers.
 - The floc would be loaded into containers for transport off site or stored for later use on the landfill areas for restoration purposes. The amount used on site would depend on contracts for longer term uses for the material being signed. The floc can be used in recycled paper and for making board products.
 - The metals, plastic and aggregates (mainly stones & broken glass) would be mechanically separated from the floc and each other, and stored for future use/processing either at the site or elsewhere.
 - Reject materials would also be separately stored for later disposal on the landfill area.
 - For the 2-3 years at the end of the contract when the landfilling has been completed, all materials would be taken from the site by road for disposal/processing elsewhere.
- 2.5 In addition to the main processing facilities there would be a need for oil and diesel storage tanks; other chemical storage; water storage for steam production, including rainwater storage; effluent and other foul water storage.
- 2.6 The applicant anticipates that the facility would generate 22-26 new jobs with a range of skill requirements from managerial to trained operatives. The workforce would be required on a shift basis to cover the continuous nature of the plant operation. The construction works would take about 12 months to complete, with opening during 2006.
- 2.7 The proposal is intended to increase recycling rates and the quality of the recycled materials. The applicant anticipates that the following percentages of material could be recovered or recycled: metals 6%, plastics 6%, glass 7% and the floc 60%. The 21% of residual waste would need to be landfilled at present, but 6% of this may be capable of being recycled in the future. Until such times as markets for the floc are developed it would be used as a restoration material on the adjoining landfill site. The floc has the potential to be used as a filler in building materials, the fibre content can be used in paper and board and could be used to produce renewable energy. However, this is only the identified potential and achieving any of these uses would depend on final contracts being signed.

Regulatory Services Committee, 25 August 2005

- 2.8 The waste arising from Tower Hamlets would have already had the more easily recovered items removed through borough recycling schemes. A requirement of the proposed contract is that the waste is transported by river via the existing wharf. The proposed facility would enable Tower Hamlets recycling rate to increase from about 3% to 75% - 80% once markets for all the materials had been established.
- 2.9 Until the facility is up to capacity loads from the existing incoming waste would be utilised to maintain operating efficiency. This would happen up until 2012 when there is a restriction on road borne inputs. The outgoing traffic taking the recycled products for further treatment would, once markets have been developed, generate about 30 extra loads a day. The impact on current traffic flows would be negligible, especially when waste inputs by road cease in 2012.
- 2.10 There would be a number of potential emissions from the plant that would be addressed as follows:
- Litter – the waste would be handled within the reception building so there should be little scope for litter. However this would be checked and dealt with as necessary.
 - Dust/odour – the reception area would be provided with water sprays to suppress dust and there would be an abstraction system to remove any vapours arising when the autoclave doors are opened.
 - Surface water drainage system would be installed to collect water for use in autoclave process. This would also help in reducing the amounts entering contaminated ground beneath the site.
 - Noise – all plant and equipment would be housed in the building, this together with the screening effect of existing estate buildings would ensure that there would be no significant noise impact at the nearest residential properties.
- 2.11 The environmental statement considers the potential impact of the proposal from the following factors:
- Noise and vibration, including construction noise;
 - Air quality, including odours and dust;
 - Land quality due to the site's contamination;
 - Water resources, the development requires water for processing and rain water is to be utilised to supplement other supplies;
 - Traffic and transport, heavy lorries will be required to move material from the site for further processing;
 - Ecology, the site adjoins a SSSI and nature reserve;
 - Landscape and visual impact, the site is close to the river frontage and other publicly accessible areas. It is also prominent when viewed from Erith across the river.

Regulatory Services Committee, 25 August 2005

In all cases the conclusions reached by the ES is that with appropriate controls there would be no significant environmental effects arising from the development.

3.0 History:

3.1 There is extensive history relating to the industrial area and the adjoining waste management facilities. The most relevant being:-

P0782.97 – Change of use for open storage purposes – allowed on appeal;
 P1275.96 – Deposit of refuse materials, provision of materials recovery facilities and creation of contoured landform and restoration scheme – approved.

P 0835.97 – continued use of waste transfer jetty – approved.

Temporary planning permission has also been granted on adjoining land for the following waste management facilities linked to the landfill site – waste transfer facility; materials recycling facility (MRF); landfill gas power generation plant; leachate treatment plant and an in-vessel composting plant.

4.0 Consultations and representations:

4.1 47 standard (pro-forma) letters of objection have been received from local residents (in Rainham) on the grounds that:-

- The development could blight future development proposals, in particular the Rainham Conservation Park;
- Excessive lorry traffic would be generated in an area where lorry movements already create serious problems;
- The period of operation to 2020, would far exceed the completion date of the landfill site (2018).

4.2 A letter has also been received from an occupier of the adjoining estate. Objections are raised as follows:

- Technology unproved so concerned about emissions, odour in particular.
- Health and safety concerns over storage of floc in the open.
- Proximity of development would have adverse impact on their business and that of their customers. Extends waste treatment operations onto industrial area.
- Other more suitable sites within the applicants control further away from existing commercial uses.

4.3 During July the applicant has carried out a public consultation process to raise awareness of the current activities at the landfill site and future proposals, including the autoclave. The response via a questionnaire, gave general support to the recycling proposals for the site, including the autoclave (443 in favour to 8 against). There was also support for the conservation park proposals involving the landfill site.

Regulatory Services Committee, 25 August 2005

4.4 The **Greater London Authority** welcomes the scheme in principle as it would add to London's Waste management capacity and assist Tower Hamlets to increase recycling rates and divert waste from landfill. However, there are a number of issues that should be addressed before the application is referred back to the Mayor.

- Reasons for choice of location outside the source borough;
- Clarification on use of renewable energy;
- The design is considered to be unimaginative and functional, and could have adverse visual impact on the future conservation park. The scheme should be reconsidered to find a more complimentary solution. The life of the facility should be limited to a date compatible with the conservation park proposals;
- A commitment should be secured through a legal agreement to secure local employment and training;
- Maximising the harvesting of rainwater for use at the facility.

4.5 There are no objections from the **Port of London Authority** or the **RSPB**.

4.6 The **Environment Agency** has no objections subject to conditions and informatives to protect the water environment from pollution.

5.0 Staff comments:

5.1 Policy Considerations:

5.1.1 The main policy considerations are:

- Government guidance in PPS10 '*Planning for sustainable waste management*' and in RPG9a '*The Thames Gateway Planning Framework*'.
- The London Plan includes policies for waste management, the movement of waste by river, Thames Gateway and on preferred industrial locations; policies 4A.1-4A.3, 4C.1 5C.1 and 3B.5. Proposed revisions to the plan indicate the sub-regional requirements for new facilities to achieve the maximum degree of sub-regional self sufficiency. The largest requirement for sites is in the eastern sub-region.
- UDP policies EMP4 (Coldharbour Lane Commercial Area), MWD1 (environmental impact), MWD13 (recovery & recycling), MWD3/MWD14 (waste disposal) and ENV25 (Thameside development). Interim planning guidance (IPG) '*An urban strategy for London Riverside*' and the *London Riverside- development options* consultation document are also relevant.

5.2 Issues:

5.2.1 The main issues arising from these policies are as follows:-

Regulatory Services Committee, 25 August 2005

- Is the proposed development acceptable in principle in this location in terms of UDP, London Plan and government policies in PPS10?
- Would the development meet the sustainability objectives in the London Plan, including draft modifications, and those in PPS10?
- Would there be an unacceptable long term impact on emerging proposals for the conservation park?
- Would the environmental impact of the development be acceptable?

5.2.2 **Principle of the development:** EMP4 allows the redevelopment of existing uses for industry (B2) and warehousing, especially those schemes that take advantage of the river for the transport of freight. High quality development is expected that will improve the environment of the riverside. IPG recognises that the site has potential for sustainable industries. The site can also be used for waste disposal. At the time the UDP was adopted it was envisaged that waste disposal by landfilling would be the most likely option (MWD14) and much of the policy area now has planning permission for this.

5.2.3 Whilst it could be argued that the proposal does not fall with the B2 category some waste developments have been accepted by the courts as doing so. The autoclave process does have similarities with many industrial processes, therefore, if it is determined not to be B2, it can, nevertheless be considered to be equivalent and have the same potential impacts. It is waste related and would take advantage of the riverside location for the movement of materials. It can also be considered sustainable in that it would involve the processing of waste to produce potentially useful materials that could be recycled or used in manufacturing processes. This would meet the requirements of IPG. In these circumstances staff consider that the requirements of UDP policy would be met.

5.2.4 The London Plan and PPS10 include the following principles for the location of new waste management facilities:

- To use industrial sites such as the *Preferred Industrial Locations* (PILs) identified in the London Plan and sites where waste facilities can be co-located;
- To give priority to re-using previously developed land; and,
- Where waste cannot be dealt with locally to support the transport of waste by river to the processing site.

5.2.5 The Coldharbour Lane site would meet all of these criteria. It is identified in the London Plan as a PIL, it has previously been developed for industrial, commercial and waste purposes, it is close to other waste management facilities and is located close to the Thames where there are facilities for the unloading of containerised waste from barges. In the light of all these considerations staff consider that the location of this facility within the Coldharbour Lane Commercial Area is acceptable in principle.

Regulatory Services Committee, 25 August 2005

5.2.6 **Sustainability:** Since the adoption of the UDP there have been significant changes to the way waste needs to be managed and the recent Government guidance and London Plan policies reflect this as follows:-

- To aim to manage most of London's waste within its boundaries and to seek to achieve sub-regional self-sufficiency;
- To increase the use of new and emerging technologies to reduce reliance on landfill in accordance with Government and European objectives;
- To move waste management up the waste hierarchy and to landfill as a last resort, and;
- Transporting waste by modes other than road.

5.2.7 The relevant London Plan policies are 4A.1-4A.3. These include a target of managing 85% of London's waste within its boundaries by 2020. The waste from Tower Hamlets currently goes to a site in Thurrock, so its diversion to Rainham would help in achieving this objective. The Plan also aims to exceed the recycling/composting targets of 25% by 2005 and 33% by 2015. This proposal would assist in reaching these targets and also help meet the objective of utilising new technologies to reduce the reliance on landfill. National waste policy reflected in PPS 10 aims to break the link between economic growth and the environmental impact of waste by only accepting the disposal of waste as a last resort. To achieve this significant new investment in waste facilities is required.

5.2.8 The autoclave process is new in the field of waste management, but the process has similarities with the plant already permitted at Frog Island. They both use heat to biodegrade the waste, increase the ability to remove recyclable materials, such as plastics and metals, by mechanical processing, and produce a usable by-product. The amounts that need to be landfilled are reduced significantly, although the final use of the main by product of the process requires the development of new markets for the material. Notwithstanding this staff consider that the autoclave is a sustainable method of waste management, that would meet government and London Plan objectives. It would also meet the requirements of MWD13 for permitted recycling and recovery facilities.

5.2.9 The Mayor of London is currently consulting on revisions to his waste policies. Whilst less weight can be given to the draft changes, they are still a relevant consideration. One important aspect of the changes is the objective of sub-regional self-sufficiency. Tower Hamlets is in the same sub region as Havering and managing the waste at Rainham would help achieve this objective. The proposed policies identify the need for new waste management facilities to meet London's requirements and the opportunities that both PILs and existing waste management sites provide for these. The application site is not identified on the indicative list of sites where opportunities for new facilities might occur. Whilst these draft policies are directed towards long term provision to 2020 and beyond, this proposal would help to meet the objective on an interim basis whilst other facilities are

Regulatory Services Committee, 25 August 2005

being developed. Staff are therefore, satisfied that the proposal would help meet the objectives set out in these revisions.

5.2.10 Conservation Park: In considering what the impact on the future conservation park might be Members need to be aware of exactly what the park includes. The largest element of the park is the RSPB nature reserve and Rainham Marsh which it is proposed to designate as a local nature reserve. The Cleanaway site and the Coldharbour Lane Commercial Area make up the remainder. The landfill area is required to be restored for nature conservation, with some public access along defined routes. The conservation park proposals envisage wider public access, although there are no firm proposals about how and when this would be implemented. The applicant supports the principle of the conservation park proposals. The commercial area would however, need to be relocated if that area is to be included. Some facilities associated with the landfill area would need to remain for the foreseeable future to manage landfill gas and leachate. However, any additional long term development of the commercial area could prejudice the full implementation of the park. The future of the Coldharbour Lane Commercial Area is likely to be reviewed as part of the local development framework (LDF) process and this is the appropriate mechanism for making any policy changes.

5.2.11 In making a judgement on this issue members will need to bear in mind that there are at present no firm proposals for the conservation park in respect of the application site, although public consultation has been carried out on a number of options for the future development of the area that do not envisage long term waste uses. The preferred options will need to be subject to further consultation before this can be developed into new IPG. Nevertheless, as things stand the site lies within a designated industrial area and planning decisions should be made in accordance with this. Aspirations for the redevelopment of the area carry little weight. However, staff consider that for other planning reasons, addressed later in this report, it would be appropriate to restrict the life of the plant and this would ensure that the conservation park project would not be compromised. The applicant has given a written commitment to early phased public access prior to 2018 as part of a review of existing restoration proposals.

5.2.12 Environmental Impacts: The planning application is accompanied by an environmental statement (ES) that considers the main potential impacts of the development. Further details are given at the beginning of this report. The conclusion of the assessment is that there would be no significant environmental impacts. Subject to the development being carried out in accordance with the statement the development would meet the criteria set out in MWD1 and the guidance in PPS10. The main potential impacts identified would be on residents in Erith, mainly from noise, odour and dust, on ecology, given the proximity of the SSSI, on water resources and on visual amenity. Should members agree the recommendation to grant planning permission, conditions would be included to cover these aspects.

Regulatory Services Committee, 25 August 2005

- 5.2.13 One of the main issues concerns the visual impact of the proposed building and its design. The site lies within Thames Gateway and the River Thames Area of special character defined in UDP policy ENV25. The criteria for new development in the policy are reflected in government guidance in RPG9a, and in the London Plan. These seek to achieve a high standard of development that enhances the riverside setting and maximises the use of river transport. The Mayor has also raised issues relating to design and visual impact. As a result of his comments the applicants have amended the building details involving colours, roof details and the introduction of fenestration. In considering this issue members will need to bear in mind that policies make no specific distinction between permanent and temporary buildings. With a proposed life of 15 years, whilst not permanent, the buildings need to be to a higher architectural standard than for short term uses. However, it would not be appropriate in staff's view to seek the highest of standards of design and materials when the building would need to be dismantled, potentially before the end of its useful life. It is also relevant to take account of the proposed location which is not directly on the river frontage and is largely screened from views from the river by other buildings. These are of a similar scale and type to that proposed. In these circumstances staff consider that taking into account the modifications proposed that the design of the building is compatible with the surrounding area and can be considered appropriate in this location.
- 5.2.14 **Other considerations:** The proposals are linked with the current landfill operations and with the jetty, used until recently to unload waste for disposal at the site. These are due to cease operation by the end of 2018, a restriction imposed by planning condition. There are also other waste management facilities on the site linked to this end date. These include composting and recycling facilities. A S106 obligation as part of the landfill permission requires that airspace is reserved for riverborne waste from central London; therefore, members have already accepted the use of the site, including the jetty, for waste from boroughs such as Tower Hamlets. The principle of accepting waste from other parts of London is set out in policy MWD3. Members have also previously accepted waste management facilities at the Coldharbour Lane Commercial Area, which they have linked to the life of the landfill site. This recognises that the long term future of the Coldharbour Lane area for waste management is a matter that should be addressed through the LDF process rather than through individual planning applications. It would be consistent with these other permissions for there to be a 2018 limit on the development but this would not enable the applicant to meet the contract obligations. The contract is dependant on planning permission being granted for the full 15 year period. If members accept this view the main issue for consideration is whether the additional two years would have a material impact on the area, including the restored landfill.
- 5.2.15 The application site does not lie within the area of the landfill permission so a 2020 limitation would not significantly affect the restoration of the landfill as only an access road would be required to be retained. However, there would

Regulatory Services Committee, 25 August 2005

be a number of potential adverse impacts. Residual materials from the processing that were being landfilled would need to be taken elsewhere by road for disposal. There would also be a continuation of the road traffic transporting all other materials for further processing. The permitted period of use of the jetty would also need to be extended. The extension of the life of the jetty is not part of this proposal, but an application has just been submitted to vary the relevant conditions and staff consider it appropriate to consider any potential impacts as part of this application. All these matters could have an adverse impact on the public use of the restored landfill and other parts of the conservation park. Whilst it is a matter of judgement for members staff consider that the impacts would not be significant. Members will need to bear in mind that after 2012 when the roadborne input of waste to the landfill area has ceased, that most of the lorry traffic using Coldharbour Lane will come from the commercial area itself. This would continue to be the case to 2020, unless there is a change in circumstances. However, in the absence of details of any likely changes staff consider it reasonable to assess the situation based upon the current situation. In light of the judgement on potential impact staff consider that a limit of 2020 would be appropriate.

6.0 Conclusions

This application raises a number of issues concerning the principle of the development in the location, the potential environmental impact and the possible implications for proposals for a riverside conservation park. Staff consider that the development would be acceptable in this location for the reasons set out below.

- The proposals would accord with the principles set out in PPS10 and the London Plan, including the aim of sub-regional self sufficiency;
- The proposals would be acceptable in principle in this location in accordance with UDP policies EMP4 and ENV25, and would not have a significant adverse environmental impact in terms of policy MWD1.
- The site is already in industrial use and there are existing waste management facilities there;
- The waste can be transported by sustainable means and there are already unloading facilities near the site. There are no other existing suitable waste management sites on the Thames nearer to Tower Hamlets;
- The activities are linked with the existing landfill for the disposal of residues and, in the early years, other by products. The current landfill planning permission already makes provision for the disposal of riverborne waste from central London;
- Time limiting the use of the facility to 2020, linked to the Tower Hamlets contract and delivery of all waste beyond 2012 by river, would help to ensure that the longer term proposals for a conservation park on the Thames frontage would not be prejudiced.

6.1 In the light of all these considerations staff recommend that planning permission is granted subject to conditions.

Regulatory Services Committee, 25 August 2005**7.0 Financial Implications & risks:**

7.1 There are none arising directly from this report. The proposed S106 planning obligation does not require the payment of any money to the Council or the transfer of any interest in land.

8.0 Legal implications & risks

8.1 A planning agreement under Section 106 would need to be prepared and signed before a planning permission could be issued. The related clauses in the existing S106 obligation for the landfill operations would need to be reviewed and modified as necessary.

9.0 Human Resource Implications & risks:

9.1 There are none arising directly from this report.

10.0 Equalities and Social Inclusion implications:

10.1 There are no specific social inclusion and diversity issues that arise directly from this report. The council's policies and guidance, the London Plan and government guidance all seek to respect and take account of social inclusion and diversity issues.

Staff Contact: David Lawn
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STEPHEN EVANS
Chief Executive

Background Papers

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.



6

Regulatory Services Committee

25 August 2005

OUTSIDE STATUTORY PERIOD

| Page No. | Plan No. | Ward | Address |
|-----------------|-----------------|-------------|---|
| 1-4 | P0060.05 | Upminster | Wyngrey Farm, St Marys Lane Upminster |
| 4-7 | P1855.04 | Upminster | Grazing Land nth of St Marys Lane, Junc with Warley Street, Upminster |

REGULATORY SERVICES COMMITTEE

25th August 2005

OUTSIDE STATUTORY PERIOD

APPLICATION NO: P0060.05

WARD: Upminster

Date Received: 12th January 2005

ADDRESS: Wyngray Farm
St Marys Lane
Upminster

PROPOSAL: Resiting of barn for agricultural services

RECOMMENDATION: It is recommended that planning permission be granted, subject to conditions.

SITE DESCRIPTION: Wyngray Farm is located on the northern side of St Mary's Lane. The site covers an area of some 3.4 hectares with access from St Mary's Lane. The site is currently in mixed agricultural and commercial use. This site accommodates buildings of varying sizes and includes a two-storey residential property to the main road frontage. The site lies in an area of Metropolitan Green Belt and the Thames Chase Community Area Forest.

DESCRIPTION OF PROPOSAL: The application seeks permission for the re-siting of a barn for agricultural purposes from a position beyond the rearmost shed towards the rear of the site to a location close to the existing barns.

The proposed barn would be 11.2m deep and 16.5m wide (incorporating a covered area and would have a shallow pitched roof with a ridge height of 4.6m above ground level. It would be sited with its closest elevation 4.5m away from the rear elevation of the nearest existing building (excluding the barn to be resited).

The barn would have a steel profiled sheet roof with horizontal weather boarding to the walls stained black.

HISTORY:

There is an extensive history on the site, the most relevant is as follows:

L/HAV/508/83 - Proposed stables - refused.

L/HAV/1315/83 - Stables - approved.

P1529.87 - New agricultural access - approved.

P0925.88 - construction of bungalow -farmhouse - approved

P0405.97 - development of sports coarse fishing facility - approved.

P0809.98 - modification of P0405.97 - approved

P0190.00 - new lake for recreational sports fishery - approved.

P0927.01 - conversion of stable/store building into residence - approved

P0928.01 - conversion of stable/store building to toilets/washing facilities/management/refreshments, meetings, kitchen, store and plant - approved

P1579.02 - temporary residential accommodation - approved

P2092.02 - amendment to residential conversion - approved

P0790.03 - amenity block replacing existing stable building (amendment to PP P0928.01) - approved

P1453.03 - retention of replacement barn for domestic use - refused. A subsequent appeal on

REGULATORY SERVICES COMMITTEE

25th August 2005

OUTSIDE STATUTORY PERIOD

APPLICATION NO: P0060.05

the planning application and related Enforcement Notice was dismissed

The Enforcement Notice remains extant such that in the event of this application being approved, no new enforcement proceedings are needed to require the removal of the existing unauthorised barn building.

CONSULTATIONS/REPRESENTATIONS: Four neighbouring properties were notified of this proposal as part of the consultation process. No letters of representation have been received.

STAFF COMMENTS: The issues in relation to this proposal are the principle of development; form of development; impact upon the green belt; impact upon amenity; and highways/parking implications. Relevant UDP policies are ENV1, GRB2, GRB9, GRB28 and TRN18. Also of relevance is PPG2 (Green Belts).

Principle of Development

The application site lies within the Metropolitan Green Belt. Therefore, the proposal is subject to relevant UDP green belt policy. Policy GRB2 states that there will be a presumption against any new development in the green belt. However, subject to particular location and detailed siting being acceptable, the Council does consider that agricultural uses are acceptable in principle. The proposed building is intended for use in support of the existing agricultural function, and as such this differs from the barn to be re-sited that was intended to be used ancillary to the residential use of the site. Policy GRB9 indicates that agricultural buildings would be allowed subject to meeting certain criteria.

The proposed development would be the same as that which was dismissed on appeal. The differences being the location closer to the existing buildings and, in effect, on the site of the two original barns which the larger barn was to replace and that the barn is now proposed to be for agricultural use rather than the domestic use proposed previously.

The proposal is acceptable in principle.

Form of Development

Staff do not consider that the design and appearance of the proposed barn would be out of character in the wider area. This was not an issue in the Council's previous refusal.

Impact upon the Green Belt

As indicated above, the proposal is considered to be acceptable in terms of design and appearance. Furthermore, the proposal relates to the replacement of the original two barns in this location and is intended for agricultural use. Details of the original barns are not available, nevertheless, the area where they were located is clearly discernable on site and the new barn would be on a similar siting. Although the total square footage would be approximately 44 square metres larger (a 30% increase) than the combined two barns staff are of the view that the proposal with its large open-sided section would have no significant impact upon the open nature of the Metropolitan Green Belt.

REGULATORY SERVICES COMMITTEE

25th August 2005

OUTSIDE STATUTORY PERIOD

APPLICATION NO: P0060.05

This would, nevertheless, be subject to the removal of the existing barn (or its physical resiting to the application site).

Thames Chase Community Forest

The proposal would be within the within the Community Forest area where proposals are expected to contribute positively toward the implementation of the Countryside Commission's initiative. The proposed development would be sited on a previously developed part of the site and would remove a remote building which impacts on the open character of the area. Whilst no specific planting is proposed as part of this application, the opportunity to return the open area to open status would be positive in returning the current site to an open area in line with the aims of the initiative.

Impact upon amenity

The nearest residential property outside the curtilage of the application site is in excess of 60m from the application building. Staff consider there would be no material difference in impact on amenity from this proposal than was the case with the previous barns.

Highways/Parking Implications

As the proposal would replace the dismissed structure and itself replaced two demolished barns, it is not considered that there would be any increase in traffic as a result of this proposal. Staff therefore consider that the current parking provision available is sufficient.

CONCLUSION

The proposed use is considered to be acceptable in principle, having regard to policies GRB2 and GRB9 and the provisions of PPG2. Staff consider that the proposal, which is for the existing agricultural use, would represent an appropriate replacement agricultural building and not be detrimental to the character of the Metropolitan Green Belt. Notwithstanding this, the use should be controlled by appropriate conditions in order to prevent future use which may have a detrimental impact upon the Metropolitan Green Belt. The proposal also accords with the aims of the Thames Community Forest Area contained in Policy ENV28.

The proposal is considered to be acceptable in terms of design and appearance and staff consider that the proposal would not give rise to any adverse amenity, highways or parking implications.

1. SC4 (Time limit)
2. SC29 (Agricultural use)
3. SC32 (Accordance with plans)

REGULATORY SERVICES COMMITTEE

25th August 2005

OUTSIDE STATUTORY PERIOD

APPLICATION NO: P0060.05

1. **INFORMATIVES:**

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy ENV1, ENV28, GRB2 and GRB9 and TRN18 of the Havering Unitary Development Plan.

2. The applicant is reminded that the Enforcement Notice relating to the existing barn, which is subject to resiting, remains in force and that they should contact Enforcement with details of when they will be undertaking the required works.

APPLICATION NO: P1855.04

WARD: Upminster

Date Received: 8th October 2004

ADDRESS: Grazing land north of St Mary's Lane
Junction with Warley Street
Upminster

PROPOSAL: Earth mound shelter and open barn/field shelter

Recommendation

The application is recommended for refusal for the reasons set out at the end of the report.

Site Description

The site is roughly rectangular and comprised of an agricultural holding of 9.8 hectares used for the grazing of horses. Vehicular access to the site is to the south-eastern corner of the site from St Mary's Lane. There is some open storage close to the entrance to the site. There are no current buildings on the site though there is an earth mound across the northern part of the site. There are mature trees and hedges mainly located on the boundaries of the site though there is a hedge running north to south across the site. Ground levels are relatively flat with small ditches to the highway edge of the holding. The site is within an area of Metropolitan Green Belt and falls within the UDP designation for Thames Chase Community Forest.

The surrounding area is characterised by mainly open agricultural land with mature trees and hedges. There is some residential/commercial development to the south-east of the application site with other scattered buildings in mainly open fields.

Description of Proposal

The proposal is for an earth mound and an open-sided barn/field shelter. The earth mound, which had been formed at the time of the site visit, is approximately 175m long and 10m wide at the base (3m wide at the top) and about 2m high. The material appears to have been brought onto the site. It is located about 40-45m from the northern boundary of the site and about 10m from its eastern boundary with St Mary's Lane.

REGULATORY SERVICES COMMITTEE

25th August 2005

OUTSIDE STATUTORY PERIOD

APPLICATION NO: P1855.04

The proposed barn would be 9.8m long, 3.7m deep and a maximum 3.5m high with a hipped, pitched roof. It would have a profiled sheet roof and timber cladding to the walls. The barn would be located about 30m north-west of the existing access, close to the north-south running hedge. A parking space is proposed close to the access. It is proposed that the barn is used as shelter for the grazing of horses and that some storage of feed would also occur.

History

There is no relevant planning history on this site.

Consultation/Representations

Six neighbouring and nearby properties were notified of the application. No letters have been received in response.

Thames Chase have written indicating that the proposal does not make a positive contribution to their objectives. They welcome the opportunity to have dialogue with the applicant to explore any contributions that could be sought in terms of possible woodland creation or a hedgerow restoration and management on the extensive site boundaries. No other representations have been received.

Staff Comments

The issues to be considered are the principle of the development, its impact in the street scene, including on the open character and appearance of the Metropolitan Green Belt and on the amenities of occupiers of adjoining/nearby properties. Policies ENV1, ENV28, GRB2, GRB9, LAR16 and TRN18 are relevant. Policy 3D.8 of The London Plan is also relevant as is PPG2 on Green Belts.

Policy LAR16 considers proposals for equestrian facilities and horse keeping. The applicant has indicated that the proposal is in association with the grazing rather than the keeping of horses and that the barn and mound would provide shelter with the latter also used for storage purposes. Nevertheless, the applicant is not a farmer and the horses are kept for private recreational purposes.

It is acknowledged that the 9.8 hectares could, on the basis of The British Horse Society's guidelines, support up to 19 horses for permanent grazing (assuming average pasture and good pasture management is employed) and that there were only a few horses on site at the time of the site visit and no information has been provided as to the number of horses which might be grazed. Nevertheless, a reasonable number of horses could be grazed at the application site without the need for additional feed to be provided. However, the proposal would include some storage of feed and this, together with the keeping of horses, is considered to change the activity from the existing agricultural use of the site to a leisure and recreation activity. Whilst the applicant has not specifically applied for a change of use, given that this would be retrospective and that the details of the application are related and rely on the change of use, it is reasonable to consider the change of use as being integral to the consideration of the other planning issues.

As a consequence, staff consider that Policy LAR16 is relevant in this case and that the proposal does not fall to be considered under policy GRB9 (provision of agricultural buildings).

REGULATORY SERVICES COMMITTEE

25th August 2005

OUTSIDE STATUTORY PERIOD

APPLICATION NO: P1855.04

Policy LAR16 allows proposals for horse keeping providing they meet certain criteria relating to safeguarding local residents amenities, does not result in highway safety concerns or unacceptable traffic generation, provides adequate parking facilities, would have adequate landscaping, would not adversely affect Rights of Way, comply with Green Belt Policy and that any new buildings are appropriate in terms of siting, bulk and appearance to the open nature of the Green belt with suitable materials.

Policy GRB2 indicates that the Council will permit predominantly open air recreational facilities. Nevertheless, in order to retain and protect the existing rural character of the area the Green Belt should be generally kept free from building development.

Policy LAR16 indicates specifically, that structure(s) should be appropriate in terms of their siting, bulk and appearance and impact of the choice of materials and proposed landscaping. The structure itself would be single storey and back onto the existing hedge running north-south across the site. It would have timber walls and a profiled sheet roof. The barn would be open-fronted and used in connection with horse grazing and for storage. The structure would have a footprint of some 36 square metres. While it would be open-fronted and located close to the hedge, due to its size and siting staff consider that it would have an adverse impact on the open character and appearance of the Metropolitan Green Belt.

The earth mound has a total volume of about 2,300 cubic metres spread out over 175m and up to a height of 2m. The mound has, according to the applicant, been moved onto the site to provide protection for the grazing horses (in addition to the barn). It is considered that the mound is a particularly large, regular shaped, man-made feature readily visible from public viewpoints on the adjacent highway which bounds two sides of the site. Staff therefore consider that it represents an alien feature in the open, mainly flat, landscape adversely affecting the open character of this part of the Metropolitan Green Belt.

Given the distance between the proposed development and existing dwellings, together with the heavy boundary screening, it is not considered that there would be any adverse impact on the amenities of any neighbouring occupiers.

There are no objections on highways grounds to the provision of one parking space near the site access.

The Council supports the concept of the Thames Chase Community Forest in which the application site is situated. The proposal does not make a positive contribution to the implementation of the Thames Chase Community Forest.

The mound is already on site and it would be appropriate, in the event that planning permission is not forthcoming, for enforcement proceedings to be commenced. Enforcement proceedings may be authorised under delegated powers and would need to ensure that, any contaminants which may exist in this imported material are effectively removed (or destroyed).

Conclusions

The main issues are the principle of the proposed development and the effect of the proposal the open character of the Metropolitan Green Belt and on the amenities of neighbouring

REGULATORY SERVICES COMMITTEE

25th August 2005

OUTSIDE STATUTORY PERIOD

APPLICATION NO: P1855.04

occupiers. The change of use to horse keeping is not necessarily unacceptable in the Metropolitan Green Belt. Nevertheless, the proposed building and extensive mound on the site are considered to have an adverse impact on the open character of the Metropolitan Green Belt. In addition, the proposal is not considered to make a positive contribution to the Thames Chase Community Forest. It is therefore considered that the development would be unacceptable and contrary to Policies ENV1, ENV28, GRB2 and LAR16 of the Unitary Development Plan and the relevant policies in The London Plan and guidance contained in PPG2.

RECOMMENDATION Refusal for the following reason(s):

1. The site is within the area identified in the Havering Unitary Development Plan as Metropolitan Green Belt. The Unitary Development Plan and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy GRB2 of the Havering Unitary Development Plan.
 2. The proposed building would, due to its size and siting, result in an adverse impact on the open character of the Metropolitan Green Belt and not make a positive contribution to the Thames Chase Community Forest contrary to Policies ENV1, ENV28, GRB2 and LAR16 of the Havering Unitary Development Plan
 3. The mound, due to its excessive size and siting, formed as a man-made feature adversely affects the character of the Metropolitan Green Belt and does not make a positive contribution to the Thames Chase Community Forest contrary to Policies ENV1, ENV28, GRB2 and LAR16 of the Havering Unitary Development Plan.
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| MEETING | DATE | ITEM |
|----------------------------------|----------------|------|
| REGULATORY SERVICES COMMITTEE | 25 August 2005 | 7 |

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: THE HAVERING (20-42 LODGE LANE) TREE PRESERVATION ORDER 02/04 – CONSIDERATION OF OBJECTIONS.

PROPOSAL: That Tree Preservation Order 02/04 not be confirmed.

WARD: Mawneys

SUMMARY

This report details the objection that have been received to Havering (20-42 Lodge Lane) Tree Preservation Order 02/04 and gives additional information about the quality and location of trees affected by the order with a recommendation that the order not be confirmed.

RECOMMENDATION

That the Havering (20-42 Lodge Lane) Tree Preservation Order 02/04 not be confirmed.

REPORT DETAIL

1. Objections

1.2 Tree Preservation Order 02.04 was served on 19th March 2004 on a number of residential properties in Lodge Lane, Collier Row. The order was made in response to a planning application to develop a number of back gardens and the order was considered justified in that it sought to protect trees from

Regulatory Services Committee, 25 August 2005

indiscriminate removal or uncontrolled works prior to any planning decision being made. Because access to the site was difficult to arrange the order was made without a site visit being carried out and used a single 'area' designation to protect all the trees within the area defined in the order, irrespective of their size, species or state of health. The use of such designation is considered acceptable in instances when a survey cannot be carried out or arrangements to make such a survey would delay the making of the order and increase the risk that some or all of the trees would be felled before the order was made.

1.3 A number of objections were made to the order upon the following points, that:

- the order should not be a carte blanche 'area order'.
- the preservation order affects properties that were not going to become part of the proposed development.
- the order affected an area of land for which planning permission had already been granted
 - the schedule of tree species was not clear
 - the majority of trees affected by the order were fruit trees and conifers

2. Response to objections

2.1 The fact that the order covers all trees on site is acceptable although the government's guidelines state that area order should only be used as temporary measures until the area of trees can be assessed and re-classified into groups of trees or individual specimens.

2.2 Making a tree preservation order that affects properties outside the exact boundaries of a proposed development site is not unusual in that it is sometimes the case that additional properties become part of further associated or extended planning applications and so extra trees can be included as a precautionary measure at the outset. This objection is therefore not considered to be significant.

2.3 It is the case that the order affected an area of land for which planning permission had been granted however it would not have retrospectively affected any planning permission that had been granted and so the new order would not have caused the landowner any inconvenience or reduction in his land's development value. This objection is therefore not considered to be significant.

2.4 The schedule of trees did include details about the various tree species that were considered to be on site and the objection was that it should simply have said 'all trees'. An attempt is always made to give some information about the types of trees affected by a tree preservation order but it is accepted that such information is somewhat superfluous when an area designation is used.

Regulatory Services Committee, 25 August 2005

- 2.5 In response to the objections made to the order the site was visited by the council's arboricultural officer who has confirmed that the majority of the trees within the residential properties affected by the order are old fruit trees, conifers or other small trees. The only significant trees in the local area stand outside the area affected by the proposed development within the Collier Row Recreation Ground. Accordingly it is considered that the order should not be confirmed.

Financial Implications and risks:- None

Legal Implications and risks:- None

Human Resources Implications and risks:- Not significant

Equalities and Social Inclusion implications: -None

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|----------------|---|
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STEPHEN EVANS
Chief Executive

Background Papers

1. Plan showing location of tree preservation order



| MEETING | DATE | ITEM |
|----------------------------------|----------------|------|
| REGULATORY SERVICES COMMITTEE | 25 August 2005 | 8 |

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: PLANNING CONTRAVENTION - 184 ELM PARK AVENUE,
ELM PARK, HORNCHURCH - Construction of wall next to
highway

WARD: St Andrews

SUMMARY

This report seeks authority for Enforcement Notices to be served to remedy an alleged planning breach. This concerns the construction of a wall next to a highway which due to its design and appearance is considered to be harmful to the streetscene.

Despite advisory letters from the Planning Service those responsible for the breach have not sought to remedy the situation by way of an application.

In view of the prolonged nature of the breach, it is now considered expedient for this Council to issue and serve Enforcement Notices. Authority for this is sought.

RECOMMENDATION

That the Committee consider it expedient that Enforcement Notices be issued and served to require that within three months:

- The unauthorised front garden wall be removed together with all rubble and material arising there from.

In the event of non-compliance, that proceedings be instituted under the Town and Country Planning Act 1990.

REPORT DETAIL**1. Site Description**

- 1.1 No.184 is an end of terrace house on the corner of Elm Park Avenue and Diban Avenue.

2. Relevant Planning History

- 2.1 P0257.95. 2 storey side extension - Approved

P0466.05 2 storey & 1st floor side/rear extension with rear dormer window. - Refused

Enforcement History

- 2.2 In April 2005 a complaint was received about the excessive height and design of the front/side wall at No 184 Elm Park Avenue.
- 2.3 Following investigations the Planning Service wrote to the owner seeking a reduction in height of the wall or a submission of a planning application to seek to regularise the situation.
- 2.4 Further letters were sent in May & June 2005 asking for compliance, but without a reply.

3. The Alleged Planning Contravention

- 3.1 The construction of a front / side wall without planning permission. The wall exceeds 1m in height and therefore does not fall within limits of permitted development, as it is next to a highway.

4. Staff Comments

- 4.1 The issue is whether it is expedient to take formal enforcement action to seek to remedy the breach of planning control.
- 4.2 The relevant policy consideration is ENV1 of the Unitary Development Plan which seeks that all development is environmentally compatible with its surroundings.
- 4.3 The plain rendered wall in question varies in height between 1.36m and 1.1m, triggering the need for planning permission. Whilst marginally "over height" walls would not usually necessitate consideration of formal enforcement action, this wall is very distinctive and unusual design. In staff's view, due to

Regulatory Services Committee, 25 August 2005

its shape, design and corner position it is particularly obtrusive and incongruous feature which harms the appearance of the street scene and character of this residential area, contrary to policy ENV1.

- 4.4 Staff efforts to resolve this matter without resorting to formal action have not succeeded. Authority to serve Enforcement Notices is therefore sought.
- 4.5 Members will note that the suggested terms of the Enforcement Notice require removal of the wall in its entirety and do not provide for the wall to be simply reduced to a 1 metre permitted development height. This is because mere height reduction would not fully address the walls harmful incongruous design and appearance. If the wall is removed the owner would remain entitled to build a new wall up to 1 metre in height with benefit of permitted development.

5. Financial Implications and Risks:

- 5.1 Enforcement action and defence of the Council's case in any appeal may have financial implications.

6. Legal Implications and Risks:

- 6.1 Enforcement action including the defence of the Council's case on appeal would involve legal resources.

7. Human Resources Implications and Risks:

- 7.1 No implications identified.

8. Equalities and Social Inclusion Implications:

- 8.1 No implications identified.

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|----------------|-------------------------------|
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STEPHEN EVANS
Chief Executive

Background Papers

1. Ordnance survey extract showing site and surroundings.
2. The relevant planning history.



This report is submitted with the agreement of the Chairman as an urgent matter, pursuant to Section 100B(4) of the Local Government Act 1972

**REGULATORY SERVICES COMMITTEE
SUPPLEMENTARY AGENDA
Urgent Business**

25 AUGUST 2005

The following report is attached:

**9A P0724.05 - 10 PORCHESTER CLOSE, EMERSON PARK,
HORNCHURCH**

**STEPHEN EVANS
Chief Executive**



| MEETING | DATE | ITEM |
|----------------------------------|----------------|-----------|
| REGULATORY SERVICES COMMITTEE | 25 August 2005 | 9A |

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: P0724.05 10 PORCHESTER CLOSE, EMERSON PARK,
HORNCHURCH (Date received 7 March 2005)

PROPOSAL: Front, side and rear dormer windows

WARD: Emerson Park

SUMMARY

The application seeks planning permission for the formation of a games room above an existing garage. To achieve this, the eaves of the roof would be raised by about 1.2 metres and dormer windows incorporated into the front, side and rear of the property. The proposed raising of the roof, the front and rear dormer windows complies with all of the relevant policy requirements and is of acceptable appearance. The side dormer window is considered to be unacceptable and as such a split recommendation is suggested approving the raising of the roof and front and rear dormers, but refusing the side dormer window.

RECOMMENDATION

- A. It is recommended that planning permission be granted for the raising of the roof and front and rear dormers (outlined in green on the submitted plans) subject to the following conditions:
1. SC04 Time limit
 2. SC10 Matching materials
 3. SC32 Accordance with plans

Informative: Reason for Approval:

Regulatory Services Committee, 25 August 2005

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy ENV1 of the Havering Unitary Development Plan.

- B. It is recommended that planning permission be refused for the side dormer window (outlined in blue on the submitted plans) for the following reasons:
- 1) The proposed side dormer would, by reason of its height, position and bulk appear out of scale and character with the dwelling and materially harmful to the visual amenity of the surrounding area contrary to Policy ENV1 of the Havering Unitary Development Plan.
 - 2) The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy ENV1 of the Havering Unitary Development Plan.

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| REPORT DETAIL |
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1. Site Description:

- 1.1 No.10 Porchester Close is a two-storey detached house situated within Sector 6 of the Emerson Park Policy Area. The property is situated at the end of a private gated driveway that is shared with the neighbouring detached property No.12. The locality is characterised by spacious surroundings containing large two-storey detached residential properties of differing architectural style and design.
- 1.2 The streetscene of Porchester Close consists of single and two storey dwellings of varying architectural design and styles. Several dwellings within the street have existing side facing dormer windows including No.1, 8 and 12 as shown in the photographs to be shown at the meeting. There are also existing examples of front and rear dormer windows on No.2 Porchester Close.

2. Description of Development:

- 2.1 The Council is in receipt of an application seeking planning permission for a games room above an existing garage. To achieve this, the eaves of the roof would be raised by about 1.2 metres and dormer windows incorporated into the front, side and rear of the property. The windows will be created in the garage located at the western boundary to the detached neighbour at No.8 Porchester Close. The creation of the dormer windows would result in the roof and flank walls to the garage being increased in height from 6m to 7.2m.

Regulatory Services Committee, 25 August 2005

- 2.2 The height of the front dormer will be 2.7m including the pitched roof. The width will be 2.5m and it will project 3m from the new roof plane. The rear dormer will be 2.5m in width, 2.7m in height and will project 2.4m from the new roof plane. The side dormer will be located on the side facing the neighbour at No.8 and will be 6m in width and 2.2m at the highest point. The dormer will project 2.4m from the plane of the roof.

3. Relevant History:

- 3.1 Application P1667.04 was previously refused primarily due to the possibility of over looking from the side dormer window into the detached neighbour No.8 Porchester Close and its appearance. The previously refused planning application proposed the use of clear glass in the side dormer. The application was dismissed at appeal.

4. Consultations/Representations:

- 4.1 Notification letters were sent to eight neighbouring properties and one letter of representation was received. This letter raises objection to the possible overlooking.

5 Staff Comments:

- 5.1 Members will be aware that the application was deferred at their request from 2 June committee meeting in order for staff to gather photographs of the surrounding streetscene. The application was then deferred from the 14 July committee at the request of staff in order to bring a report detailing history.
- 5.2 This report updates the background for Members, in particular to make reference to a previous application for the same development as that now proposed. The application was refused and an appeal was dismissed. The appeal decision represents a material consideration which must be taken into account when a decision is made on the current proposal. The main issues arising from this application are the scale and design of the dormer windows and their impact on amenity.
- 5.3 The application site is located within Sector 6 of the Emerson Park Policy Area. Policies ENV1, ENV21 and Appendix 5 of the Unitary Development Plan are of relevance also the Supplementary Design Guidance for Residential Extensions and Alterations. Policy ENV21 states that in the Emerson Park Policy Area the Council will seek to retain the character of the area which is typified by large and varied dwellings set in spacious, mature, well landscaped grounds. Appendix 5 relates to the space that is retained between buildings. Policy ENV1 advises that the Council will seek to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. This is expanded upon by Supplementary Design Guidance which advises that dormer windows should be contained well within the body of any roof. The guidance states that dormers must not extend above the ridge line of the roof and preferably should be well below it.

Regulatory Services Committee, 25 August 2005

- 5.4 The street scene, of which this property forms part, is characterised by detached dwellings of different types, sizes and design. Dormer windows are present on a number of neighbouring dwellings within the streetscene. The application dwelling and neighbouring No.12 are located at the end of a private road running east from Porchester Close. The application dwelling and No.12 are screened from the highway behind the side of No.1.
- 5.5 In 2004 the Council received an application for front, side and rear dormer windows at the application property. This application was refused by the Council on grounds relating to privacy and impact on visual amenity. An appeal was also dismissed.
- 5.6 In dismissing the subsequent appeal the Inspector raised no objections to the front and rear dormer windows. The Inspector was of the view that the proposed dormers *“would be contained well within the roof slope and of fairly modest dimensions”*. The Inspector did however, have concerns about the size of the side dormer window and that this would appear as *“an ill-proportioned feature that would be visually intrusive within the streetscene”*. The Inspector also considered that the proposed side dormer would allow views directly towards the ground floor bedroom window in the side of No.8.
- 5.7 Since the appeal decision there has been no material change in Council planning policy or circumstances and it is suggested that weight should be given to the appeal decision.
- 5.8 In common with the appeal Inspector’s conclusion, staff consider that the creation of the front and rear dormer to the subject dwelling would not result in an unacceptable feature within the streetscene or rear garden environment. Although at 2.5m in width the proposed front dormer is larger than what would normally be recommended in the Supplementary Design Guidance (since the maximum acceptable width for a dormer facing the highway should not be more than 2.2m), the window is within proportion to the existing dwelling and as such is considered to be appropriate.
- 5.9 It is suggested that the key issue is whether or not, planning permission should be granted for the side dormer. Supplementary Design Guidance states that dormer windows in a hipped roof end will nearly always be unacceptable because of overlooking and design considerations. Notwithstanding, in this instance the side dormer window would be obscure glassed in order to prevent over looking. The proposed window would be located 3.5m from the party boundary and 10.5m from the flank elevation of No.8. To the side of No.8 is a patio area and a flank elevation window serving a habitable room.
- 6.0 Members are invited to exercise judgement as to whether or not the side dormer would cause material harm. On one hand, dormers of this type are found elsewhere in the locality, within which a variety of house design and

Regulatory Services Committee, 25 August 2005

roof forms exist. The dormer sits proportionally within the hipped roof and no direct overlooking would result because of obscure glazing.

- 6.1 On the other hand, the dormer conflicts with the Supplementary Design Guidance and is no different on form or impact than that which was previously refused by this Council and furthermore dismissed at appeal. Unless Members come to a different conclusion on the side dormer's impact in the streetscene and on (perceived) privacy, staff suggest that significant weight should be given to the planning history, indicating that planning permission for this element of the proposal should be refused.

7 Conclusions:

- 7.1 In conclusion staff consider that the raising of the roof plus the front and rear dormers are acceptable on their merit. Attaching significant weight to the planning history and noting that no material change in policy or circumstances, however it is recommended that planning permission should be refused for the side dormer window but approved for other aspects of the scheme.

8 Financial Implications and Risks:

- 8.1 None

9 Legal Implications and Risks:

- 9.1 None

10 Human Resources Implications and Risks:

- 10.1 None

11 Equalities and Social Inclusion Implications:

- 11.1 None

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|----------------|---|
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STEPHEN EVANS
Chief Executive

Background Papers

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.

Regulatory Services Committee, 25 August 2005

3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.