



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30pm	Thursday 13 October 2011	Havering Town Hall, Main Road, Romford
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Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chair)
Sandra Binion
Jeffrey Brace
Robby Misir
Frederick Osborne
Garry Pain

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

**For information about the meeting please contact:
Richard Cursons (01708 432430)
E-mail: richard.cursons@havering.gov.uk**

AGENDA ITEMS

1 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.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 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.

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS WITHIN STATUTORY LIMITS (Pages 1 - 12)

5 P1323.11 - RAINHAM QUARRY, LAUNDERS LANE, RAINHAM (Pages 13 - 24)

6 P1137.11 - KING GEORGE CLOSE (FORMER HUBINET SITE) (Pages 25 - 44)

7 P0804.11 - COLNE DRIVE HAROLD HILL (Pages 45 - 62)

- 8 **P0518.11 - SPRING FARM QUARRY, LAUNDERS LANE, RAINHAM** (Pages 63 - 82)
- 9 **P0593.11 - RAINHAM QUARRY, LAUNDERS LANE, RAINHAM** (Pages 83 - 92)
- 10 **P0712.11 - RAINHAM QUARRY, LAUNDERS LANE, RAINHAM** (Pages 93 - 106)
- 11 **RAINHAM LANDFILL** (Pages 107 - 162)

**Ian Buckmaster
Committee Administration and
Member Support Manager**

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Regulatory Services Committee

13 October 2011

WITHIN STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-9	P1223.11	Rainham & Wennington	Unit 6, Albright Ind Est, Ferry Lane North, Rainham

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REGULATORY SERVICES COMMITTEE

13th October 2011

WITHIN STATUTORY PERIOD

APPLICATION NO:	P1223.11	
WARD :	Rainham & Wennington	Date Received: 11th August 2011
ADDRESS:	Unit 6 Albright Industrial Estate Ferry Lane North Rainham	
PROPOSAL:	Extension of existing waste management facility. Demolition of existing waste recycling building. Erection of enlarged waste management facility. installation of weighbridge & weighbridge office and ancillary activity	
DRAWING NO(S):	7:1082PL1 7:1082PL2 7:1082PL3 7:1082PL4 7:1082PL5	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

That the Head of Development and Building Control be authorised to grant planning permission subject to the conditions set out below.

SITE DESCRIPTION

The site is located within the Albright Industrial Estate in Rainham, approximately 100m to the east of Rainham Creek. The site's southern and eastern boundaries abut the unadopted access road that runs through the industrial estate, whilst its northern and western boundaries lie adjacent to neighbouring industrial sites.

The site is currently split into three separate areas. The first, forming the western extent of the site, contains the applicant's waste handling operation, as a skip operator, which includes a waste handling building, office and workshop buildings, and stockpiled material. The other two areas, located at the eastern end of the site, have been acquired by the applicant and have historically been in use for vehicle dismantling. Each of these sites includes a workshop building, with a number of scrap vehicles stockpiled in the northernmost site.

The site's boundaries are formed by a combination of wood, corrugated iron, and pallisade fencing. The site is located on land designated as Flood Zone 3 in Havering's Strategic Flood Risk Assessment, and on land designated as a Strategic Industrial Location in the Local Development Framework.

DESCRIPTION OF PROPOSAL

This planning application proposes the expansion of an existing waste recycling facility through the change of use of land on which vehicle dismantling is currently permitted.

The proposal would also involve the demolition of the existing waste recycling building and the buildings associated with the neighbouring car dismantling sites. These buildings, which are located centrally within the site, will be replaced by a large waste recycling building, measuring approximately 1400sqm in area and 15.5m in height. The new building would be located along

REGULATORY SERVICES COMMITTEE

13th October 2011

WITHIN STATUTORY PERIOD

the site's southern boundary. Additional development would include the re-surfacing of the site; the siting of a portacabin office and weighbridge; and the erection of new boundary fencing.

The proposed waste recycling building would contain more sophisticated plant than is currently being used, intended to increase the rate of waste processing and achieve recycling rates of around 90%. It is anticipated that the applicant's waste processing operation will increase its annual through put from 50,000 to 75,000 tonnes.

RELEVANT HISTORY

Most of the site is currently in use as a waste recycling centre, with an area to the east having been in previous use for vehicle dismantling. The previous planning decisions of most relevance to this application are as follows:

P0899.98 - Variation of condition 3 of planning permission P0056.96 to include handling general non-putrescible and difficult waste - Approved.

P0056.96 - Storage bay for existing waste transfer station - Approved.

CONSULTATIONS/REPRESENTATIONS

This planning application has been advertised in the local press and by means of a site notice. The statutory consultation period ends on 12th October, 2011. Members will be updated should any additional comments be received following the completion of this report.

Statutory Consultees

Environment Agency - No objections; conditions have been recommended in relation to contaminated land and drainage.

Thames Water - No objections.

Greater London Authority - No comments received at the time of writing; an update will be given to Members during the Committee meeting.

Non Statutory Consultees

Environmental Protection - No objections. Condition recommended in relation to contaminated land.

Environmental Health - No objections. Condition recommended in relation to the control of noise.

Higways - No objections.

East London Waste Authority - No comments received at the time of writing; an update will be given to Members during the Committee meeting.

Representations have also been received from one neighbouring occupier raising concerns about debris being dropped into the highway, which can result in dust problems and cause punctures.

REGULATORY SERVICES COMMITTEE

13th October 2011

WITHIN STATUTORY PERIOD

RELEVANT POLICIES

Core Strategy and Development Control Policies Development Plan Document ("The DPD"):

CP11 Sustainable Waste Management, DC9 Strategic Industrial Locations, DC48 Flood Risk, DC53 Contaminated Land, DC61 Urban Design, DC32 The Road Network

The London Plan:

Policy 5.16 Waste Self-Sufficiency

National Planning Guidance:

PPS10 Planning for Sustainable Waste Management, PPS23 Planning and Pollution Control, PPS25 Development and Flood Risk

Draft Joint Waste Development Plan Document:

Policy W2: Waste Management Capacity, Apportionment & Site Allocation, Policy W5: General Considerations With Regard To Waste Proposals

PRINCIPLE OF DEVELOPMENT

The site is located in the Rainham Employment Area, which is a Strategic Industrial Location. Policy DC9 states that within the Rainham Employment Area, with the exception of the Beam Reach Business Park, B2 and "waste uses" will be considered acceptable providing they are in accordance with the Joint Waste DPD and Policy CP11 of the DPD. The Joint Waste DPD is still in draft form, and will therefore be accorded less weight than the guidance contained in the DPD.

Policy W2 of the Draft Joint Waste DPD states that waste management facilities in designated industrial areas can be acceptable subject to certain criteria. Policy CP11 of the DPD states that the Council is committed to increasing recycling and reducing the amount of waste being landfilled. Policy 5.16 of The London Plan states that recycling and re-use levels in commercial/industrial waste, and in construction, excavation, and demolition waste, should exceed 70% and 95% respectively by 2020. The site under consideration, which handles these waste streams, currently recycles around 65% of the material it handles with the remainder going to landfill. The proposed development would help the operator to achieve overall rates of recycling in the region of 90%. The principle of the proposed development is therefore supported by the strategic waste policies contained in the development plan.

Moreover, the site proposes operational development that is largely associated with an existing waste recycling use. The proposal is considered to be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

The site is located within an existing industrial area that is of limited visual interest or character, and comprised of numerous large buildings and other industrial development.

The application site comprises, amongst other things, three large buildings that are visible from beyond the site. The proposed building, which would replace the existing buildings, would result in the creation of a more uniform appearance at the site, and the siting and scale of the proposal would help to screen the site's operations from beyond the site. It is recommended that a

REGULATORY SERVICES COMMITTEE

13th October 2011

WITHIN STATUTORY PERIOD

condition be imposed, should planning permission be granted, requiring the submission of details relating to the colour scheme and materials to be employed on the new building, to ensure that the proposed building has an acceptable appearance.

The existing boundary treatment, which is unsightly, would be replaced by palisade fencing. It is recommended that a condition be imposed, should planning permission be granted, requiring the submission to, and approval by, the local planning authority of details relating to the boundary treatment to ensure that improved fencing be erected and retained.

The proposal would include an outdoor tipping area, intended for smaller, third party customers, such as builders. This tipping area would ensure that individuals visiting the site are kept separate from the waste processing building. It is recommended that, should planning permission be granted, a condition be imposed requiring that any stockpiled material be limited in height to 3 metres, in the interests of visual amenity.

Given the constrained nature of the site, along with the existing hardstanding, which behaves as a cap over historically contaminated land, it would be unrealistic to require any landscaping.

It is considered that, given the nature of the existing site and the surrounding area; the scale, siting, and design of the proposed building; and the proposed improvements to the boundary treatment, that the proposal would not result in a significant adverse impact on visual amenity or the character of the surrounding area. Subject to the afore mentioned conditions, it is considered that the proposal would improve the visual appearance of the site and is in accordance with Policy DC61 of the DPD.

IMPACT ON AMENITY

Policy DC61 of the DPD states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

The site is located within an industrial area and is not in close proximity to any sensitive land uses; moreover, the site is already in use as a waste processing operation and vehicle dismantling area. However, the proposed development will result in a significant increase in the volume of waste being processed on an annual basis. The Council's Environmental Health officer has recommended a condition relating to the control of noise resulting from the use of screening equipment.

In order to prevent dust drift occurring at the site, it is recommended that a condition be imposed requiring the submission of details relating to the suppression of dust.

Subject to the imposition of the afore mentioned conditions, it is considered that the proposal would be in accordance with Policy DC61 of the DPD.

HIGHWAY/PARKING

Policy DC32 of the DPD states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

The proposal would result in an increase in the annual throughput of the skip operator from 50,000 to 75,000 tonnes. However, this would be offset to some extent by the loss of the existing vehicle dismantling uses. The Council's Highway officers have considered the proposal and have raised no objections.

REGULATORY SERVICES COMMITTEE

13th October 2011

WITHIN STATUTORY PERIOD

A neighbouring occupier has stated that the proposal could give rise to increased amounts of debris being deposited in the highway, which could cause dust and safety problems.

During the officer's site visit, mud was observed in the highway beyond the site access. It is therefore recommended that a condition be imposed requiring the submission to the LPA of details relating to wheel washing methods. A condition is also recommended requiring the trucks that visit the site be sheeted, to prevent the deposition of any material in the highway.

Subject to the afore mentioned condition, in terms of its impact on highway safety and amenity, it is considered that the proposal would be acceptable and in accordance with Policy DC32 of the DPD.

OTHER ISSUES

The site is located on land that has a history of industrial uses and which is known to be contaminated. Policy DC53 of the DPD states that where development is located on or near to land where contamination is known to exist, that an assessment be undertaken considering the site's condition, potential risks, and remediation measures. It is also stated that development should not lead to future contamination of the land in and around the site.

A Ground Condition Assessment has been submitted with the application. The Council's Environmental Health officers have recommended that a condition be imposed, should planning permission be granted, requiring the submission of additional ground contamination details if necessary. The Environment Agency has been consulted about the proposal and has also recommended conditions relating to contaminated land.

Subject to the use of a condition imposing controls relating to contaminated land, the proposal is considered to be acceptable in terms of land contamination, and in accordance with Policy DC53 of the DPD.

FLOOD RISK

Parts of the site are located in Flood Zones 2 and 3, as defined by the Strategic Flood Risk Assessment. Policy DC48 of the DPD stipulates various requirements relating to major development proposed in Flood Zone 1, and any other development located in Flood Zones 2 and 3. It is stated that a sequential approach should be adopted, which directs development to the lowest appropriate flood risk zone; that flood storage capacity should not be constrained in the Flood Plain; and that given surface water drainage requirements are achieved. The LPA takes advice from consultees on the latter two issues.

The proposed development relates to an existing waste recycling use meaning the principle of development at the site is already established. The site is located within an existing industrial area and it is not considered that the proposed building operations could reasonably be located in an area at lower risk of flooding. A Flood Risk Assessment has been submitted with the application; The proposal would involve the construction of an integrated drainage system.

The Environment Agency have been consulted about the proposal and have recommended a condition relating to drainage.

Subject to the imposition of the afore mentioned condition, the proposed development is considered to be acceptable in terms of flood risk considerations, and in accordance with Policy DC48 of the DPD.

REGULATORY SERVICES COMMITTEE

13th October 2011

WITHIN STATUTORY PERIOD

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be acceptable having had regard to Policies CP11, DC9, DC40, DC48, DC53, DC61, and DC62 of the DPD and all other material considerations.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to conditions

1. S SC4 (Time limit) 3yrs
5. M SC09 (Materials)
6. SC57 (Wheel washing)
7. M SC60 (Contaminated land)
2. Non standard condition
(Approved Plans)

The development hereby approved shall be carried out in accordance with the following approved plans and information:

7:1082PL1 date stamped 11 August 2011

7:1082PL2 date stamped 11 August 2011

7:1082PL3 date stamped 11 August 2011

7:1082PL4 date stamped 11 August 2011

7:1082PL5 date stamped 11 August 2011

Design and Access Statement, Supporting Statement, and Ground Contamination Report all received on 11 August 2011

and in accordance with the following conditions.

Reason:-

For the avoidance of doubt and to ensure the development is undertaken in accordance with the approved plans.

3. Non standard condition
(Flood Risk Assessment)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2011, reference number JS1021 (Rev. 1A) compiled by J Small Consulting and the following mitigation measures detailed within the FRA:

a) Limiting the surface water run off to 49 litres per second. Equivalent to a rate below the existing 1 in 2 year return event for all events up to the 1:100 year event, with an allowance for climate change (section 4.8.4, page 15).

b) Providing a Flood Evacuation Plan (section 4.5, page 12).

c) Finished floor levels are set 300mm above existing ground levels (section 4.2, page 12).

REGULATORY SERVICES COMMITTEE

13th October 2011

WITHIN STATUTORY PERIOD

Reason:-

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk and impact of flooding on the proposed development and future occupants.

- 4.** Non standard condition
(Boundary Treatment)

No development shall take place until details of the proposed boundary treatment at the site, including dimensions, materials and colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

Reason:-

To protect the visual amenities of the development and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 8.** Non standard condition
(Dust Action Plan)

No development shall take place until a dust action plan has been submitted for approval, in writing, by the Local Planning Authority. The scheme shall include details of the measures to be taken to minimise the creation of dust; provision for monitoring of dust by site operatives; and of the remedial action to be taken if dust is created. The approved scheme shall be implemented prior to the approved waste recycling building being brought into use and shall be retained for the life of the development.

Reason:-

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

- 9.** Non standard condition
(Drainage)

No development shall take place until a scheme detailing the proposed means to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the approved waste recycling building being brought into use and shall be retained for the life of the development.

Reason:-

The proposed activity poses a risk to controlled waters therefore the drainage system should provide a sealed impermeable system which minimises the risk to ground water or surface waters.

- 10.** Non standard condition
(Noise Control)

REGULATORY SERVICES COMMITTEE

13th October 2011

WITHIN STATUTORY PERIOD

No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site owing to the use of screening equipment. The scheme shall demonstrate that the noise produced by the screening equipment will not be detrimental to the amenities of the occupiers of neighbouring properties. The approved scheme shall be implemented within 7 days of the approved waste recycling building being brought into use and shall be retained for the life of the development.

Reason:-

In the interests of local amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

11. Non standard condition
(Stockpile Heights)

No material, containers, plant or other objects shall be stored outside of the buildings above a height of 3m from ground level.

Reason:-

To protect the visual amenities of the development and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Non standard condition
(Dust Control)

If, at any time, dust is seen crossing the site boundary, all site operations shall be suspended immediately until remedial action has been undertaken.

Reason:-

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

13. Non standard condition
(Lorry Sheeting)

All loaded lorries arriving at and leaving the site shall be securely sheeted.

Reason:-

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

14. Non standard condition
(Drainage)

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:-

REGULATORY SERVICES COMMITTEE

13th October 2011

WITHIN STATUTORY PERIOD

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

- 15.** Non standard condition
(Burning of Material)

No waste material shall be burnt within the boundary of the site.

Reason:-

In the interests of amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

- 1** INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies:

CP11 SUSTAINABLE WASTE MANAGEMENT
DC9 STRATEGIC INDUSTRIAL LOCATIONS
DC48 FLOOD RISK
DC53 CONTAMINATED LAND
DC61 URBAN DESIGN
DC32 THE ROAD NETWORK

of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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REGULATORY SERVICES COMMITTEE REPORT

13 October 2011

Subject Heading:	P1323.11 – Spring Farm / Rainham Quarry, Launder Lane, Rainham Variation of Condition 1 of planning permission P1361.02, to extend the period of mineral processing to 31st December 2015, and consequential amendments to other conditions.
Report Author and contact details:	Simon Thelwell (Planning Control Manager) 01708 432685
Policy context:	Local Development Framework London Plan National Planning Guidance
Financial summary:	None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This planning application proposes the variation of a planning condition under the provisions of Section 73 of the Town and Country Planning Act 1990. Planning permission P1361.02 granted consent for a change of use to secondary aggregate and soil production (waste recycling); the re-erection of mineral processing plant;

and the erection of a bagging plant, all within Rainham Quarry. Only the bagging plant aspect of the proposal has been undertaken.

Condition 1 of planning permission P1361.02 states that the approved development is permitted for a limited period, and that the site should be cleared and the land restored by 17th March, 2010. The planning application under consideration proposes the variation of condition 1 of planning permission P1361.02 to enable the period of working to continue until the 31st December 2015. Officers are recommending that planning consent be granted, subject to conditions and planning obligations set out below.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure the following:

- The completion of a new legal agreement to ensure that the operator does not use land at Rainham Quarry for the processing of skip waste in accordance with planning permission P1361.02 and its successor, P1323.11, should planning permission be granted. Planning permission P1361.02 granted approval for the erection of plant and for the change of use of land to allow for the processing of skip and construction waste. Planning application P1323.11 seeks to extend the life of planning permission P1361.02. A legal agreement is required to prevent the skip waste use being implemented with the Developer/Owner covenanting not to seek compensation for agreeing not to implement the processing of skip waste use.

That staff be authorised to enter into a legal agreements to secure the above and upon completion of those agreements, grant planning permission subject to the conditions set out below:

1. This permission shall be for a limited period only, expiring on the 31st December 2015, on or before which date the development carried out under this permission shall be removed and the site reinstated in full accordance with the 'Revised Restoration and After Scheme' dated March 2000 and approved in accordance with conditions 6 and 7 of planning permission P2239.87.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

2. All plant, machinery, structures and buildings hereby permitted shall be removed within three months from the expiry date referred to in condition 1 above.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

3. No materials brought to the site under this permission shall be stored other than within the 'operating area' defined on Figure 7.1 (approved as part of planning permission P1361.02) and shall not be stored to a height exceeding 5 metres above the adjacent ground level of the operating area. No materials shall be stored in any other part of the application site.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

4. No work shall be carried out on the site other than between the hours of 0700hrs and 1800hrs Mondays to Fridays, between the hours of 0700hrs and 1300hrs on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason:-

In the interests of local amenity in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications approved as part of planning permission P1361.02.

Reason:-

The Local Planning Authority consider it essential that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if carried out differently in any degree from the details submitted.

6. With the exception of the bagging plant, which shall be retained in accordance with the materials and colour scheme approved as part of condition 6 of planning permission P1361.02, none of the proposed new plant, machinery, structures or buildings shall be installed or erected until

details of their proposed materials and the colour scheme for any external cladding has first been submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

7. The surface drainage system shall be retained in accordance with the details approved in accordance with condition 7 of planning permission P1361.02.

Reason:

Condition 7 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

8. The development hereby approved shall be undertaken in accordance with the details that were approved in accordance with condition 8 of planning permission P1361.02.

Reason:

Condition 8 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

9. The discharge of surface water from the site shall be in accordance with the scheme approved under condition 9 of planning permission P1361.02.

Reason:

Condition 9 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

10. No soakaways shall be constructed in contaminated ground or in any areas that have been infilled.

Reason:

To prevent the pollution of ground water

11. All access by heavy goods vehicles to and from the plant and machinery hereby permitted shall only be from the existing access point onto Launderers Lane.

Reason:
In the interests of amenity and highway safety.

INFORMATIVES

1. Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies DC22, DC32, DC41, DC43, DC45, DC58, and SSA6 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises land within an established sand and gravel working, which is largely worked-out. The application site is primarily in use for the processing, storage, and bagging of minerals, with fixed plant, a mineral stockpiling area, and associated site buildings present.
- 1.2 The site forms an irregular shape and is broadly located within an area bounded by Launderers Lane to the west and Warwick Lane to the north, with the remainder of Rainham Quarry forming the southern and eastern boundaries of the site. The site is designated as Green Belt and as a Mineral Safeguarding Area in the Local Development Framework.
- 1.3 Mineral extraction continues to occur at the Spring Farm site, which is located to the south west of the site under consideration, on the western side of Launderers Lane. The sand and gravel extracted at Spring Farm is sent to Rainham Quarry (the application site) for processing and bagging.
- 1.4 The site is well screened from the surrounding area by extensive tree planting and screen bunding.

2. Description of Proposal

- 2.1 Condition 1 of planning permission P1361.02 states that:

“This permission shall be for a limited period only expiring on 17 March 2010 Restoration of the site in accordance with Revised Restoration and Aftercare Scheme dated March 2000.”

- 2.2 This planning application seeks approval for the variation of condition 1 of planning permission P1361.02. The condition requires that the formerly approved development, namely the bagging plant, replacement processing plant, and waste processing use, be removed and the site restored by

March 2010. Only the bagging plant has been implemented and this should have been removed in March 2010; this application therefore seeks retrospective approval.

- 2.3 Owing to the economic climate that has prevailed since 2007, the output of sand and gravel at Spring Farm Quarry has significantly declined, which has delayed the point at which the quarry would be fully worked-out. Whilst no end date was imposed limiting the period of working within Spring Farm Quarry, the processing facilities associated with it and located within Rainham Quarry, are time-limited.
- 2.4 The operator anticipates that mineral extraction at Spring Farm Quarry will be completed by the end of December 2015 and the period of working within the Rainham Quarry processing and bagging area therefore needs to be extended to reflect this.

3. Relevant History

- 3.1 The planning permission of most relevance to this application is as follows:

P1361.02 - Change of use of land to allow for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved.

- 3.2 The application under consideration has been submitted alongside three other planning applications that are related to the proposal and which seek variations to other existing planning consents. They are:

P0518.11 – Removal of condition 7 of planning permission P2098.04, removing the requirement to create a new access between Spring Farm Quarry and New Road.

P0593.11 – Variation of condition 1 of planning permission P0761.05, to allow for the continued use of development associated with the mineral processing area, at the Rainham Quarry site until December 2015 – Under consideration.

P0712.11 – Variation of condition 4 of planning permission P2239.87, to allow for the continuation of mineral processing until December 2015.

- 3.3 Summary

Rainham Quarry (processing area and bagging area)

P1323.11 – Variation of condition 1 of planning permission P1361.02 for the continuation of approved operations until December 2015 – Under consideration.

P1361.02 – Change of use for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved (03/04/2003).

Rainham Quarry (processing area)

- P0712.11 – Continuation of mineral processing at Rainham Quarry to December 2015 – Under consideration.
- P2099.04 – Variation of condition 4 of P2239.87 for the continuation of approved operations to September 2012 – Approved (15/01/2007).
- P2239.87 – Continuation of mineral processing to March 2010 and re-erection of concrete batching plant – Approved (17/03/1995).

Rainham Quarry (Bagging area)

- P0593.11 – Continued use of development approved by P0761.05 to December 2015 – Under consideration.
- P0761.05 Retrospective planning application for the retention of a portable office, unapproved changes to the processing plant, security fencing, and the extension of the aggregate storage area by about 0.08 hectares – Approved (17/06/2005).

Spring Farm Quarry (extraction area)

- P0518.11 – Access changes at Spring Farm Quarry - Under consideration.
- P2098.04 – Mineral extraction, infilling and restoration. Approved (15/01/2007).

4. Consultations/Representations

4.1 Statutory Consultees

- Environment Agency - No response to date.
- Natural England - No objections.

4.2 Non statutory Consultees

- Highways - No response to date.
- Environmental Health - No response to date.
- Rainham Conservation & Improvement Society - No response to date.

4.3 This application was advertised by site notice and a press advertisement, and notification letters were sent to adjacent addresses. The consultation period expires on 7th October, 2011. Members will be given an update at Committee should any further consultation responses be received following the completion of this report.

- 4.4 An objection has been received from one local resident (Warwick Lane, Rainham) stating that the operators cause dirt, pollution, noise, and damage to the public highway.

5. Relevant Policies

- 5.1 DC22 (Countryside Recreation)
DC32 (The Road Network)
DC41 (Re-Use and Recycling of Aggregates)
DC43 (Ready Mixed and Processing Plant)
DC45 (Appropriate Development in the Green Belt)
DC58 (Biodiversity and Geodiversity)
DC61 (Urban Design)
SSA6 (Rainham Quarry Community Woodland)
- 5.2 Relevant national planning guidance:
- MPS1 (Planning and Minerals)
PPS1 (Delivering Sustainable Development)
PPG2 (Green Belts)

6. Staff Comments

- 6.1 Introduction
- 6.1.1 This proposal is put before Planning Committee as the application complements three separate planning applications relating to Spring Farm and Rainham Quarries that are being reported to Committee.
- 6.1.2 In the event that planning permission is granted in this case, the proposal would result in a new planning permission being issued. Where appropriate, and subject to any necessary amendments, the conditions imposed on the last planning consent would need to be re-imposed in this instance.
- 6.1.3 The main issues to be considered by Members in this case are the principle of development, visual impact, local amenity, access considerations, and nature conservation.
- 6.2 Principle of development
- 6.2.1 The application site is located in a Mineral Safeguarding Area, a site of Borough Importance for Nature Conservation, the Thames Chase Community Forest, the Rainham Quarry Community Woodland, and within the Metropolitan Green Belt. Policy DC58 states that development within sites of nature conservation importance will be permitted subject to certain criteria. Policy DC22 states that opportunities to improve informal recreation in the countryside will be sought, whilst Policy SSA6 states that the site should be restored, and a community woodland created. The approved restoration and aftercare schemes approved in accordance with planning permission P2239.87, which are applicable in this case, recommend the

creation of woodland and areas of public access. The proposal is considered to be in accordance with Policies DC22 and SSA6.

- 6.2.2 Policy DC45 of the DPD states that planning permission for development in the Green Belt will only be granted where it includes certain types of development, which include minerals extraction and buildings deemed to be essential to it. Policy DC41 states that, subject to Policy DC43, aggregate recycling will be granted within mineral extraction sites. Policy DC43 of the DPD states that ready mixed and processing plant within the Green Belt will only be permitted at current mineral working sites and that they will be tied to the life of the relevant mineral extraction site.
- 6.2.3 Although the proposal relates to approved development, some of which has been implemented, it proposes allowing that development to continue for more than two years over and above what has been approved, which will delay this Green Belt site's restoration. The application effectively proposes the erection of temporary buildings and structures insofar as, if the application were to be refused, the existing structures under consideration would need to be removed in September 2012.
- 6.2.4 The development under consideration is located within Rainham Quarry and is associated with an existing mineral processing use. This mineral processing facility is essential to the continued winning and working of minerals at Spring Farm Quarry. The proposal is therefore considered to be in accordance with Policies DC41, DC43 and DC45.
- 6.2.5 The guidance contained in PPG2 is also of relevance. The preliminary assessment when considering proposals for development in the Green Belt is as follows:-
- a) It must be determined whether or not the development is inappropriate development in the Green Belt. PPG2 and the Local Plan set out the categories of appropriate development.
 - b) If the development is not considered to be inappropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 6.2.6 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and "very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations" (PPG2, paragraph 3.2).
- 6.2.7 In terms of Green Belt policy, this application proposes building operations (fixed plant and other structures) and a change of use (skip and building waste processing.) It is considered that the use of land for the processing of

aggregates, given the screened nature of the site and subject to height limits on any stockpiled material, would not significantly diminish the openness of the Green Belt.

6.2.8 The building operations under consideration, might normally constitute permitted development, except that the site handles imported sand and gravel in addition to minerals derived from the immediate site. The buildings are not included in the list of those building types considered to constitute appropriate development in PPG2. However, given that Policies DC43 and DC45 of the DPD explicitly support the proposal, and that the development under consideration is required for a temporary period to assist in the winning and distribution of valuable mineral resources, it is considered that very special circumstances exist to overcome the harm to the Green Belt by reason of inappropriateness. No other harm is identified, as discussed later in this report.

6.2.9 Accordingly, the proposal is considered to be acceptable in principle.

6.3 Visual Impact

6.3.1 Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design.

6.3.2 The application under consideration proposes a temporary continuation of the period of working relating to previously approved development. The extension of operations would be for a relatively modest, additional period of two years and three months over and above what is already approved. The planning permission that would be varied permits waste processing and the erection of plant. Given the temporary nature of the proposal, it is considered that the proposed development, some of which is already in situ, in terms of its siting, scale and design, and the screened nature of the site, would not have a significant adverse impact on the visual amenities of the Green Belt or on the character of the surrounding area.

6.3.3 The nature of the proposal is such that it would be in accordance with Policy DC61 of the DPD and the guidance contained in PPG2.

6.4 Local Amenity

6.4.1 Policy DC61 of the DPD states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

6.4.2 An objection has been received from a local resident living along Warwick Lane in Rainham. It is stated that the operator generates dirt, noise, and pollution. Members will be given an update regarding any comments that are made by Environmental Health officers.

6.4.3 Planning officers consider that the application proposes a relatively modest extension to the period of working of an existing development, in addition to other development that was formerly approved. It is considered that, given the nature of this development, including its siting, scale and design, there would be no significant adverse impacts on local or residential amenity if this application were approved. The proposal is considered to be in accordance with Policy DC61 of the DPD.

6.5 Access Considerations

6.5.1 Policy DC32 of the DPD states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

6.5.2 If the application being considered is approved, then mineral processing will be able to continue at the site for an additional two years and three months over and above what is already permitted, meaning there will be a continued impact on the highway network. Moreover, the operator will have the opportunity to implement a change of use of land to allow for the processing of skip and construction waste.

6.5.3 A separate planning application being considered by Members and referenced P0518.11 seeks approval for the non-implementation of a new road access between Spring Farm Quarry and New Road. The operator has agreed, should planning permission be granted for that proposal, to enter into a legal agreement that would prevent them from implementing the skip waste processing use. This is intended to limit the impact of additional traffic along Launderers Lane. Members should therefore be aware that the skip waste use being proposed as part of the application under consideration is unlikely to be implemented in the future.

6.5.4 A local resident has objected to the proposal stating that the operator's activities cause damage to the public highway network. The Council's Highway officers have considered the proposal and have raised no objections. In terms of its impact on highway safety and amenity, it is considered that the continuation of mineral processing at the application site would be acceptable and in accordance with Policy DC32 of the DPD.

6.6 Nature Conservation

6.6.1 The site is designated as a site of Borough Importance for Local Nature Conservation. Policy DC58 states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced.

6.6.2 An Ecological Appraisal has been submitted with the application, which concludes that the proposed extension of the working period would not have any significant adverse impacts on the area's ecological assets. Natural England were consulted about this application and raised no objections.

6.6.3 In terms of its ecological impact, the proposal is considered to be acceptable and in accordance with Policy DC58 of the DPD.

7. Conclusion

7.1 Officers consider the proposal to be acceptable, having had regard to Policies DC22, DC32, DC41, DC43, DC45, DC58, and SSA6 of the DPD, and all other material considerations, subject to the recommended conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to draft a new Section 106 agreement which is required to ensure that the applicants do not implement the skip-waste processing use.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
Supporting Statement received on 25/08/2011.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

13 October 2011

Subject Heading:

P1137.11 – Former Hubbinet Site, King George Close, Romford

2-storey data centre with associated office accommodation and internal and external plant, including an energy centre

(Application received 29th July 2011. Revised drawings received 27th September 2011)

Report Author and contact details:

**Helen Oakerbee, 01708 432800,
helen.oakerbee@havering.gov.uk**

Policy context:

**Local Development Framework,
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	[]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[]
Value and enhance the life of every individual	[X]
High customer satisfaction and a stable council tax	[]

SUMMARY

The proposed development comprises the construction of a Data Storage Centre (DSC) consisting of B1 and B8 uses. The facility will comprise of a 2-storey main

building (measuring 5.990sq metres) and an energy centre building (measuring 2.375sq metres) with ancillary office accommodation. There will be a new access and security hut with fencing around the site.

The proposal would provide 36 parking spaces for cars and HGV lorries (including 5 disabled bays) with 28 spaces for motorcycles and bicycles.

36 car parking spaces (10 spaces specifically designated for staff), 5 disability spaces, 5 motorcycle spaces and 24 cycle spaces.

Staff consider the relevant issues to particularly include the principle of the development, the effect of the development upon the character of the street scene, the impact upon the amenities of existing adjoining residential occupiers, amenity space and car parking provision for the existing and proposed occupiers and highways considerations.

Revised drawings were received on 27th September which indicates an additional fire escape to the southern elevation to comply with fire safety regulations.

Staff recommend that planning permission be granted.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A planning contribution for the sum of £10,000 to be used to improve the footway around the site and / or works to prevent Heavy Good Vehicles parking on the local footway.
- Apprenticeship opportunities during the construction phase of the development to contribute towards employment and skills activity. The number of apprenticeships to be agreed.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1) Time Limit: The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

3) Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turving comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document

4) In accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

5) Hours of Construction: No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6) Construction Methodology: Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason:

To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

7) Parking: Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 8 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

8) Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

- a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

9) Noise levels: Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

10) Sustainability Statement: No occupation of the development shall take place until the developer provides a copy of the final Building Research Establishment (BRE) certificate confirming that the development design and final construction achieves the minimum BREEAM (Data Centre) rating required of "Very Good". The development shall be carried out in full accordance with the agreed Sustainability Statement and a BREEAM Post Construction Assessment shall be carried out on all or a sample of the development to ensure that the required rating has been achieved.

Reason:

In the interests of energy efficiency and sustainability in accordance with DC49 Sustainable Design and Construction and Policy 5.5 of the London Plan (2011).

11) Energy Statement: The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason:

In the interests of energy efficiency and sustainability in accordance with DC50 Renewable Energy and Policy 5.7 of the London Plan (2011).

12) Finished Floor Levels: The development hereby permitted shall not be commenced until such time as a scheme to ensure finished floor levels are set no lower than 8.5m above Ordnance Datum (AOD) has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

To reduce the risk of flooding to the proposed development and future occupants.

13) Surface Water Drainage: Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include an attenuation system providing 50% attenuation of the undeveloped sites surface run off, 27.2 litres per second for the 1:30 year event and 31.6 litres per second for the 1:100 year event (section 3.2, page 6 and section 4, page 10).

Reason:

To prevent the increased risk of flooding, to improve and protect water quality.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP3 and CP17 of the Core Strategy and Policies DC9, DC33, DC61 and DC72 of the LDF Development Control Policies Development Plan Document. The proposal is also compliant with Policy 2.17 of the London Plan (2011).

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

3. **Advice regarding condition 13**

In order to discharge this condition the following information should be provided:

- A clearly labelled drainage layout plan showing pipe networks and any attenuation, sections of oversized pipes and storage features. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- Confirmation of the critical storm duration.
- Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- Where on site attenuation is achieved through attenuation ponds or other features, calculations showing the volume of these are also required.
- Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The site comprises 1.53 hectares, is located due north west of the A12 Eastern Avenue West, adjacent to Hainault Road and King George Close. The site is currently vacant however, it was previously occupied by a large, central brick built building of approximately 8000sq.m. and which comprised industrial and warehouse accommodation.
- 1.2 To the south east, south west and north west, the site is surrounded by other commercial, industrial and warehouse premises. The site and its non-residential surroundings are identified as a Strategic Industrial Location (SIL). Opposite the site to the north east are a number of residential properties along Hainault Road.
- 1.3 Vehicular access to the site is from King George Close. There used to be a former access from Hainault Road however, this access does not appear to be in use anymore.
- 1.4 The site is located within Flood Risk Zones 1, 2 and 3.

2. Description of Proposal

- 2.1 The Council is in receipt of a planning application seeking permission to develop a 2-storey data centre with associated office accommodation and internal and external plant, including an energy centre.
- 2.2. The main data centre will measure 122.5m in width by 49m in depth, resulting in a gross external footprint of approximately 6000sq.m. The building will be 2-storey in height, measuring 13m to the top of an aluminium vaulted roof. There would be solar panels to the top of the roof to the southern elevation. The Building will have aluminium cladding, coloured light grey with double glazed PPC aluminium curtain wall system and aluminium louvre system to match the cladding. The building would have accommodation over 2 floors.
- 2.3 Within the facility the core functions will be:

- Computer storage and use
 - Continuous electrical power provision
 - Temperature controlled internal environment
 - Connectivity internally and to external systems
- 2.4 The building will accommodate 8 data halls, each with varying lettable areas (298sq metres to 1,368sq metres), totalling approximately 11,000sq metres of technical space. The building will also accommodate associated offices, plant rooms, corridors and storage areas, external plant areas, circulation space, loading bays and lifts. Each hall tenancy will have its own standalone engineering plant and supporting office accommodation.
- 2.5 There would also be an energy centre measuring 95m in width by 25.5m in depth with an external area of 2,375sq.m. The building will have a flat roof with a maximum height of 11.8m. External materials will be aluminium cladding, coloured light grey with double glazed PPC aluminium curtain wall system and aluminium louvre system to match the cladding. To the top of the building would be stainless steel generator exhaust flues, projecting a maximum of 1.2m above the roof. The building would have accommodation over 2 floors.
- 2.6 External plant will consist of roof top chillers with standby generators located at ground level or on the roof of the building. Fuel for the generators will be stored securely in underground tanks.
- 2.7 Entrance to the site would be to the north, opposite the existing entrance to No. 3 King George Close. Access would be via an in-out arrangement with security hut at the entrance.
- 2.8 The security hut would measure 5m in width and 9m in depth. It would have a pitched roof with hipped ends to a maximum height of 3.7m. Materials to be used for the external construction of the security hut would be brickwork with a tiled roof and one way silver mirror film on double glazed windows.
- 2.9 There would be new mesh security fencing and gates of 3m high around the boundaries of the site.
- 2.10 On-site parking will be provided with 36 car parking spaces, 5 disability spaces, 5 motorcycle spaces and 24 cycle spaces. There would also be an access road and turning area for vehicles.
- 2.11 The proposal also includes details for soft and hard landscaping.
- 2.12 Revised drawings were received on 27th September which indicates an additional fire escape to the southern elevation to comply with fire safety regulations.

3. Planning History

- 3.1 P0834.07 - Erection of 2 no. wind turbines – Approved.
- 3.2 P0480.07 - Redevelopment of site to provide 32 units for B1 (c), B2 and B8 use, car parking, landscaping and alteration to existing access – Approved.

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press as a major development given the floor space being more than 1000sq.m. Neighbour notification letters have also been sent to 62 local addresses.
- 4.2 At the time of drafting this report, 2 letters of representation have been received, one requesting information on the nature of the application. Another letter was received from the owners of Zeco Ltd which is at No. 83 – 99 Hainault Road, stating that they have a right of way over the site at King George Close.
- 4.3 The Borough Crime Prevention Design Advisor was consulted and raised no material objections concerning any crime or community safety issues.
- 4.4 English Heritage was consulted on the archaeology of the site. It is confirmed that in light of previous archaeological evaluation (report included in submission of application), no further archaeological mitigation need be required in respect of the current application.
- 4.5 The fire brigade raised no concerns however recommend the installation of 3 private fire hydrants. No concerns are raised in terms of access arrangements for the fire brigade.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

CP3 – Employment
CP9 – Reducing the need to Travel
CP10 – Sustainable Transport
CP15 – Environmental Management
CP16 – Biodiversity and Geodiversity
CP17 - Design

5.2 LDF Development Control Policies Development Plan Document

DC9 – Strategic Industrial Locations
DC32 – The road network
DC33 – Car parking
DC34 – Walking
DC35 – Cycling
DC36 – Servicing

DC48 – Flood Risk
DC49 – Sustainable Design and Construction
DC50 – Renewable Energy
DC51 – Water supply, drainage and quality
DC52 – Air Quality
DC53 – Contaminated Land
DC55 – Noise
DC58 – Biodiversity and Geodiversity
DC61 – Urban design
DC62 – Access
DC63 – Delivering safer places
DC70 – Archaeology and Ancient Monuments
DC72 – Planning Obligations

5.3 The London Plan (2011)

2.17 (Strategic Industrial Locations)
4.4 (Managing Industrial Land and Premises)
5.5 (Sustainable Design and Construction)
5.7 (Renewable Energy)
5.11 (Green Roofs and Development Site Environs)
5.12 (Flood Risk Management)
5.13 (Sustainable Drainage)
5.21 (Contaminated Land)
6.3 (Assessing Effects of Development on Transport Capacity)
6.9 (Cycling)
6.10 (Walking)
6.13 (Parking)
7.3 (Designing out Crime)
7.4 (Local Character)
7.7 (Location and Design of Tall and Large Buildings)
7.8 (Heritage Assets and Archaeology)
7.14 (Improving Air Quality)

5.4 Government Guidance

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Statement 5 – Planning for the Historic Environment
Planning Policy Guidance Note 13 – Transport
Planning Policy Guidance Note 24 – Planning and Noise
Planning Policy Statement 25 - Development and Flood Risk

6. **Staff Comments**

6.1 The main issues in this case are considered to be the principle of the development, the effect of the development upon the character of the street scene, its impact upon the amenities of existing adjoining residential occupiers, the impact upon the local highway network and parking provision, sustainability, flood risk and contamination.

6.2 Principle of Development

- 6.2.1 The site falls within one of the Borough's Strategic Industrial Locations (SILs) as identified in Policy DC9 of the Council's LDF. Policy DC9 seeks to ensure that the Council will generally permit only business and industrial uses such as B1 (b+c), B2 and B8.
- 6.2.2 The policy guidance contained within Policy DC9 is further supported by the London Plan (2011), Policy 2.17 which states that boroughs should promote, manage and protect SILs. It goes further to state that all development proposals in SILs should be refused unless they a) fall within the broad industrial type activities; b) they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document; c) is for employment workspace to meet identified needs for small and medium sized enterprises (SMEs) or new emerging industrial sectors or d) the proposal is for small scale "walk to" services for industrial occupiers such as workplace crèches or cafes.
- 6.2.3 The application site is for a new data storage centre which involves a data storage warehouse with ancillary offices and an emergency energy centre. Indeed, the applicants already occupy the warehouse unit on the opposite side of the application site, at No. 3 King George Close operating a similar business. The application site would therefore enable the applicants to expand their existing business. The use therefore falls within use class B1 (storage and offices) and B8 (warehouse / storage).
- 6.2.4 Staff raised concerns with regards to the low level of employment generation as a result of the proposal (approximately 10 employees). Notwithstanding the number of employees on the site, the proposal would retain the use of the site for B1 / B8 purposes and would therefore accord with the aims and objectives of Policy DC9 of the LDF and Policy 2.17 of the London Plan by introducing an appropriate use on the site.
- 6.2.5 Government advice contained within PPS1 encourages local planning authorities to actively ensure that vacant and underused land and buildings are brought back into beneficial use. The site has been vacant for some time and Staff consider the benefits of a new B1 / B8 use on the site to outweigh the concerns raised in respect of low employment levels. The proposal would introduce a new building fit for the purposes to prospective new occupiers and with the use of sustainable materials and a sustainable design, the building can be secured for uses specified in Policy DC9 on the long term. The proposal would introduce a new business activity on the site resulting in the reuse of a vacant site in accordance with the aims of PPS1.
- 6.2.6 The proposal to bring a vacant site back into use would stimulate growth in the economy and this is supported by recent Ministerial advice on "Planning for Growth" which is also supported by PPS4. No objections are therefore raised to the principle of the development.

6.3 Impact on character and street scene

- 6.3.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.3.2 The application site is generally surrounded by existing commercial, industrial and warehouse premises and the use of site for industrial and warehouse purposes is long established. Staff do not consider that the proposed buildings would appear out of character or scale with their surroundings, particularly given the layout of the site and the simple external finishes proposed (aluminium cladding panels coloured in light grey).
- 6.3.3 The emergency energy centre building would be to the western side of the site, adjacent other industrial buildings which are of a similar size, height and design.
- 6.3.4 The larger building, the main data storage building, would have its main elevation facing King George Close to the north and other industrial buildings to the south. The building's eastern elevation which would face Hainault Road is the less intrusive elevation as it is not excessive in width. The building will be 13.4m from the Hainault Road boundary at its pinch point. Ground levels of the application site are significantly lower compared to Hainault Road. This would result in the building being 11.2m above ground level of Hainault Road and with a set-back from this boundary by 13.4m, Staff are satisfied that the development would not appear overly bulky or incongruous in the street scene.
- 6.3.5 Staff further noted that the Hainault boundary benefits from dense vegetation and mature trees. The drawings indicate new landscaping to the northern and eastern boundaries which would further mitigate any visual impact. The proposal is therefore considered acceptable in terms of its design and impact on the character of the street scene.
- 6.3.6 The proposed security hut is of modest proportions and acceptable design, similar to a security hut on the opposite side at No. 3 King George Close (Planning Ref: P0846.11). This part of the proposal is therefore not considered to be visually intrusive.
- 6.3.6 The emergency fuel storage units are proposed underground and have no visual impact.
- 6.3.7 The solar panes and exhaust flues would be on top of the roofs of the 2 main buildings. These would not project more than 1.2m above roof level

and is not considered to have any visual impact on the surrounding area or street scene.

- 6.3.8 The proposal also includes replacement boundary fencing up to 2.7m high with 300mm toppling (total height 3m). The fencing is similar to fencing recently approved at No. 3 King George Close (Planning Ref: P0846.11). The fencing is therefore considered acceptable.

6.4 Impact on Amenity

- 6.4.1 Policy DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.
- 6.4.2 The nearest and only residential occupiers are located to the north east of the site on opposite side of Hainault Road, facing the main data storage building. A distance of 28m would exist between the front elevation of this block and the front elevation of the dwellings at its closest point. Taking this together with the landscaping and the 13m paved 'buffer' zone between the building and the Hainault boundary fence, Staff do not consider that this building would appear unduly overbearing or dominant to those existing residential occupiers.
- 6.4.3 Turning to the noise and disturbance arising from the proposal, given the greater density of development (compared to the current vacant site), it is possible that some increase in noise levels may result. Notwithstanding, the site is designated for B1, B2 and B8 uses which by its very nature is potentially more noisy compared to other types of development. As mentioned earlier in this report, the applicants are currently operating a similar data storage centre at No. 3 King George Close. There have been no formal noise complaints in relation to the activities at No. 3 King George Close and to date, all activities on the site have conformed with noise conditions imposed by Environmental Health. As such, subject to conditions controlling the insulation of the buildings and the acoustic performance of any plant and machinery installed, Staff do not consider that any resultant increase would be so material as to warrant refusal of the proposals. Indeed, noise and disturbance previously arising from vehicular access to the site from Hainault Road would be likely to be significantly reduced as a result of this access only being available for emergencies as part of the proposal. As a result of this proposal, the main access to the site would be via King George Close which is some distance away from the existing dwellings, therefore reducing vehicular traffic along Hainault Road.
- 6.4.4 In light of the above circumstances, Staff consider that the proposal would not detract from the amenities of the existing residential occupiers. Policies CP17, DC55 and DC61 are therefore considered to be satisfied.

6.5 Parking and Highway Issues

- 6.5.1 With regards to car parking and access arrangements, the site will provide vehicular and pedestrian access from King George Close with a loading bay at the rear (south) of the building.
- 6.5.2 The site is located within a low ranked Public Transport Accessibility Level Zone (PTAL 1-2), as defined in DC2 of the LDF. According to Annex 5 of the LDF, for B1 uses 1 parking space per 100sq.m of floor space is required and for B8 uses, 1 lorry space per 200sq.m. In applying this standard, 60 no. car parking spaces are required to serve the development.
- 6.5.3 The applicant has provided a Transport Statement that indicates that the proposal would create in the region of 47 two-way trips in the morning peak hour and 57 two-way trips in the evening peak hour. The statement acknowledge that the site is not within a convenient walking distance from rail and underground services however, the site is within close proximity to bus routes / services and as a good level of access to local pedestrian and cycle networks.
- 6.5.4 The Transport Statement concludes that the proposed data centre will differ significantly in its operation from standard B8 warehousing / distribution centres by virtue of the cumulative volume of occasional visits from data centre end users. The net traffic generation of the site has been assessed and it is concluded that the proposed data centre is likely to generate less vehicular traffic during both the AM and PM peak periods than the previous consented use of the site. It is therefore considered that the proposed development would not have any material impact on the operation of the local highway network.
- 6.5.5 PPG 13 places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible. The Council's Highways Authority raised no objections in respect of the proposals.
- 6.5.6 In light of the above information and the use being for data storage in the form of electronic data, Staff are of the opinion that the proposal would not require any heavy goods to be delivered as part of their operations and there would therefore be no need for lorry parking. In respect of car parking, the site would only employ a maximum of 10 members of staff and would provide 36 car parking spaces (10 spaces specifically designated for staff), 5 disability spaces, 5 motorcycle spaces and 24 cycle spaces. Staff are of the opinion that this level of parking provision is sufficient and would not give rise to any overspill parking onto the adjoining roads. The proposal therefore satisfy the requirements of Policy DC33 of the LDF.
- 6.5.7 A planning contribution is sought totalling £10,000 to improve the footway around the site and / or works to prevent Heavy Good Vehicles parking on the local footway.

6.6 Archaeology

- 6.6.1 The site has been subject to an archaeological evaluation in 2008, the report of which accompanies the application. The report indicates that no significant archaeological features or deposits were identified in any areas of the site due to the fact that most deposits had been truncated down to the natural clay during the previous development. Due to a lack of any significant archaeological features or deposits on the site, it is suggested that no further archaeological mitigation need be required in respect of this current application. This has been confirmed by English Heritage.

6.7 Ecological Issues

- 6.7.1 An Ecological Assessment has been carried out which indicates that the site is not located within 2km of a statutory designated site. The site is however located 50m from the closest recorded non-statutory designated site (the River Rom at King George's Playing Fields).
- 6.7.2 The Ecological Assessment concludes that the site overall is of limited ecological value and that the proposal will have little or no impact in terms of ecology and biodiversity. A request was made by the applicant earlier this year for the Council to do an Environmental Impact Assessment (EIA) Screening Opinion which confirmed that the site is not a site of importance to nature conservation nor is it within proximity of an area where native species or significant ecology or fauna and flora would be affected. The EIA Screening concluded that the development will require careful design to mitigate its environmental impact but this impact is judged to be only of local significance and can be addressed through the detailed design of the proposals and compliance with appropriate conditions.
- 6.7.3 As such, it is not considered that the proposal would have any harmful impact in terms of ecology or biodiversity. Notwithstanding, the Ecological Assessment recommends that any tree clearance be carried out outside of the bird nesting season which runs from March to September inclusive. An appropriate condition will be imposed, should Members be minded to grant permission.

6.8 Contamination

- 6.8.1 On the matter of contamination, the application is accompanied by Phase II Studies, which have assessed the status of the site in terms of soil, groundwater and land gas contamination. The studies conclude that no widespread soil or groundwater contamination is present but localised occurrences of soil contamination have been identified which would need to be managed as part of development process. A condition requiring the submission of a remediation strategy prior to the commencement of the development is therefore recommended and any further conditions required by the Environment Agency would be imposed, should Members be minded to grant planning permission. Policy DC53 is therefore considered to be satisfied.

6.9 Flood Risk Issues

6.9.1 The applicant has submitted a Flood Risk Assessment however, according to this report, the latest Environment Agency database shows the site to be within a Flood Zone 1 and not directly affected by the River Rom.

6.9.2 Notwithstanding, based on the findings from the EA, the FRA recommends the following:

- An up-to-date topographic survey
- All hardstanding to be reinstated above the Flood Zone 2 level with a suitable tolerance incorporated to allow for any potential future changes to flood zones

6.9.3 A response from the Environment Agency indicates that no objections are raised, subject to implementation and compliance of conditions to reduce the risk of flooding and protect water quality.

6.10 Energy & Sustainability

6.10.1 The applicant has provided an extensive sustainability statement and energy assessment, which show how the council's sustainability related policies are to be met. Subject to compliance with conditions, no issues are raised in this respect.

6.11 Section 106 Issues:

6.11.1 The Highways Authority requires a contribution totalling £10,000 to be used for improvement works to the footway around the site and / or works to prevent Heavy Good Vehicles parking on the local footway.

6.11.2 Apprenticeship opportunities to contribute towards employment and skills activity. The number of apprenticeships to be agreed.

7. Conclusions

7.1 The proposal is considered to bring a vacant site back into use which would stimulate economic growth in accordance with Ministerial advice on "Planning for Growth" and policy PPS4. The development would be acceptable in principle as the proposal for B1 / B8 purposes is in accordance with the aims and provisions of Policy DC9 of the LDF and Policy 2.17 of the London Plan (2011).

7.2 The development has been considered with regards to its impact on the character and appearance of the street scene and impact on neighbouring amenity. The proposal is considered acceptable in this respect and compliant with Policy DC61 of the LDF.

7.3 No parking or highway issues are raised and the development is considered acceptable in this respect, compliant with Policy DC33 of the LDF.

- 7.4 No issues are raised in terms of archaeology, ecology / biodiversity or contamination on the site. Subject to no objections from the Environment Agency in respect of Flooding issues, the proposal is considered to satisfy the requirements of PPS25. Energy and Sustainability reports were submitted as part of the application and this aspect is considered acceptable. Subject to conditions on the above issues, no issues are raised and the proposal is considered acceptable in this respect.
- 7.5 Overall, the proposal is considered to be acceptable and compliant with the relevant LDF Policies. The proposal is therefore recommended for approval, subject to conditions and applicant entering into a Section 106 Legal Agreement to secure a £10,000 contribution for improvements to the footway around the site and works to prevent Heavy Good Vehicles parking on the local footway and apprenticeship opportunities during the construction phase of the development to contribute towards employment and skills activity.

IMPLICATIONS AND RISKS

Financial implications and risks:

- 1) The Highways Authority requires a contribution totalling £10,000 to be used for improvement works to the footway around the site and / or works to prevent Heavy Good Vehicles parking on the local footway.
- 2) Regeneration requires apprenticeship opportunities during the construction phase of the development to contribute towards employment and skills activity. The number of apprenticeships to be agreed.

Legal Implications and Risks

Legal resources will be required for the drafting of a legal agreement.

Human Resources Implications and Risks

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application forms, plans and supporting statements received on 29th July 2011.
Revised drawings received 27th September 2011.

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6

REGULATORY SERVICES COMMITTEE

REPORT

13 October 2011

Subject Heading:

**P0804.11 – Colne Drive, Harold Hill –
Section 73 Application for variation of
approval P1473,10 - erection of 15
family houses comprising 11, 3-bed 5
person houses; 2, 3-bed wheelchair
adaptable houses; 2, 4-bed 7-person
houses together with 27 car parking
spaces and landscaping.
(Application received 28 June 2011)**

Report Author and contact details:

**Helen Oakerbee
Planning Control Manager
(Applications)
helen.oakerbee@havering.gov.uk
01708 432800**

Policy context:

**Local Development Framework
The London Plan
National Planning Policy Statements/
Guidance**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

This report concerns a Section 73 application for variation of the approved scheme P1473.10 which is for the erection of 15 family houses, parking spaces and landscaping. Staff consider that the proposed amendment is a material minor amendment and that it would accord with housing, environment and transportation policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. Approval is recommended subject to a legal agreement for affordable housing provision and education contributions.

RECOMMENDATIONS

It is recommended that either:

- A** The application is unacceptable as it stands, but would be acceptable subject to the completion of a legal agreement to secure the following:
- Affordable housing of 100% of units in accordance with Policy DC6 of the Local Development Framework Development Control Policies Development Plan Document.
 - A financial contribution of a maximum £96,493.34 towards the provision of additional school places in accordance with the formula as set out in interim planning guidance for Educational Needs Generated by New Housing Development
 - A financial contribution of £10,000 for highway/ pedestrian environmental improvements in the vicinity of the application site to enable the provision of street trees and improvements to street lighting
 - Payment of the requisite fees for the monitoring of planning obligations and legal work. All contribution sums to include accrued interest at the date spent.
 - That Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:
 1. SC04 The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. SC06 Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

3. SC09 Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

4. SC11 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development.

5. SC32 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans AA2603C/3.1/003 Rev A; AA2603C/3.1/001 Rev C; J09.141/D(00)202 Rev B; J09-141/D(00)100 Rev A; J09.141/D(00)103 Rev A; J09.141/D(20)01 Rev A; J09.141/D(20)03 Rev A; 6336-01; J09.141/D(20)04 Rev B; J09.141/D(00)202 Rev B; J09.141/D(00)101 Rev J; J09.141/D(00)102 Rev J, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure

whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

6. SC62 No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity.

7. SC63 Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity.

8. SC57 Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be

retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

9. NSC01 Clear and unobstructed pedestrian visibility splays 2.1m by 2.1m shall be provided each side of each vehicular access to the satisfaction of the Local Planning Authority in the position and for the distance shown on the approved plan. The approved pedestrian visibility splays shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

10. NSC02 Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

11. NSC03 Prior to the commencement of the development hereby permitted, full details of all boundary treatment, including materials, which reflects the standards set out in the Secured by Design Guidance for New Homes (2009) shall be submitted to the Local Planning Authority. Once agreed in writing all boundaries shall be finished as agreed prior to first occupation of the development

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

12. NSC04 The proposed alterations or additions to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

13. NSC05 The necessary agreement, notice or licence to enable the proposed alterations or additions to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

14. NSC06 No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 and Policies 4A.7 of the London Plan.

15. NSC07 The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 and Policies 4A.7, 4A.8 and 4A.9 of the London Plan.

16. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase II (Site Investigation) Report (as the Phase I Report confirms the possibility of a significant risk to any sensitive receptors). This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified

receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A – Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B – Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

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

17. SC12 No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved tree and street tree(s) adjoining the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and/or kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order.

18. NSC06 The buildings constructed pursuant to the development shall not be occupied until a means of vehicular/pedestrian access has been constructed in accordance with the approved plans.

Reason: In the interests of pedestrian safety in accordance with Policy DC34 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. In aiming to satisfy conditions 10 and 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s)
2. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
3. The applicant is advised to note that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. The developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. Planning Obligations

The planning obligation recommended in this report has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligation is considered to have satisfied the following criteria:-

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

6. Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 6th April 2008. A fee of £85 is required per discharge request.

7. Reason for approval:

The site was previously used for housing of elderly people in a warden-controlled complex. This elderly accommodation has been re-provided to the south of the application site and the application site otherwise lies in an area where housing is the preferred use. The proposal accords with Policies CP1, CP2, CP9, CP17, DC2, DC3, DC6, DC32, DC33, DC55, DC60, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document, PPS1, PPS3 and PPG13 and Policies of the London Plan.

Or

B That in the event that no satisfactory conclusion is reached within 3 months of the resolution to approve, in negotiating the appropriate planning obligations, authority to refuse planning permission be delegated to the Head of Development and Building Control for the following reasons:

The proposal fails to make adequate provision for affordable housing and as such fails to make a contribution towards meeting identified housing needs within the Borough, to the detriment of housing opportunity and social inclusion contrary to Policies Policy DC6 and DC72 of the Local Development Framework Development Control Policies Development Plan Document, and

The proposal fails to make adequate provision for meeting the additional demand for school places likely to be generated by the proposed development, contrary to Interim Planning Guidance on Educational Needs Generated by New Housing, together with Policy CP8 of the LDF Core Strategy Development Plan Document and Policies DC29 and DC72 of the LDF Development Control Policies Development Plan Document.

The proposal would be likely to have an adverse impact on the functioning of the public highway and the safe passage of pedestrians in the vicinity of the application site, contrary to the provisions of Policy CP10 or the LDF Core Strategy Development Plan Document and Policies DC32, DC34 and DC72 of the LDF Development Control Policies Development Plan Document

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a vacant site with a number of trees. Some 7 or 8 years ago some single-storey dwellings were demolished which formed part of an elderly persons' warden controlled complex; this was around the time of completion of the new old peoples' accommodation to the south of the application site. The site area is 0.299 hectares and excludes an area to the west of the site around the preserved Oak Tree to the Paines Brook Way frontage.
- 1.2 Apart from the two-/three-storey old peoples' accommodation, Paines Brook Court, to the south of the site, the surrounding area is mainly of two-storey terraced housing. To the west of the site across Paines Brook Way is an open grassed area with trees and shrubs mainly to the banks a small river, Paines Brook.

2. Description of Proposal

- 2.1 The proposal is for a variation of condition to allow the substitution of alternative plans indicating a minor amendment to the approved scheme. For completeness, details of the original scheme are provided as follows: the proposal is for 15, 2-storey terraced houses fronting onto Paines Brook Way (3), Paines Brook Road (8) and Colne Drive (4). Thirteen of the properties would be 3-bed with two of these being capable of wheelchair adaptation. The other two would be 4-bed, with accommodation in the roof space together with a dormer window to the front elevation.
- 2.2 The terrace of 8 properties fronting onto Paines Brook Road would be set back by 5.5m from the back edge of the highway. The terrace would be 47m long and 10m deep with each individual property having a width of 5.7m at ground floor level. This is with the exception of the wheelchair adaptable property which would have a set back of 4m from the highway and have a staggered set back to Colne Drive such that at point it would be on the boundary with the highway.
- 2.3 The terrace of 4 dwellings fronting onto Colne Drive would be set back by 5.5m from the back edge of the highway. The terrace would be 23m long and 10.8m deep with each individual property having a width of 5.4m at ground floor level.
- 2.4 The terrace of 3 properties fronting onto Paines Brook Way would be set back by 19m from the back edge of the highway to ensure no encroachment into the Oak's root protection area and also to provide a car court area to the front of the properties. The terrace would be 18.8m wide and 10m deep with each standard property having a width of 5.4m at ground floor level, with the wheelchair adaptable property being staggered and wider at the rear.

- 2.5 Each terrace would have a hipped, gabled roof. Nonetheless, the proposed properties would, due in part to the slight slope towards Paines Brook and the differing types of accommodation, be of differing heights above ground level, with maximum ridge heights ranging from 7.8m to 8m above ground level for the 3-bed properties, 8.15m for the wheelchair properties and 9.35m for the 4-bed properties.
- 2.6 Each individual property would be provided with a separate rear amenity space and access for bin storage and collection.
- 2.7 Two parking spaces would be provided for each property with the exception of two properties to Paines Brook Road and the two smaller properties fronting onto Colne Drive which would each have a single parking space. There would be an additional visitor space provided to the car court fronting onto Paines Brook Way. This would total 27 parking spaces.
- 2.8 The proposed variation would result in an amendment to alter the properties fronting onto Paines Brook Road to align their side walkways to meet wheelchair accessibility requirements. This involves the dropping down or raising up of the units so that finished floor levels are the same either side of the walkways.

3. **History**

- 3.1 P0479.10 – Erection of 19 Family houses comprising 15, 3-bed and 4, 4-bed with 28 parking spaces and associated landscaping - Withdrawn 30/6/10
- 3.2 P1473.10 - 15, 2-storey terraced houses fronting onto Paines Brook Way (3), Paines Brook Road (8) and Colne Drive (4) - Approved 22/03/11

4. **Consultation/Representations:**

- 4.1 196 neighbouring and nearby properties were notified of the application. There have been no replies.

5. **Staff Comments**

- 5.1 The main issue is whether the proposed amendment would be acceptable in terms of its impact in the street scene including in relation to the preserved tree, impact in the rear garden environment and on the amenities of nearby residential occupiers and transportation issues. However, for completeness issues relating to the "mother" application (P1473.10) are also addressed including the principle of the development and residential density. The main change in policy between the application being approved in March 2011 is that the London Plan (2011) has been adopted. The issues relating to the whole scheme in this case are the principle of residential development, residential density, the impact of the development in the street scene including in relation to the preserved tree, impact in the rear garden

environment and on the amenities of nearby residential occupiers and transportation issues. Policies CP1, CP2, CP9, CP17, DC2, DC3, DC6, DC32, DC33, DC55, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies DPD are relevant. Policies 3.3, 3.4, 3.5, 3.7, 3.8, 6.9, 6.13, 7.3, 7.4, 7.6 of The London Plan 2011) also apply; as do PPS1 Sustainable development, PPS3 Housing and PPG13 Transport. The SPDs on Residential Design and the Protection of Trees during Development are also relevant.

Principle of Development:

- 5.2 The application site is previously developed land. It is an undesignated site within the Local Development Framework such that Policy CP1 prioritises all non-designated land for housing development. The redevelopment of this site for housing is therefore considered to be acceptable in principle. The proposal would also meet the aims of The London Plan to deliver additional housing to meet the future needs of the projected population of the Borough. Furthermore, staff are of the view that the proposal would contribute to the Council's 20-year vision for the Borough, 'Living Ambition' by providing additional housing.

Residential Density

- 5.3 The proposed density for the application site would be 50.2 units /hectare. The density range for this area, which is in a low Public Transport Accessibility area, is 30-50 units per hectare. Staff consider that the marginally higher density proposed at the application site would not of itself be unacceptable providing there are no detailed matters which mean that the development results in any significant harm. This is considered in more detail below.

Design, Appearance and Layout

- 5.4 The development would be for 15, two-storey terraced houses. They would front onto Colne Drive, Paines Brook Way and Paines Brook Road such that as a group they would appear similar in layout terms with existing two-storey terraced houses to these same roads. Nonetheless the wheelchair and two 4-bed houses would be slightly higher than the proposed 3-bed units and also slightly higher than the majority of the existing two-storey properties. The old peoples accommodation to the south of the application site, within the same block rises to 3-storeys, such that Staff consider the design and appearance of the development would be appropriate as the proposed terraces would be well integrated, step down slightly towards Paines Brook and the south of the application site and be of similar design and materials.
- 5.5 Each property would be provided with car parking to the front (with the exception of property at the corner of Paines Brook Road/Colne Drive with parking provided to the rear) The parking areas and in particular the parking court are limited to the degree that there would be significant planting provided to the front of the terraces to help soften the development such that

Staff consider that the proposed parking areas would not over-dominate the development. A separate amenity space would be provided to the rear of each property which allows for cycle storage and bin/recycling storage as well as being sufficient large to provide usable space for family outdoor activities.

- 5.6 In line with the SPD on Residential Design Staff consider that the proposal would not be out of character with existing frontage development in the locality.

Impact in the Street Scene

- 5.7 The proposed houses would be terraced, front onto each of the three roads and would be of two-storey height although as indicated above, of differing maximum ridge heights. While the main residential character is of 2-storey terraces to the north and east of the application site, the extra care elderly persons accommodation to the south of the site within the same block is provided as one building on both 2- and three-stories. The proposed higher 4-bed houses would be located closest to the boundary with the care facility, nonetheless the nearest elevation (side) would be at least 17m from this building to the south, such that Staff do not consider that there would be an overbearing relationship. While this would result in a more exposed flank elevation in the streetscene (which would also be located slightly forward of the care building to the south), Staff consider as a matter of some judgement, that the additional height and gabled side elevation would not of itself be unacceptable in terms of visual amenity in the street scene, in part as it would be viewed only from the south of the application site and forms part of a longer terrace.
- 5.8 The houses fronting Paines Brook Road and Colne Drive would be set back from the highway to accommodate parking to the front which would be generally similar to the arrangements to existing development along these roads. The properties fronting Paines Brook Road are the only properties in the scheme to be altered via this current application. The current proposal would result in minor alterations to coincide the walkway levels between the units and would result in properties either side either being raised or lowered to enable this amendment. The main obvious changes are that the middle unit would be split, with Plot 9's ridgeline 0.3m lower than the house on Plot 8 and a similar change such that the Plot 10 house is 0.4m relatively higher than the houses on Plots 11 and 12. In addition, the house on Plot 7 whilst retaining the same ridge height as that to Plot 6 would see a relative change to its finished floor level such that its windows would be lower than those on plot 6. Staff consider that this change would be perceivable but that it would be minor and would not change the existing proposed stepping down of these properties and would remain acceptable in terms of its impact in the streetscene.
- 5.9 The corner property Paines Book Road/Colne Drive would be set slightly forward of the others as parking would be provided to the rear. It would also, due to its staggered arrangement, in part be located directly on the

boundary with the highway to Colne Drive. Whilst a matter of some judgement, Staff consider that as the highway is particularly wide at this point and contains a street tree in a triangular shaped grassed area, that this property would not appear unduly cramped within its boundary. Staff therefore consider that both terraces would have an acceptable impact on visual amenity in the streetscene.

- 5.10 The terrace of three houses fronting onto Paines Brook Way would have a significant set back which would be deeper than that to the terraces to the north. However, the need to preserve the Oak Tree (and the need to avoid its root protection area), the significant gap between the proposed frontage development and the elderly people's accommodation to the south and the more open aspect to the undeveloped area on the opposite side of Paines Brook Way, is such that Staff consider that the terrace would have an acceptable impact on visual amenity in the streetscene.

Impact in the rear garden environment

- 5.11 The proposed development would, since it is located across existing roads not have any significant impact on the rear garden environment of any of the surrounding residential dwellings.
- 5.12 The proposed dwellings would be located to the north of the elderly people's accommodation such that there would be no overshadowing from the proposed development. In addition, the elderly peoples accommodation is located a minimum of 17m from the nearest proposed development to Colne Drive and over 20m in relation to the nearest proposed development to Paines Brook Way, and nearly 50m from the rear elevations of proposed properties fronting onto Paines Brook Road. Staff therefore consider there would be no undue impact on the rear garden environment.
- 5.13 Within the development properties front onto each of the three roads and those to the corners have similar relationships as at any corner property in the Borough. Staff therefore consider that there would be no significant impact on the rear garden environment within the proposed development itself.

Impact on Residential Amenity

- 5.14 The elderly peoples accommodation has a side elevation relationship with those properties proposed closest to it, i.e., a minimum of 17m from the nearest side elevation of the proposed development to Colne Drive and over 20m in relation to the side elevation nearest proposed development to Paines Brook Way, Staff consider that this relationship would not result in any significant impact on residential amenity for the adjoining occupiers.
- 5.15 The development would be located on the opposite side to properties to Paines Brook Road and other properties in Colne Drive. This is considered to be a normal relationship for properties fronting onto an adopted highway

such that there would be no undue impact on existing residential amenity for those occupiers.

- 5.16 Within the development the back to back distance between the properties fronting Colne Drive and Paines Brook Way would be approximately 26m. Staff consider that this distance is sufficient to ensure that there would be no adverse impact on residential amenity for future occupiers. Similarly the relationship with the proposed frontage development to Paines Brook Road is typical of properties at right-angles to each other where junctions exist. Staff consider therefore that the new occupiers would have a reasonable level of residential amenity.
- 5.17 The proposed amendments would not alter the distances or relationship with other properties such that it is considered that the new and existing occupiers would have a reasonable level of residential amenity.

Highways

- 5.17 Annex 5/Policy DC2 of the LDF Core Strategy and Development Control Policies DPD indicates that in this location and for this use that 1.5-2 parking spaces should be provided for each dwellinghouse. For 15 units therefore between 22.5 and 30 spaces should be provided. The proposal would provide 27 parking spaces, towards the higher end of this range with the two largest properties both having 2 spaces each. In addition, cycle storage would be provided for each property. Staff therefore considered that this provision would be acceptable.
- 5.18 Each property would have a servicing access to the rear garden area for ease of collection for domestic waste and recycling materials and to ease the use of cycles stored in the rear gardens.

Trees

- 5.19 The site lies adjacent to a preserved Oak Tree and there is at least one street tree adjacent to the application site. A number of trees would also be planted within the application site as part of the landscaping scheme. It is proposed that no development would fall within the root protection area of the preserved Oak Tree. Staff therefore consider, providing suitable measures are undertaken during the construction period, that this and the adjoining street tree(s) would not be damaged by the proposed development. Suitable conditions will be attached to any grant of planning permission.

Security Considerations

- 5.20 The Crime Prevention Design advisor has asked for conditions and an informative about Safer Places and Secured by Design certification to be added to any planning approval. Suitable conditions and an informative would be attached to any grant of planning permission.

Education Implications:

- 5.21 The development would have implications for local schools and a financial contribution of a maximum of £96,493.34 is sought towards the provision of additional school places, in accordance with the formula as set out by the IPG on Educational Needs Generated by New Housing Development. Staff are currently in discussions with the applicant regarding the amount of contribution sought in this instance. Members will be updated at the Committee meeting of the progress made in respect of these discussions.

Affordable Housing

- 5.22 The development would provide 100% affordable housing which would help to meet the Borough's affordable housing targets. The proposal would provide 4 of the properties for rent with the remainder available as intermediate housing through a Registered Social Landlord. While this would not strictly meet the tenure criteria identified in Policy DC6, a viability assessment has been considered such that the proposed level of properties for rent is considered acceptable for viability reasons. This will be secured through a legal agreement.

Sustainable Development:

- 5.23 The proposal would meet the appropriate energy efficient targets as it is proposed to meet Code for Sustainable Homes Level 3. This is in accordance with the relevant policy.

6. Conclusions

- 6.1 The principle of residential use of the site is considered to be acceptable. The proposed amendment is considered to be a material minor amendment to the approved scheme (P1473.10) which would not change the previous acceptability of the scheme. Staff consider that the proposal would help meet housing targets and provide much needed affordable housing accommodation. The proposal would meet urban design, environmental (including trees) and highways policies, Staff consider that the proposal would be acceptable subject to contributions being provided and a legal agreement being signed to secure the affordable housing.

IMPLICATIONS AND RISKS

7. Financial Implications and risks:

- 7.1 None

8. Legal Implications and risks:

8.1 All decisions, irrespective of ownership of land, are made on the basis of the development plan and other material considerations.

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

10.1 The proposal would provide 100% affordable housing of which two family dwellings would be wheelchair adaptable with additional width parking spaces for easier access for wheelchair users.

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.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

13 October 2011

Subject Heading:	<p>P0518.11 – Spring Farm / Rainham Quarry, Launders Lane, Rainham</p> <p>Removal of Condition 7 of planning permission P2098.04 and consequential amendments to other conditions.</p>
Report Author and contact details:	<p>Simon Thelwell (Planning Control Manager) 01708 432685</p>
Policy context:	<p>Local Development Framework London Plan National Planning Guidance</p>
Financial summary:	<p>None</p>

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	[X]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[X]
Value and enhance the life of every individual	[X]
High customer satisfaction and a stable council tax	[]

SUMMARY

This planning application proposes the removal of a planning condition under the provisions of Section 73 of the Town and Country Planning Act 1990. Condition 7 of planning permission P2098.04 requires the operator of Spring Farm Quarry to construct a new access onto New Road prior to the importation of waste material to the site. The planning application under consideration proposes the removal of

condition 7 meaning that the new access onto New Road would not need to be constructed. Officers are recommending that planning consent be granted, subject to conditions and a deed of variation to the original legal agreement of 20th December 2006, and a further agreement under Section 106 of the Town and Country Planning Act 1990 to prevent the processing of skip waste pursuant to planning reference P1323.11 being implemented.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into Legal Agreements under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure the following:

- That the definition of Development and/or Planning Permission in the original agreement dated 20th December 2006 shall include the alternative reference as appropriate to planning permission/development pursuant to P0518.11;
- Save for consequential amendments to the original Section 106 all other recitals, clauses and obligations shall remain unchanged.
- The completion of a new legal agreement to ensure that the operator does not use land at Rainham Quarry for the processing of skip waste in accordance with planning permission P1361.02 and its successor, P1323.11, should planning permission be granted. Planning permission P1361.02 granted approval for the erection of plant and for the change of use of land to allow for the processing of skip and construction waste. Planning application P1323.11 seeks to extend the life of planning permission P1362.02. A legal agreement is required to prevent the skip waste use being implemented with the Developer/Owner covenanting not to seek compensation for agreeing not to implement the processing of skip waste use.

That staff be authorised to enter into legal agreements to secure the above and upon completion of those agreements, grant planning permission subject to the conditions set out below:

1. The development hereby approved shall be carried out in accordance with the Environmental Statement drawings approved as part of planning permission P2098.04 and referenced Figures 1.1, 1.2, 5.1-5.3, 5.5-5.9, 6.1-6.7, 9.1 and 9.2, and in accordance with the following conditions.

For the avoidance of doubt and to ensure the development is undertaken in accordance with the approved plans.

2. The working, restoration, and operation of the site, including the design, materials and location of all ancillary buildings and equipment, surfaced and unsurfaced roadways, and perimeter fencing, shall be undertaken in

accordance with the scheme approved by the MPA (Mineral Planning Authority) as part of condition 4 of planning permission P2098.04.

Reason:

Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

3. The site shall be subject to a 5 year period of aftercare, managed in accordance with the scheme approved by the MPA under condition 36 of planning permission P2098.04.

Reason:

Condition 36 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

4. A water bowser shall be permanently available for the purposes of dust control on surfaced and unsurfaced access roads, infill areas and extraction areas as necessary to suppress dust emissions.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

5. All mineral extracted at the site shall be transported to the adjoining Rainham Quarry site for processing in accordance with the details approved in writing as part of condition 3 of planning permission P2098.04.

Reason:

Condition 3 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

6. Notwithstanding the provisions of Part 19 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no ancillary surface development shall be undertaken other than with the express consent of the MPA.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

7. The road junction between the site and Launderers Lane shall be retained for the duration of mineral extraction and infilling operations, in accordance with the details approved by the MPA as part of condition 6 of planning permission P2098.04.

Reason:

Condition 6 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

8. The approved access onto Launderers Lane shall only be used in accordance with the details approved by the MPA as part of condition 10 of planning permission 2098.04. The approved wheel washing and cleaning equipment shall be used by all heavy and medium goods vehicles leaving the site as in order to prevent mud and detritus being deposited on the public highway.

Reason:

In the interests of highway safety and amenity and in accordance with Policy DC32 of the Development Control Policies Development Plan Document.

9. Except with the prior written approval of the MPA, no activity authorised by this permission other than pumping operations shall take place in area 1 (as shown on figure 6.1 of the Environmental Statement approved as part of planning permission 2098.04) within 200 metres of any residential property except between the following times:

0700 - 1800 hours Monday to Friday;

Reason:

To ensure that the minimum harm is caused to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

10. Except with the prior written approval of the MPA, no activity authorised by this permission outside of the 200 metre zone specified in Condition 11 above, other than pumping operations, shall take place except between the following times:

07:00 - 18:00 hours Monday to Friday
07:00 - 13:00 hours on Saturdays

No operations other than essential plant maintenance shall take place on Sundays, Bank and public holidays.

Reason:

To ensure that the minimum harm is caused to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

11. The development hereby approved shall be operated in accordance with the landscaping details approved by the MPA under condition 13 of planning permission P2098.04.

Reason:

Condition 13 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

12. Any trees or plants which within five years of planting die, are removed or become seriously damaged, shall be replaced in the next available planting season with others of similar size and species, unless the MPA gives written consent to any variation.

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990 to enhance the amenities of the development to ensure appropriate provision for nature conservation and to ensure that the development has due regard to the concept of the Thames Chase Community Forest.

13. All buildings, ancillary equipment, hardstandings, and access roads shall be removed at such times as the MPA reasonably determines that they are no longer required for their original purpose and the land reinstated in accordance with the approved restoration scheme.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

14. No topsoil, subsoil or overburden shall be taken off the site.

Reason:

To ensure the proper restoration of the site.

15. The MPA shall be given 3 working days notice in writing of operations to strip soils from any phase of operations and shall be advised when ripping of topsoil and subsoil is to take place.

Reason:

To ensure proper restoration of the site.

16. Topsoil and subsoil deposited into bunds, rather than replaced directly onto filled areas, shall be stored separately with topsoil in bunds not exceeding 3 metres in height, and subsoil in bunds not exceeding 4 metres in height, in locations identified on Figures 6.1-6.5 of the Environmental Statement approved as part of planning permission 2098.04, and approved by the MPA as part of the scheme discharging condition 4 of planning permission 2098.04.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture. Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

17. The mineral extraction and infilling operations shall be undertaken in accordance with the tree protection scheme approved by the MPA in accordance with condition 20 of planning permission P2098.04.

Reason:

Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

18. Only inert waste conforming to the Environment Agency's definition shall be imported to the site for infilling purposes.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

19. Unless otherwise agreed in writing with the MPA the extraction of sand and gravel and stripping, movement, storage and placement of soils shall be carried out only by hydraulic excavator or loading shovel and dump truck.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

20. There shall be no storage of unprocessed sand and gravel at the site.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

21. All operations involving soil stripping, replacement and cultivation shall take place in dry weather conditions when the soil is correspondingly dry and all reasonable precautions shall be taken to prevent the mixing of topsoil, subsoil and overburden/waste materials.

Reason: to ensure that the soil structure is not unduly damaged.

22. The topsoils and subsoils from the different soil type areas identified in Figure 6.1 of the Environmental Statement (approved as part of planning permission P2098.04) as A, B, & C shall be stripped and stored separately. When re-spread, the soils shall be used to restore the land, as far as is reasonably practicable, in the same areas from which they were originally stripped. No screened imported soils shall be used in the areas of soils types A and B.

Reason:

The aforementioned details approved in relation to planning permission P2098.04 continue to be applicable in this case.

23. All soil storage mounds shall be subject to the weed control and maintenance operations, in accordance with the details agreed in writing by the MPA under condition 27 of planning permission P2098.04.

Reason:

Condition 27 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

24. The base of the excavated area is to be levelled prior to the commencement of tipping. Fill material shall be compacted in layers not exceeding 3m in depth.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

25. Topsoils and subsoils shall be stripped to their full depth and shall, wherever possible, be respread immediately over an area of reinstated material (subsoil or overburden / clean inert fill respectively). If immediate respreading is not practicable they shall be stored separately as required by condition 21 above.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

26. The top metre of the fill area shall consist of either overburden or clean fill and, in either case, free of any objects exceeding 22.5 cm in diameter.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

27. The final surface of the site shall be such as to follow the final contours shown on Figure 6.6 of the Environmental Statement, approved as part of planning permission P2098.04, or any revision subsequently agreed in writing with the MPA.

Reason:

The aforementioned details approved in relation to planning permission P2098.04 continue to be applicable in this case.

28. The subsoil is to be re-spread to an even depth over the restored overburden/fill so as to follow the final contours.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

29. The topsoil is to be re-spread to a uniform depth in accordance with the scheme of restoration approved by the MPA under condition 4 of planning permission P2098.04, over the reinstated subsoil so as to form the approved restoration contours

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture. Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

30. The minimum settled depth of subsoil and topsoil shall be 1 metre.

Reason:

To ensure the proper restoration of the site, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

31. The MPA shall be given 3 days notice in writing of the commencement of agricultural soils being deposited on each phase or part phase.

Reason:

To ensure the proper restoration of the site, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

32. Noise from any pump operated outside normal working hours shall not be audible at the nearest, noise sensitive property.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

33. All plant and machinery (other than pumps referred to in condition 31) shall operate only in the permitted hours except on cases of emergency notified to the MPA.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

34. Other than for temporary operations the free field equivalent continuous sound level measured over a 1 hour period (LAeq 1h) due to operations shall not exceed exterior levels as follows except with the express permission of the MPA:-

Location	Measurement position	Max LAeq 1h
1. Red Brick Cottages	Rear of no.1	46dB
2. Acer Avenue	Rear of no. 29	46dB
3. Lambs Lane North	Southview	47dB
4. Lambs Lane North	Yuccas	47dB
5.Lambs Lane South	Front of no.131	48dB

Note: All measurements to be taken no closer the 3.5 metres from any reflecting surface or 1.5 metres above ground

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

35. For temporary operations, the free field LAeq 1h level due to operations at any noise sensitive property shall not exceed 70db except with the express permission of the MPA.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

36. Noise levels shall be monitored by the site operator at intervals not greater than 3 months, at not less than 3 locations as agreed with the MPA. The results shall include the LA90 and LAeq noise levels, the prevailing weather conditions and comments on the noise sources controlling the noise climate. The survey period shall be for 15 minutes during working periods and the results shall be kept during the life of the site and made available to the MPA on request.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

37. The internal access road, approved by the MPA in accordance with condition 4 of planning permission P2098.04, shall be provided with signs limiting vehicle speeds to 20 km/h, placed at intervals of not less than 100m.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents. Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

38. The movement or handling of soils shall take place in accordance with the scheme approved under condition 44 of planning permission P2098.04.

Reason:

Condition 44 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

39. The surfaced part of the internal access road shall be swept so as to keep it free of mud and debris whenever necessary throughout the life of operations at the site.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

40. Any areas of the site filled to final levels but not available for final restoration shall be temporarily seeded with grass at the earliest opportunity.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

41. The construction of the surface and foul drainage systems shall be carried out in accordance with the details approved by the MPA under condition 50 of planning permission 2098.04.

Reason:

Condition 50 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

42. No spoil or solid matter shall be deposited or stored at any time on that part of the site lying within the floodplain or within 10 metres of the banks of the Southhall Sewer.

Reason:

To prevent the increased risk of flooding due to impedance of flood flows and reduction of storage capacity, to allow access for routine and emergency maintenance, and to prevent pollution of the water environment.

43. No extraction of sand and gravel shall take place within 20 metres of the Common Watercourse.

Reason:

To protect the structural integrity off the bank, maintain a buffer strip alongside the watercourse

44. Any oil or liquid chemical storage tanks shall be located within a bund having a capacity of not less than 110% of the largest tank or the combined tank volume if a number of tanks are interconnected. The floor and walls of the bund shall be impervious to water and the stored liquid and all inlet, outlet and vent pipes and gauges shall be within the bund.

Reason:

To minimise the risk of pollution to ground and surface waters.

45. Within 3 months of the completion of infilling of each of the three restoration phases shown in the Environmental Statement approved by planning permission P2098.04, a detailed survey of surface levels shall be undertaken and the results submitted to the MPA within 10 days.

Reason.

The aforementioned details approved in relation to planning permission P2098.04 continue to be applicable in this case.

46. The fencing erected in accordance with condition 58 of planning permission P2098.04 shall be maintained in accordance with that scheme.

Reason:

Condition 58 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

47. The development hereby permitted shall not be carried out within 40 metres of the eastern boundary of the site, until at least 4 weeks written notice of the operator's intention to commence the development has been given to the MPA and to the operator of the Barking to Horndon Gas Transmission pipeline. Such notice shall include details to demonstrate that the integrity of the pipeline is not compromised.

Reason:

To protect the structural integrity of the Barking to Horndon Gas Transmission Pipeline.

48. The development shall only take place in accordance with the detailed archaeological scheme approved by the MPA in accordance with condition 62 of planning permission P2098.04. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the MPA.

Reason:

Condition 62 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

INFORMATIVES

1. Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies CP13, DC22, DC32, DC42, DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

REPORT DETAIL

1. Site Description

- 1.1 The application site is comprised of an established sand and gravel working, which the operator considers will be exhausted towards the end of 2015. The site forms an irregular shape and is broadly located within an area bounded by New Road to the south, Launder's Lane to the east, the Jewish Cemetery to the north, along with employment and residential development located along Lamb's Lane North, to the west. The site is designated as Green Belt, a Mineral Safeguarding Area, and part of the Thames Chase Community Forest in the Local Development Framework. Parts of the site are located in Flood Zones 2 and 3, as defined by the Strategic Flood Risk Assessment.
- 1.2 Mineral extraction continues to occur at the Spring Farm site, whilst the processing and bagging of the extracted mineral takes place at an existing facility located at Rainham Quarry. The Rainham Quarry site is located in close proximity to the application site, beyond Launder's Lane to the north east.
- 1.3 The site is very well screened from the surrounding area by extensive tree planting and screen bunding.

2. Description of Proposal

- 2.1 Condition 7 of planning permission P2098.04 states that:

"The deposit of waste materials at the site for the purposes of restoration of phases 1, 2 and 3 in accordance with the scheme approved under condition 4 above shall not commence until such time as the proposed access onto New Road has been constructed in accordance with the details submitted and approved under condition 6 above."

- 2.2 This planning application seeks approval for the removal of condition 7 of planning permission P2098.04. The condition requires the construction of a new access prior to the importation of waste to the site. However, there has been a change in circumstances since planning permission was granted, and the operator considers that the new access is no longer required. This matter will be discussed in greater detail further on in this report.

3. Relevant History

3.1 The planning permission of most relevance to this application is as follows:

P2098.04 – Excavation of sand and gravel; restoration of land to all purpose agriculture and woodland to original levels by infilling with inert wastes.

3.2 The application under consideration has been submitted alongside two other planning applications that are related to the proposal and which seek variations to other existing planning consents. They are:

P0593.11 – Variation of condition 1 of planning permission P0761.05, to allow for the continued use of development associated with the mineral processing area, at the Rainham Quarry site until December 2015 – Under consideration.

P0712.11 – Variation of condition 4 of planning permission P2239.87 to continue mineral processing at Rainham Quarry until December 2015, with restoration occurring by 2016 – Under consideration.

An application has also been received that will vary condition 1 of planning permission P1361.02 to allow for the continued use of the bagging plant and amended aspects of P2239.97 until 31st December 2015.

3.3 Summary

Spring Farm Quarry (extraction area)

P0518.11 – Access changes at Spring Farm Quarry - Under consideration.

P2098.04 – Mineral extraction, infilling and restoration. Approved (15/01/2007).

Rainham Quarry (processing area)

P0712.11 – Continuation of mineral processing at Rainham Quarry to December 2015 – Under consideration.

P2099.04 – Variation of condition 4 of P2239.87 for the continuation of approved operations to September 2012 – Approved (15/01/2007).

P2239.87 – Continuation of mineral processing to March 2010 and re-erection of concrete batching plant – Approved (17/03/1995).

Rainham Quarry (bagging area)

P0593.11 – Continued use of development approved by P0761.05 to December 2015 – Under consideration.

P0761.05 Retrospective planning application for the retention of a portable office, unapproved changes to the processing plant,

security fencing, and the extension of the aggregate storage area by about 0.08 hectares – Approved (17/06/2005).

Rainham Quarry (processing area and bagging area)

P1323.11 – Variation of condition 1 of planning permission P1361.02 for the continuation of approved operations until December 2015 – Under consideration.

P1361.02 – Change of use for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved (03/04/2003).

4. Consultations/Representations

4.1 Statutory Consultees

Natural England - No objections.

4.2 Non statutory Consultees

Highways - No objections.

Thames Water - No objections.

Essex and Suffolk Water - No objections.

Rainham Preservation Soc - Objection – the operator should construct the New Lane access as the economy might improve and result in an increase in output at the site.

4.3 This application was advertised and notification letters were sent to adjacent addresses. No representations have been received from members of the public.

5. Relevant Policies

5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD (“the DPD”) are material considerations in this case:

- CP13 (Minerals Extraction)
- DC22 (Countryside Recreation)
- DC32 (The Road Network)
- DC43 (Ready Mixed and Processing Plant)
- DC45 (Appropriate Development in the Green Belt)
- DC61 (Urban Design)

5.2 Relevant national planning guidance:

MPS1 (Planning and Minerals)
PPS1 (Delivering Sustainable Development)
PPG2 (Green Belts)
PPS25 (Flood Risk)

6. Staff Comments

- 6.1 This proposal is put before Planning Committee as the application entails an amendment to the legal agreement that accompanied planning permission P2098.04, in addition to a new legal agreement.
- 6.2 In the event that planning permission is granted in this case, the proposal would result in a new planning permission being issued. Where appropriate, and subject to any necessary amendments, the conditions imposed on the last planning consent would need to be re-imposed in this instance.
- 6.3 The main issues to be considered by Members in this case are the principle of development, access, and other considerations.

7. Assessment

7.1 Principle of development

- 7.1.1 The application site is located in a Mineral Safeguarding Area and within the Metropolitan Green Belt, and is also located within the Thames Chase Community Forest. Planning permission was granted for mineral working in 2007, with the proposal being assessed against the relevant Development Plan policies and national planning guidance at that time. As the application under consideration proposes a relatively minor change to an existing development, it is not considered necessary to reconsider whether mineral working and its subsequent restoration is acceptable in principle.
- 7.1.2 The proposal concerns a relatively minor change to an approved mineral working development and is not contrary to any of the site's designations and associated policies. The proposal is considered to be acceptable in principle.

7.2 Access Considerations

- 7.2.1 Policy DC32 of the DPD states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. Policy DC42 states proposals for minerals extraction will be permitted provided there would be no significant adverse impact on safety and amenity from vehicular traffic.
- 7.2.2 As part of the application for mineral extraction at Spring Farm, the applicants proposed the creation of two new access points onto the public highway: one onto Launders Lane and the other onto New Road. The specifications and details of these access points were required by conditions precedent and subsequently approved, with the Launders Lane access

being implemented. Condition 7 of planning permission P2098.4 states that the importation of waste to restore phases 1, 2 and 3, can only commence once the New Road access has been constructed.

- 7.2.3 The application under consideration contends that the New Road access is no longer required. Since planning permission was granted for mineral extraction, there has been a significant change in the economic climate, with a resultant decline in the demand for sand and gravel. Moreover, other traffic-generating uses that were anticipated along Lauanders Lane have not arisen.
- 7.2.4 Given the change in circumstances, it is anticipated that the traffic movements along Lauanders Lane are likely to be significantly lower than the predictions made as part of the Spring Farm Environmental Statement. This anticipated reduction is arrived at by having regard to the reduced output of sand and gravel; the predicted reduction in annual landfilling rates; and the fact that the waste recycling use (P1362.02) has never been implemented.
- 7.2.5 The Environmental Statement accompanying the approved Spring Farm application stated that annual output of sand and gravel would be approximately 125,000 tpa. When taken together with the waste recycling uses at the Rainham Quarry site, it was anticipated that the average daily traffic movements generated would be approximately 153, around half of which would be associated with skip, construction, and demolition waste. It was anticipated at the time that infilling would take place at a rate of 133,000 tpa, equivalent to around 57 daily vehicle movements.
- 7.2.6 It is anticipated that the current operations at Spring Farm and Rainham Quarry are generating around 75% less traffic movements along Lauanders Lane than originally predicted. With the eventual infilling works factored in, which it is predicted will be at a lower rate than originally anticipated, the daily lorry movements along Lauanders Lane would be 40% of the movements originally anticipated; an average of 83 movements as opposed to 210.
- 7.2.7 Such a significant reduction in anticipated lorry movements supports the argument that it would be unnecessary to construct the New Road access, with the expense and disruption this would cause. Conversely, it could be argued that if economic conditions improve, with an increase in output and subsequent infilling at Spring Farm, that the new access might continue to be required. Particularly if the waste recycling uses that have not been implemented at the Rainham Quarry site were to be brought into use.
- 7.2.8 The Rainham Preservation Society has objected to the proposal stating that the original modeling submitted by the applicants demonstrated that a new access would be needed. Moreover, whilst the applicants cite the economic downturn and local circumstances as reasons why the New Road access is not required, it is possible that the economic climate could improve.

7.2.9 It is considered unlikely that economic conditions, and output/infilling at the Spring Farm site, would improve to such an extent that the originally approved traffic projections would be reached. With the waste recycling use held in abeyance, this would require output and infilling rates well in excess of what was originally anticipated before the recession. However, in order for the proposal to be considered acceptable, officers consider that it would be prudent to prevent the approved waste recycling use at Rainham Quarry from being implemented. The bulk of the traffic arising from the waste recycling use would have been from the skip waste element. The operator has agreed to enter a legal agreement in which they will agree not to implement the skip waste processing use, although they would wish to retain the right to implement the processing of construction and demolition waste.

7.2.10 The Council's Highway officers have considered the proposal and have raised no objections. In terms of its impact on highway safety and amenity, the proposal is considered to be acceptable and in accordance with Policies DC32 and DC42 of the DPD, subject to conditions and a legal agreement to prevent the implementation of skip waste recycling at the Rainham Quarry site.

7.3 Other Considerations

7.3.1 Parts of the site are located in Flood Zones 2 and 3, as defined by the Strategic Flood Risk Assessment. However, as the application proposes a minor variation to an approved mineral working, and given that a change to the access arrangements is unlikely to have any impact upon flood risk, it is considered that the information submitted is sufficient to determine the proposal. The proposed development is considered to be acceptable in terms of flood risk.

7.3.2 As discussed, in order for planning permission to be granted for this proposal, officers recommend the completion of a deed of variation of the legal agreement dated 20th December 2006 accompanying planning permission P2098.04. This would ensure that the provisions of the legal agreement would be upheld should planning permission be granted in this case. The legal agreement makes provision for the creation of public rights of way over the site following restoration. Moreover, in the interests of highway amenity, officers recommend that a separate legal agreement also be concluded to prevent the operators implementing a skip waste processing use on land at Rainham Quarry. Both agreements are under preparation.

8. Conclusion

8.1 Officers consider the proposal to be acceptable, having had regard to Policies CP13, DC22, DC32, DC42, DC45, and DC61 of the Development Plan, and all other material considerations, subject to conditions, an amended Section 106 Agreement, and a new Section 106 agreement

intended to prevent the implementation of skip waste processing at the Rainham Quarry site.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to draft a Deed of Variation of the Original Agreement dated 20th December 2006 and to draft a new Section 106 agreement which is required to ensure that the applicants do not implement a previously approved skip-waste processing use.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form

Original Planning Permission Reference: P2239.87

Section 106 Agreement relating to planning permission P2239.87

Supporting Statement received on 30/03/2011.

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**REGULATORY
SERVICES
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REPORT

13 October 2011

Subject Heading:	<p>P0593.11 – Rainham Quarry, Launderers Lane, Rainham</p> <p>Variation of Condition 1 of planning permission P0761.05, to extend the life of the approved development to 31st December 2015, and consequential amendments to conditions.</p>
Report Author and contact details:	<p>Simon Thelwell (Planning Control Manager) 01708 432685.</p>
Policy context:	<p>Local Development Framework London Plan National Planning Guidance</p>
Financial summary:	<p>None</p>

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	[X]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[]
Value and enhance the life of every individual	[X]
High customer satisfaction and a stable council tax	[]

SUMMARY

This planning application proposes the variation of a planning condition under the provisions of Section 73 of the Town and Country Planning Act 1990. Condition 1 of planning permission P0761.05 requires that the approved development be completed and the site restored by the 30th September 2012. The development

approved comprised of the erection of fencing to form a compound area; the extension of a storage area; and the siting of a security office. The planning application under consideration proposes the variation of condition 1 to enable the period of working to continue until the 31st December 2015. Officers are recommending that planning consent be granted, subject to conditions.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions:

1. This permission shall be for a limited period only expiring on the 31st December 2015 on or before which date the buildings and works carried out under this permission shall be removed and the site reinstated in full accordance with the 'Revised Restoration and After Scheme' dated March 2000 and approved in accordance with conditions 6 and 7 of planning permission P2239.87.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

INFORMATIVES

1. Reason for Approval:

The proposal is considered to be acceptable having had regard to the relevant criteria of Policies DC22, DC32, DC42, DC45, DC58, and SSA6 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises land within an established sand and gravel working, which is mostly worked-out. The application site embraces the wider processing area within Rainham Quarry, although the application relates specifically to a fenced compound, containing a bagging plant

(approved by planning permission P1361.02), storage area, and site building.

- 1.2 The wider processing site forms an irregular shape and is broadly located within an area bounded by Launderers Lane to the west and Warwick Lane to the north, with the remainder of Rainham Quarry forming the southern and eastern boundaries of the site. The site is designated in the Local Development Framework as Green Belt, a Mineral Safeguarding Area, part of the Thames Chase Community Forest, a site of nature conservation importance, and has a site specific allocation favouring restoration to community woodland.
- 1.3 Mineral extraction continues to occur at the Spring Farm site, which is located to the south west of the site under consideration, on the other side of Launderers Lane. The sand and gravel extracted at Spring Farm is sent to Rainham Quarry (the application site) for processing and bagging.
- 1.4 The site is very well screened from the surrounding area by extensive tree planting and screen bunding.

2. Description of Proposal

- 2.1 Condition 1 of planning permission P0761.05 states that:

“This permission shall be for a limited period only expiring on the 30th September 2012 on or before which date the buildings and works carried out under this permission shall be removed and the site reinstated in full accordance with the 'Revised Restoration and After Scheme' dated March 2000 for the Rainham Quarry site.”

- 2.2 This planning application seeks approval for the variation of condition 1 of planning permission P0761.05, which granted planning consent for changes to an aggregate processing facility: the siting of a portable building, the erection of fencing, and the extension of an aggregate storage area. The condition requires that the works approved be removed and the site restored by September 2012.
- 2.3 Owing to the economic climate that has prevailed since 2007, the output of sand and gravel at Spring Farm Quarry has significantly declined, which has delayed the point at which the quarry would be fully worked-out. Whilst no end date was imposed limiting the period of working within Spring Farm Quarry, the processing facilities associated with it and located within Rainham Quarry, are time-limited.
- 2.4 The operator anticipates that mineral extraction at Spring Farm Quarry will be completed by the end of December 2015 and the period of working within the Rainham Quarry processing and bagging area therefore needs to be extended to reflect this.

3. Relevant History

3.1 The planning permission of most relevance to this application is as follows:

P0761.05 - Retrospective planning application for the retention of a portable office, security fencing, and the extension of the aggregate storage area by 0.08 hectares - Approved.

3.2 The application under consideration has been submitted alongside two other planning applications that are related to the proposal and which seek variations to other existing planning consents. They are:

P0712.11 – Variation of condition 4 of planning permission P2239.87 to continue mineral processing at Rainham Quarry until December 2015, with restoration occurring by 2016 – Under consideration.

P0518.11 – Removal of condition 7 of planning permission P2098.04, removing the requirement to create a new access between Spring Farm Quarry and New Road.

An application is anticipated that will vary condition 1 of planning permission P1361.02 to allow for the continued use of the bagging plant and amended aspects of P2239.97 until 31st December 2015.

3.3 Summary

Rainham Quarry (processing area)

P0712.11 – Continuation of mineral processing at Rainham Quarry to December 2015 – Under consideration.

P2099.04 – Variation of condition 4 of P2239.87 for the continuation of approved operations to September 2012 – Approved (15/01/2007).

P2239.87 – Continuation of mineral processing to March 2010 and re-erection of concrete batching plant – Approved (17/03/1995).

Rainham Quarry (Bagging area)

P0593.11 – Continued use of development approved by P0761.05 to December 2015 – Under consideration.

P0761.05 Retrospective planning application for the retention of a portable office, unapproved changes to the processing plant, security fencing, and the extension of the aggregate storage area by about 0.08 hectares – Approved (17/06/2005).

Rainham Quarry (processing area and bagging area)

P1323.11 – Variation of condition 1 of planning permission P1361.02 for the continuation of approved operations until December 2015 – Under consideration.

P1361.02 – Change of use for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved (03/04/2003).

Spring Farm Quarry (extraction area)

P0518.11 – Access changes at Spring Farm Quarry - Under consideration.
P2098.04 – Mineral extraction, infilling and restoration. Approved (15/01/2007)

4. Consultations/Representations

4.1 Statutory Consultees

Natural England - No objections.

4.2 Non statutory Consultees

Highways - No objections.

Essex and Suffolk Water - No objections.

4.3 This application was advertised and notification letters were sent to adjacent addresses. No representations have been received from members of the public.

5. Relevant Policies

5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD (“the DPD”) are material considerations in this case:

DC22 (Countryside Recreation)
DC32 (The Road Network)
DC43 (Ready Mixed and Processing Plant)
DC45 (Appropriate Development in the Green Belt)
DC58 (Biodiversity and Geodiversity)
DC61 (Urban Design)
SSA6 (Rainham Quarry Community Woodland)

5.2 Relevant national planning guidance:

MPS1 (Planning and Minerals)
PPS1 (Delivering Sustainable Development)
PPG2 (Green Belts)

6. Staff Comments

6.1 This proposal is put before Planning Committee as the application complements three separate planning applications relating to Spring Farm and Rainham Quarries that are being reported to Committee.

- 6.2 In the event that planning permission is granted in this case, the proposal would result in a new planning permission being issued. Where appropriate, and subject to any necessary amendments, the conditions imposed on the last planning consent would need to be re-imposed in this instance.
- 6.3 The main issues to be considered by Members in this case are the principle of development, visual impact, local amenity, access considerations, and nature conservation.

7. Assessment

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be, made in accordance with the plan unless material considerations indicate otherwise". The development plan for Havering comprises Havering's Local Development Framework (adopted 2008) and the London Plan (published July 2011).

7.2 Principle of development

7.2.1 The application site is located in a Mineral Safeguarding Area, a site of Borough Importance for Nature Conservation, the Thames Chase Community Forest, the Rainham Quarry Community Woodland, and within the Metropolitan Green Belt. Policy DC58 states that development within sites of nature conservation importance will be permitted subject to certain criteria. Policy DC22 states that opportunities to improve informal recreation in the countryside will be sought, whilst Policy SSA6 states that the site should be restored, and a community woodland created. The approved restoration and aftercare schemes approved in accordance with planning permission P2239.87, which are applicable in this case, recommend the creation of woodland and areas of public access. The proposal is considered to be in accordance with Policies DC22 and SSA6.

7.2.2 Policy DC45 of the DPD states that planning permission for development in the Green Belt will only be granted where it includes certain types of development, which include minerals extraction and buildings deemed to be essential to it. Policy DC43 of the DPD states that ready mixed and processing plant within the Green Belt will only be permitted at current mineral working sites and that they will be tied to the life of the relevant mineral extraction site. Although the development under consideration does not comprise processing plant, it does form part of a processing facility.

7.2.3 Although the proposal relates to existing development, it proposes allowing that development to continue for more than two years over and above what has been approved, which will delay this Green Belt site's restoration. The application effectively proposes the erection of temporary buildings and structures insofar as, if the application were to be refused, the existing structures under consideration would need to be removed in September 2012. The development under consideration is located within Rainham

Quarry and comprises existing fencing, a site office, and an aggregate storage area, associated with the processing and bagging operations at Rainham Quarry, and essential to the continued winning and working of minerals at Spring Farm Quarry. The proposal is considered to be in accordance with Policies DC43 and DC45.

7.2.4 The guidance contained in PPG2 is also of relevance. The preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. PPG2 and the Local Plan set out the categories of appropriate development.
- b) If the development is not considered to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

7.2.5 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and “very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations” (PPG2, paragraph 3.2).

7.2.6 In terms of Green Belt policy, this application proposes building operations (fencing and site office) and a change of use in the form of the aggregate storage area. It is considered that the use of land for the storage of aggregates, given the screened nature of the site and subject to height limitations, would not significantly diminish the openness of the Green Belt. The building operations under consideration are not included in the list of those building types considered to constitute appropriate development in PPG2. However, given that Policies DC43 and DC45 of the DPD explicitly support the proposal, and that the development under consideration is required for a temporary period to assist in the winning and distribution of valuable mineral resources, it is considered that very special circumstances exist to overcome the harm to the Green Belt by reason of inappropriateness. No other harm is identified, as discussed later in this report.

7.2.7 The proposal is considered to be acceptable in principle, having regard to Policies DC43 and DC45 of the DPD and the guidance contained in PPG2.

7.3 Visual Impact

7.3.1 Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Paragraph 3.15 of PPG2 states that the visual

amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design.

7.3.2 The application under consideration proposes the temporary continuation of existing built structures and an aggregate storage area for a relatively modest, additional period of two years and three months over and above what is already approved. Given the temporary nature of the proposal, it is considered that the existing physical development, in terms of its siting, scale and design, and the screened nature of the site, would not have a significant adverse impact on the visual amenities of the Green Belt or on the character of the surrounding area.

7.3.3 The nature of the proposal is such that it would be in accordance with Policy DC61 of the DPD and the guidance contained in PPG2.

7.4 Local Amenity

7.4.1 Policy DC61 of the DPD states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

7.4.2 No objections have been received from members of the public in relation to this proposal.

7.4.3 The application proposes a relatively modest extension to the period of working of an existing development. It is considered that, given the nature of the existing development, including its siting, scale and design, there would be no significant adverse impacts on local or residential amenity if this application were to be approved. The proposal would be in accordance with Policy DC61 of the DPD.

7.5 Access Considerations

7.5.1 Policy DC32 of the DPD states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

7.5.2 If the application being considered is approved, then mineral processing will be able to continue at the site for an additional two years and three months over and above what is already permitted, resulting in a continued burden on the road network.

7.5.3 The Council's Highway officers have considered the proposal and have raised no objections. In terms of its impact on highway safety and amenity, it is considered that the continuation of mineral processing at the application site would be acceptable and in accordance with Policy DC32 of the DPD.

7.6 Nature Conservation

7.6.1 The site is designated as a site of Borough Importance for Local Nature Conservation. Policy DC58 states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced.

7.6.2 An Ecological Appraisal has been submitted with the application, which concludes that the proposed extension of the working period would not have any significant adverse impacts on the area's ecological assets. Natural England were consulted about this application and raised no objections.

7.6.3 In terms of its ecological impact, the proposal is considered to be acceptable and in accordance with Policy DC58 of the DPD.

8. Conclusion

8.1 Officers consider the proposal to be acceptable, having had regard to Policies DC22, DC32, DC42, DC45, DC58, and SSA6 of the DPD, and all other material considerations, subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
Supporting Statement received on 30/03/2011.

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REGULATORY SERVICES COMMITTEE REPORT

13 October 2011

Subject Heading:	<p>P0712.11 – Spring Farm / Rainham Quarry, Lauanders Lane, Rainham</p> <p>Variation of Condition 4 of planning permission P2239.87, to extend the period of mineral processing to 31st December 2015, and consequential amendments to other conditions.</p>
Report Author and contact details:	<p>Simon Thelwell (Planning Control Manager) 01708 432685</p>
Policy context:	<p>Local Development Framework London Plan National Planning Guidance</p>
Financial summary:	<p>None</p>

The subject matter of this report deals with the following Council Objectives

- Clean, safe and green borough [X]
- Excellence in education and learning []
- Opportunities for all through economic, social and cultural activity [X]
- Value and enhance the life of every individual [X]
- High customer satisfaction and a stable council tax []

SUMMARY

This planning application proposes the variation of a planning condition under the provisions of Section 73 of the Town and Country Planning Act 1990. Planning permission P2239.87 granted consent for the continuation of the processing of indigenous and imported sand and gravel within the established Rainham Quarry

processing area, including the processing plant, which is still in use. It also granted approval for the re-erection of a concrete batching plant, although this aspect of the proposal has not been implemented.

Condition 4 of planning permission P2239.87 requires that the approved development be completed and restored within 15 years of the decision date, meaning the site needed to be restored by March 2007. However, the period of working was extended, by planning permission P2099.04, to the 30th September, 2012. The planning application under consideration proposes the variation of condition 4 of planning permission P2239.87 to enable the period of working to continue until the 31st December 2015. Officers are recommending that planning consent be granted, subject to conditions and planning obligations set out below.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into Legal Agreements under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure the following:

- That the definition of Development and/or Planning Permission in the original agreement dated 16th March 1995 and any subsequent variations, shall include the alternative reference as appropriate to planning permission/development pursuant to P0712.11;
- Save for consequential amendments to the original Section 106 all other recitals, clauses and obligations shall remain unchanged.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of those agreements, grant planning permission subject to the conditions set out below:

1. The development hereby permitted shall be carried out in accordance with the details and drawings approved under planning permission P2239.87, including the details set out in the statement dated December 1992 as modified by letters dated 11 May 1993, except where amended by any of the following conditions or where agreed in writing with the Minerals Planning Authority.

Reason:

For the avoidance of doubt and to ensure the development is undertaken with plans approved by the Mineral Planning Authority.

2. Mineral processing and other operations, with the exception of mineral extraction and operations relating to the restoration and aftercare of the site, shall cease on or before the 31st December, 2015. Mineral extraction and restoration works shall be completed by the 30th June, 2016. The site shall

be fully restored in accordance with the 'Revised Restoration and Aftercare Scheme' dated March 2000 and approved in accordance with condition 6 of planning permission P2239.87.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2. Condition 6 of planning permission P2239.87 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

3. (i) Subject to (ii) below, the after-care of the site shall be carried out in accordance with the 'Revised Restoration and After Scheme' dated March 2000 and approved in accordance with condition 7 of planning permission P2239.87.

(ii) Where the Minerals Planning Authority agree in writing with the person or persons responsible for undertaking the after-care steps that there shall be lesser steps or a different timing between steps, the after-care shall be carried out in accordance with that agreement.

Reason:

Condition 7 of planning permission P2239.87 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

4. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 Part 19, no operations for the erection, installation, extension, re-arrangement, replacement, repair or other alteration of any buildings, fixed plant or machinery, or structures or erections shall be undertaken other than the concrete batching plant, weighbridge and ancillary buildings approved by planning permission P2239.87, without the express permission of the Minerals Planning Authority.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

5. The operations authorised, required or associated with this permission, with the exception of tree planting and after-care, and the temporary operations specified below, shall only be carried out between the following times:

7.00 am - 6.00 pm Monday to Friday
7.00 am - 1.00 pm Saturdays

No operations shall be carried out on Sundays, Bank or Public Holidays. All temporary operations, such as the replacement of soils, screening mound formation and the construction of ditches which take place within 45 metres of any residential property shall only be carried out between the following times:

8.00 am - 5.00 pm Monday to Friday
8.00 am - 1.00 pm Saturday.

Reason:

To minimise the impact of the development on the surrounding area in the interests of amenity, and in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

6. The site shall be operated in accordance with the landfill gas monitoring and venting arrangements approved in accordance with condition 9 of planning permission P2239.87.

Reason:

Condition 9 of planning permission P2239.87 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

7. Only excavated materials in their natural state, other soil forming materials or soils shall be deposited on the site.

Reason:

In the interests of amenity to ensure proper restoration of this site and to minimise the risk of pollution of ground and surface waters.

8. The final layer of cover shall comprise at least 0.6m of topsoil, subsoil or other such soil forming material, and under the areas to be planted with trees and shrubs this layer shall be at least 1.5 metres deep. This layer of material shall be kept free from all materials likely to interfere with the final restoration.

Reason:

To ensure a high standard of restoration.

9. The final soil layer shall be graded so as to form the approved final contours and to provide an even surface to enable the land to be planted and sown with grass seed. The finished surface shall be subsoiled in such a manner

as to disturb the whole soil profile to a depth of 0.4m to alleviate any compacted layers.

Reason:

To ensure a high standard of restoration.

10. The spreading of soils shall only take place when they are in a suitably dry and friable condition and carried out in such a way and with such equipment to ensure minimum compaction.

Reason:

To ensure a high standard of restoration.

11. Any trees or shrubs which within a period of five years following planting, die or are removed or become seriously damaged or diseased, shall be replaced in the next available planting season with others of similar size and species, unless the Minerals Planning Authority gives written consent to any variation.

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990, to enhance the visual amenities of the development to ensure appropriate provision for nature conservation and to ensure that the development has due regard to the concept of the Thames Chase Community Forest.

12. The soils shall not be stored in mounds exceeding 3 metres in height. All other materials which may require storage shall be in mounds not exceeding 4 metres in height.

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

13. Adequate precautions shall be taken during dry periods to minimise dust nuisance caused by operations with the aim of ensuring that no dust or other debris is carried onto adjoining or nearby properties to the satisfaction of the Minerals Planning Authority. During periods when dust is likely to be generated from haul roads and other operational areas they shall be sprayed with water from a bowser or similar apparatus which shall be kept and maintained on site at all times for this purpose.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

14. The concrete batching plant shall not be erected until details of its proposed design, layout and location, including materials and the colour scheme for any external cladding, has first been submitted to and agreed in writing by the Minerals Planning Authority.

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

15. No topsoil or subsoil or overburden shall be sold or otherwise taken off the site.

Reason:

To ensure a high standard of restoration.

16. The processed and unprocessed sand and gravel at the plant site shall not be stored in mounds exceeding six metres above ground level.

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

17. All existing trees and hedges except those within the area of sand and gravel extraction shall be retained unless otherwise agreed by the Mineral Planning Authority in writing. Any such tree or hedge damaged by the operations shall be replaced.

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

18. The design and layout of the site access onto Launderers Lane shall be retained in accordance with the scheme approved by the MPA (Minerals Planning Authority) in accordance with condition 26 of planning permission P2239.87. Access and egress to and from the site shall only be from the existing Launderers Lane access point.

Reason:

Condition 26 of planning permission P2239.87 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

19. All existing screening and noise attenuation mounds shall be retained for the duration of the site's operations, until such a time as the site's restoration requires their removal.

Reason:

In the interests of amenity and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

20. In the event that any areas of uneven settlement occur during the restoration and after-care period, these areas shall be made good with suitable imported soils to the satisfaction of the Minerals Planning Authority prior to the end of the after-care period.

Reason:

In pursuance of achieving a high standard of restoration and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

INFORMATIVES

1. Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies DC22, DC32, DC42, DC45, DC58, and SSA6 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site comprises land within an established sand and gravel working, which is largely worked-out. The application site is primarily in use for the processing and storage of minerals, with fixed plant, a mineral stockpiling area, and associated site buildings present. A separate site within Rainham Quarry, run by a different operator, is located immediately to the north and comprises a fenced compound and buildings associated with the bagging of aggregate.
- 1.2 The site forms an irregular shape and is broadly located within an area bounded by Launderers Lane to the west and Warwick Lane to the north, with the remainder of Rainham Quarry forming the southern and eastern boundaries of the site. The site is designated as Green Belt and as a Mineral Safeguarding Area in the Local Development Framework.
- 1.3 Mineral extraction continues to occur at the Spring Farm site, which is located to the south west of the site under consideration, on the western

side of Launderers Lane. The sand and gravel extracted at Spring Farm is sent to Rainham Quarry (the application site) for processing and bagging.

- 1.4 The site is very well screened from the surrounding area by extensive tree planting and screen bunding.

2. Description of Proposal

- 2.1 Condition 4 of planning permission P2239.87 states that:

“Unless otherwise agreed in writing by the Minerals Planning Authority, the whole of the development hereby permitted, apart from after-care, but including the excavation of the remaining sand and gravel reserves, shall be completed within fifteen years of the date of this permission..”

- 2.2 This planning application seeks approval for the variation of condition 4 of planning permission P2239.87. The condition requires that the Rainham Quarry site be restored by March 2007, although this was extended to September 2012 by planning permission P2099.04. Owing to the economic climate that has prevailed since 2007, the output of sand and gravel at Spring Farm Quarry has significantly declined, which has delayed the point at which the quarry would be fully worked-out. Whilst no end date was imposed limiting the period of working within Spring Farm Quarry, the processing facilities associated with it and located within Rainham Quarry, are time-limited.
- 2.3 The operator anticipates that mineral extraction at Spring Farm Quarry will be completed by the end of December 2015 and the period of working within the Rainham Quarry processing and bagging area therefore needs to be extended to reflect this.

3. Relevant History

- 3.1 The planning permission of most relevance to this application is as follows:

P2239.87 - Change of use to recreation and conservation including car parking, mounding and lakes, erection of concrete batching plant, ancillary buildings and other plant, the continued extraction and processing of indigenous/imported minerals and improved access from Launderers Lane – Approved.

- 3.2 The application under consideration has been submitted alongside two other planning applications that are related to the proposal and which seek variations to other existing planning consents. They are:

P0518.11 – Removal of condition 7 of planning permission P2098.04, removing the requirement to create a new access between Spring Farm Quarry and New Road.

P0593.11 – Variation of condition 1 of planning permission P0761.05, to allow for the continued use of development associated with the mineral processing area, at the Rainham Quarry site until December 2015 – Under consideration.

An application has also been received that will vary condition 1 of planning permission P1361.02 to allow for the continued use of the bagging plant and amended aspects of P2239.97 until 31st December 2015.

3.3 Summary

Rainham Quarry (processing area)

P0712.11 – Continuation of mineral processing at Rainham Quarry to December 2015 – Under consideration.

P2099.04 – Variation of condition 4 of P2239.87 for the continuation of approved operations to September 2012 – Approved (15/01/2007).

P2239.87 – Continuation of mineral processing to March 2010 and re-erection of concrete batching plant – Approved (17/03/1995).

Rainham Quarry (Bagging area)

P0593.11 – Continued use of development approved by P0761.05 to December 2015 – Under consideration.

P0761.05 Retrospective planning application for the retention of a portable office, unapproved changes to the processing plant, security fencing, and the extension of the aggregate storage area by about 0.08 hectares – Approved (17/06/2005).

Rainham Quarry (processing area and bagging area)

P1323.11 – Variation of condition 1 of planning permission P1361.02 for the continuation of approved operations until December 2015 – Under consideration.

P1361.02 – Change of use for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved (03/04/2003).

Spring Farm Quarry (extraction area)

P0518.11 – Access changes at Spring Farm Quarry - Under consideration.

P2098.04 – Mineral extraction, infilling and restoration. Approved (15/01/2007).

4. Consultations/Representations

4.1 Statutory Consultees

Natural England - No objections.

- | | | | |
|--|------------------|---|----------------|
| | English Heritage | - | No objections. |
|--|------------------|---|----------------|
- 4.2 Non statutory Consultees
- | | | | |
|--|--|---|----------------|
| | National Grid | - | No objections. |
| | Highways | - | No objections. |
| | Thames Water | - | No objections. |
| | Essex and Suffolk Water | - | No objections. |
| | London Fire and
Emergency Planning
Authority | - | No objections. |
- 4.3 This application was advertised and notification letters were sent to adjacent addresses. No representations have been received from members of the public.

5. Relevant Policies

- 5.1 DC22 (Countryside Recreation)
DC32 (The Road Network)
DC43 (Ready Mixed and Processing Plant)
DC45 (Appropriate Development in the Green Belt)
DC58 (Biodiversity and Geodiversity)
DC61 (Urban Design)
SSA6 (Rainham Quarry Community Woodland)
- 5.2 Relevant national planning guidance:
- MPS1 (Planning and Minerals)
PPS1 (Delivering Sustainable Development)
PPG2 (Green Belts)

6. Staff Comments

- 6.1 This proposal is put before Planning Committee as the application entails an amendment to the legal agreement that accompanied planning permission P2239.87. Planning consent should only be granted in the event that the legal agreement has been formally amended.
- 6.2 In the event that planning permission is granted in this case, the proposal would result in a new planning permission being issued. Where appropriate, and subject to any necessary amendments, the conditions imposed on the last planning consent would need to be re-imposed in this instance.

6.3 The main issues to be considered by Members in this case are the principle of development, visual impact, local amenity, access considerations, and nature conservation.

7. Assessment

7.1 Principle of development

7.1.1 The application site is located in a Mineral Safeguarding Area, a site of Borough Importance for Nature Conservation, the Thames Chase Community Forest, the Rainham Quarry Community Woodland, and within the Metropolitan Green Belt. Policy DC58 states that development within sites of nature conservation importance will be permitted subject to certain criteria. Policy DC22 states that opportunities to improve informal recreation in the countryside will be sought, whilst Policy SSA6 states that the site should be restored, and a community woodland created. The approved restoration and aftercare schemes approved in accordance with planning permission P2239.87, which are applicable in this case, recommend the creation of woodland and areas of public access. The proposal is considered to be in accordance with Policies DC22 and SSA6.

7.1.2 Policy DC45 of the DPD states that planning permission for development in the Green Belt will only be granted where it includes certain types of development, which include minerals extraction and buildings deemed to be essential to it. Policy DC43 of the DPD states that ready mixed and processing plant within the Green Belt will only be permitted at current mineral working sites and that they will be tied to the life of the relevant mineral extraction site.

7.1.3 Although the proposal relates to existing development, it proposes allowing that development to continue for more than two years over and above what has been approved, which will delay this Green Belt site's restoration. The application effectively proposes the erection of temporary buildings and structures insofar as, if the application were to be refused, the existing structures under consideration would need to be removed in September 2012.

7.1.4 The development under consideration is located within Rainham Quarry and comprises the mineral processing use and associated plant and buildings, along with site offices and amenity buildings, and an aggregate storage area. This mineral processing facility is essential to the continued winning and working of minerals at Spring Farm Quarry. The proposal is considered to be in accordance with Policies DC43 and DC45.

7.1.5 The guidance contained in PPG2 is also of relevance. The preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. PPG2 and the Local Plan set out the categories of appropriate development.
 - b) If the development is not considered to be inappropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 7.1.6 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and “very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations” (PPG2, paragraph 3.2).
- 7.1.7 In terms of Green Belt policy, this application proposes building operations (fixed plant and other structures) and a change of use (aggregate storage area.) It is considered that the use of land for the storage of aggregates, given the screened nature of the site and subject to height limitations, would not significantly diminish the openness of the Green Belt.
- 7.1.8 The building operations under consideration, might normally constitute permitted development, except that the site handles imported sand and gravel in addition to minerals derived from the immediate site. The buildings are not included in the list of those building types considered to constitute appropriate development in PPG2. However, given that Policies DC43 and DC45 of the DPD explicitly support the proposal, and that the development under consideration is required for a temporary period to assist in the winning and distribution of valuable mineral resources, it is considered that very special circumstances exist to overcome the harm to the Green Belt by reason of inappropriateness. No other harm is identified, as discussed later in this report.
- 7.1.9 The proposal is considered to be acceptable in principle.
- 7.2 Visual Impact
- 7.2.1 Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design.
- 7.2.2 The application under consideration proposes the temporary continuation of existing built structures for a relatively modest, additional period of two years and three months over and above what is already approved. The planning permission that would be varied permits mineral processing with its

associated buildings and mineral storage. Given the temporary nature of the proposal, it is considered that the existing physical development, in terms of its siting, scale and design, and the screened nature of the site, would not have a significant adverse impact on the visual amenities of the Green Belt or on the character of the surrounding area.

7.2.3 The nature of the proposal is such that it would be in accordance with Policy DC61 of the DPD and the guidance contained in PPG2.

7.3 Local Amenity

7.3.1 Policy DC61 of the DPD states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

7.3.2 No objections have been received from members of the public in relation to this proposal.

7.3.3 The application proposes a relatively modest extension to the period of working of an existing development. It is considered that, given the nature of the existing development, including its siting, scale and design, there would be no significant adverse impacts on local or residential amenity if this application were approved. The proposal would be in accordance with Policy DC61 of the DPD.

7.4 Access Considerations

7.4.1 Policy DC32 of the DPD states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

7.4.2 If the application being considered is approved, then mineral processing will be able to continue at the site for an additional two years and three months over and above what is already permitted, meaning there will be a continued burden on the highway network.

7.4.3 The Council's Highway officers have considered the proposal and have raised no objections. In terms of its impact on highway safety and amenity, it is considered that the continuation of mineral processing at the application site would be acceptable and in accordance with Policy DC32 of the DPD.

7.5 Nature Conservation

7.5.1 The site is designated as a site of Borough Importance for Local Nature Conservation. Policy DC58 states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced.

7.5.2 An Ecological Appraisal has been submitted with the application, which concludes that the proposed extension of the working period would not have any significant adverse impacts on the area's ecological assets. Natural England were consulted about this application and raised no objections.

7.5.3 In terms of its ecological impact, the proposal is considered to be acceptable and in accordance with Policy DC58 of the DPD.

7.6 Legal Agreement

7.6.1 As discussed, in order for planning permission to be granted for this proposal, officers recommend amendments to the original legal agreement accompanying planning permission P2239.87, to ensure that its provisions are upheld should planning permission be granted in this case. The legal agreement would make provision for a public car park, the establishment of public rights of way, public access to woodland areas, management arrangements within the woodlands, and public access to a lake.

8. Conclusion

8.1 Officers consider the proposal to be acceptable, having had regard to Policies DC22, DC32, DC42, DC45, DC58, and SSA6 of the DPD, and all other material considerations, subject to conditions and an amended Section 106 agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application proposes the modification of an existing planning consent that was supported by a Section 106 Agreement. Should planning permission be granted in this instance, then the approved Section 106 Agreement will need to be amended.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
Supporting Statement received on 30/03/2011.

11

REGULATORY SERVICES COMMITTEE

REPORT

13 October 2011

<p>Subject Heading:</p>	<p>Proposed under planning reference P1295.11 re-contouring of landfill site through controlled landfill involving continuation of road-borne waste imports until 2018 (as well as river-borne imports, as previously approved) to achieve appropriate restoration scheme and associated visitor facilities pursuant to Regulatory Services agreement in principle under planning reference U0013.08 and resolution to approve of the London Thames Gateway Development Corporation on 10th September 2009 (attached).</p>
<p>Report Author and contact details:</p>	<p>Simon Thelwell Planning Control Manager 01708 432685</p>
<p>Policy context:</p>	<p>London Plan London Borough of Havering Local Development Framework</p>
<p>Financial summary:</p>	<p>Cost of Future Management of the Site Cost of insurance to cover new uses</p>

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application relates to a 177 hectare site located on the River Thames at the most south eastern part of the Borough. The application site currently benefits from an existing consent to deposit refuse materials through controlled landfill. The site is to be restored by 2018 relying solely on river sourced waste imports from 2012. The current application was agreed in principle by Regulatory Services Committee under planning reference U0013.09, and the Council is now the Local Planning Authority. At that time the London Thames Gateway Development Corporation (LTGDC) was the Local Planning Authority for the area in which the application site is situated. The LTGDC Planning Committee of 10th September 2009 resolved to grant planning permission subject to completion of an agreement under Section 106 of the Town and Country Planning Act 1990. The planning agreement has not yet been completed and the planning obligations and planning conditions subject to minor amendment are set out in this report. An additional planning obligation is included pursuant to Section 106A of the Town and Country Planning Act 1990 (“the 1990 Act”) which on implementation of planning permission under planning reference P1295.11 the planning obligation in the existing agreement dated 6th February 1998 will no longer have effect.

RECOMMENDATION

That the proposal is unacceptable as it stands but would be acceptable subject to the planning conditions set out in this report and subject to the applicant first entering into a Legal Agreement under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure the following:-

- Submission of a Travel Plan which includes the limitation of waste vehicle movements to 300 per day which shall be reduced as public access increases and volumes decrease to be reviewed annually or as otherwise agreed;
- Grant London Borough of Havering the option of a leasehold on the application site on a phased basis subject to an independent review of contamination, pollution and health risks;

- Upgrade the existing Rainham to Purfleet paths and the Third Riverside Path to a public right of way for use by pedestrians and cyclists;
- Maintain that part of Coldharbour Lane dashed black on Plan 2 to a standard reasonable for public access
- Grant London Borough of Havering a option to purchase Aveley Saltings subject to the necessary interest being held by the Owners;
- Ensure that Veolia extend public liability insurance should early public access be exercised;
- Provide realistic timeframes to allow early public access subject to agreement of the Local Authority;
- Provide for public access in defined areas of the application site outside of operational and restricted areas through adequate measures;
- Submit and carry out an Ecological Method Statement for the treatment of existing habitats on already established areas to include a monitoring programme for over-wintering bird populations;
- Submission and implementation of an Ecological Management Plan for approval by the LPA;
- Submit and implement landscape and restoration plan;
- Revisit the settlement model at regular agreed intervals and provide a contingency plan.
- Provide and implement an Odour Mitigation strategy to the satisfaction of the LPA;
- Upon Service of the Final Completion Notice and until the end of the Aftercare Period the Owner/s shall make available to the Council the Gatehouse or any alternative building suitable for use as an environmental centre and during that period the Owner/s shall maintain and repair the premises fit for purpose and an environmental centre.
- The obligations in the existing agreement dated 6th February 1998 to be discharged on the implementation of the planning permission under planning reference P1295.11 subject to all relevant obligations required by the Council and relevant to the planning permission (P1295.11) being reflected in the planning agreement associated with the said planning permission.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. The development hereby permitted shall be carried out in accordance with the following approved plan(s) and information:

Drawing No 1 (site location plan)

Drawing No 2 (site boundary)

Drawing No 3 (permitted post settlement contours)

Drawing No 6 (phasing sequence),
Drawing No 7 (restoration concept)
Figure 4.2 (corrected) (pre and post settlement contours)
Figure 1.4b Rev A (proposed pre settlement contours)

The details and drawings contained within the submitted Environmental Statement dated December 2008 and additional documents referenced VE0420008A (air quality) dated 16th June 2009; "Stability Risk Assessment" dated 5 June 2009; "Stability Assessment Report" dated March 2009, and in accordance with the following conditions.

Reason: To ensure the development takes place in accordance with the approved plans

2. Waste disposal operations shall cease on or before 31st December, 2018 and restoration of the site shall be completed by 31st December 2018, in accordance with the scheme approved under condition 4 below. The restored area(s) shall, on the date restoration is completed in any particular zone, be subject to a period of aftercare, in accordance with the scheme approved under condition 5 below.

Reason: To ensure that the development is restored in a timely fashion.

3. Within 7 days of the date aftercare commences in any given zone of the site, the Local Planning Authority shall be notified in writing.

To ensure that the approved period of aftercare is undertaken.

4. Within 2 years of the date this planning permission is implemented, a detailed restoration and planting scheme for the site shall have been submitted to the Local Planning Authority for written approval. The scheme shall include details of all proposed planting including the location, species, size, spacing, protection and maintenance. Details shall be submitted in relation to any works associated with proposed buildings, nature conservation, and waterways. The scheme shall also include the following details: (i) the depth and treatment of soils to relieve compaction and remove deleterious material of soils placed above the fill materials; (ii) the cross-ripping of soils suitable to achieve appropriate restoration and landscaping of the site; (iii) surface water drainage and; (iv) an implementation programme including a phasing plan that will detail the individual zones of the landfill including likely timeframes for completion.

Reason: to ensure the provision of amenity afforded by appropriate restoration.

5. Within 2 years of the date this planning permission is implemented, an aftercare / management scheme shall be submitted to the Local Planning Authority for written approval. The scheme shall cover a minimum 5 year

initial aftercare period following the completed restoration of any given zone subject to the aftercare of all zones being completed by 31st December 2023. Once approved in writing by the Local Planning Authority, the approved scheme shall be implemented.

Reason: to ensure that the site is managed adequately long term.

6. Within six months of the date this planning permission is implemented, a noise mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented so that no undue harm to sensitive receptors arises in accordance with the advice contained within PPG24.

Reason: To assess and minimise noise generated by the site which may impact upon nearby sensitive receptors.

7. Prior to the implementation of this planning permission, a scheme detailing wheel washing facilities for vehicles exiting the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 1 month of the scheme being approved.

Reason: To prevent mud and dust being transferred onto the public highway

Within 3 months of the date this permission is implemented, a scheme of dust mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within 1 month of its approval.

8. Reason: To minimise the transmission of dust and particulates from the development in the interests of air quality and residential amenity.

10. Within 3 months of the date this planning permission is implemented, a scheme detailing the proposed means of controlling vermin shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented within 1 month of its approval.

Reason: In the interests of amenity.

11. Notwithstanding the provisions of Part 4 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no change of use or provision of buildings, moveable structures, works, plant or machinery shall be undertaken other than those approved by this permission, unless otherwise approved in writing by the Local Planning Authority..

Reason: To ensure the further waste related development remains under the control of the Local Planning Authority, in the interests of nearby sensitive receptors included the natural environment and residential locations

12. No on-site waste disposal, restoration, or aftercare operations other than essential maintenance shall be undertaken on Sundays, Bank or Public Holidays.

Reason: In the interests of highway safety, in particular potential conflict with recreational users of the existing and proposed visitor attractions.

13. The final layer of cover over the capping layer placed over the deposited waste materials shall comprise at least 1.0m of soil forming material, and under the areas to be planted with trees and shrubs this layer shall be at least 1.5 metres deep. This layer of material shall be left free from all materials likely to interfere with the final restoration, in compliance with the restoration and landscaping scheme.

Reason: In order to provide an adequate layer of capping for the future recreational and nature conservation use of the site.

14. The final soil layer shall be laid to a gradient in accordance with the stability assessment in order to achieve the post-settlement contours, as shown on figures 1.3b and 1.4b, and to provide a suitable manageable surface in accordance with the landscape restoration scheme as required by condition 4 of this planning permission.

Reason: To ensure that a high quality post-restoration planting scheme can be achieved.

15. The spreading of soils shall only take place when they are in a suitable dry and friable condition and carried out in such a way and with such equipment to ensure minimum compaction.

Reason: to ensure soil integrity for adequate site restoration.

16. In the event that any areas of uneven settlement occur during the aftercare period, these shall be made good with suitable imported soils to the satisfaction of the Local Planning Authority.

Reason: In order to provide a high quality, even and stable landform.

17. Only solid, non-hazardous waste materials shall be deposited at the site.

Reason: For the purposes of environmental control and safety, particular with regard to the protection of ground water.

18. Soils and other materials for restoration shall not be stored to a height exceeding 4 metres above the ground level on which they are stockpiled.

Reason: In the interests of visual amenity and safety.

19. All stockpiled soils intended to remain in place for more than six months shall be sown with an appropriate grass seed mix and maintained (including weed control) in accordance with a scheme previously submitted to, and approved in writing, by the local planning authority.

Reason: In the interested of visual amenity and dust control.

20. Leachate storage lagoons or settlement ponds shall not be located on previously landfilled areas without the prior written agreement of the Local Planning Authority.

Reason: In the interests of controlling potential pollution pathway from the site into the natural environment.

21 There shall be no light spill into any adjacent watercourse or river corridor habitat. To achieve this, artificial lighting shall be directional and focused with cowlings.

Reason: In order to protect the wildlife and habitat of the river corridor.

22. Within 3 months of the date of the implementation of this permission, a scheme updating the 'Water Resources' chapter of the Environmental Statement hereby approved by this permission shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a satisfactory management of surface water run-off as well as including details of the improvement, protection and maintenance of the existing flood defences. The scheme shall be implemented within one month of the date it is approved, and shall be updated at the request of the local planning authority should any future changes come about due to the implementation of the approved landscaping and restoration plans.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site and to ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding.

23. The pre-settlement contours depicted in Figure 9 'Proposed Site Contours for Stability' of the 'Rainham Landfill Stability Assessment Report' submitted in support of the application shall not be exceeded.

Reason: To ensure the stability of the proposed landform and in the interests of the protection of the water environment.

24. At any time before the development is completed, following a cessation of operations for a period exceeding 12 months, a reinstatement and restoration scheme shall be submitted forthwith, in writing, to the Local Planning Authority for its approval. The scheme shall provide details of final levels, restoration, landscaping of the site and a timescale for the carrying out of the scheme. The approved scheme shall thereafter be carried out in accordance with the approved timescale and each element within the approved period.

Reason: to ensure that the site is adequately restored.

25. All tree and shrub planting shall be carried out during the period from November to March (inclusive) in any year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that planting is carried out within the established planting season.

26. Turf, topsoil and subsoil shall not be removed from the site.

Reason: to ensure that such materials are retained on site for use in restoration.

REPORT DETAIL

1. Background

- 1.1 The application relates to the Veolia landfill site at Coldharbour Point, Rainham. The proposal seeks to revise the approved pre and post-settlement contours and would facilitate the early delivery of visitor facilities associated with the proposed 'Wildspace' conservation park.
- 1.2 Members may recall that on 27th August 2009, they resolved to raise no objections, subject to completion of a satisfactory S106 agreement, to the London Thames Gateway Development Corporation in relation to the planning application, to which London Borough of Havering was a Consultee. The report to Regulatory Services Committee of 27th August 2009 and report of LTGDC of 10th September 2009 are attached and sets out the details of the proposal and main planning considerations.

- 1.3 Members may also recall that on 17th March 2011, they resolved to enter into a new S106 legal agreement to replace that entered into in 1998 and in accordance with the resolution of the LTGDC to grant planning permission on 10th September 2009. This would have enabled LTGDC to complete the legal agreement and planning permission to be issued. However, the legal agreement has not been completed and the LTGDC are (since 1st April 2011) no longer the planning authority.
- 1.3 Negotiations on the content of the legal agreement have been continuing. Now that LTGDC are no longer the planning authority, the issuing of a decision requires a resolution of this committee to grant planning permission, subject to the Section 106 Agreement. Now that Havering is the local planning authority for the application, there has been an opportunity to revisit the conditions proposed to be attached and amendments have been made.

2. Summary of Proposal

- 2.1 Full details of the proposal are given in the attached reports. In summary, planning permission was granted in 1998 (Ref P1275.96) for the current landfill operation amounting to the importation of 12.3 million cubic metres of waste. The current application has been submitted as the landfill is settling at a greater rate than originally assumed. This is due to the biodegradable content of domestic waste steadily increasing over time; the imposition of landfill tax; and the drive toward recycling which have resulted in the removal of inert materials such as bottles, plastics, cans, building waste which has ultimately increased biodegradable material. As a result the amount of settlement at this landfill site has been greater than envisaged. Consequently, without regrading of the landform the site would likely suffer from poor drainage and increased pollution risks. This may also impede the final use of the site for public access and incorporation within the Wildspace regeneration project.
- 2.2 The applicant therefore seeks planning permission to update the original planning permission taking into consideration the updated settlement rates in order to create a satisfactory final landform similar to that originally envisaged. The revisions include the importation of an additional 3.6 million tonnes of non-hazardous waste over the current landform. This would achieve a higher pre-settlement restoration height than approve that would over time settle to a lower height that is similar to the existing planning permission. The revised landform would assist in the early delivery of the eastern side of the site for public access and allow for the delivery of various visitor facilities.
- 2.3 The importation of additional volumes of waste would require an extension in time for road-borne waste imports for the life of the landfill. It

is likely that the final restoration would remain unchanged to be completed by the 31st December 2018.

- 2.4 The application has been submitted with a full Environmental Statement which has been fully considered.

3. Summary of Planning Considerations

- 3.1 Full details of the planning considerations are contained in the attached reports. In summary, it is considered that the proposed importation of additional waste is acceptable. The waste would still continue to be imported to 2018 as approved but no extension to the period of importation is proposed. Current settlement rates would mean that the landform may not be suitable for public access. The additional waste would ensure that a high quality landform that would be accessible and safe for public use would result whereas.
- 3.2 The proposal would enable earlier public use of parts of the site which is considered to be beneficial.
- 3.3 The original planning application was subject to a detailed legal agreement which sought to ensure, amongst other things, adequate restoration and aftercare and to ensure public access. It is recommended that the extant clauses in the agreement are brought forward and amended as necessary with changes/additions to allow early public access of the site.

4. Recommendation

- 4.1 It is recommended that planning permission be granted, subject to a legal agreement and conditions as outlined in this report.

IMPLICATIONS AND RISKS

Financial implications

The discharge of planning obligations relating to the Existing Agreement on those obligations being superseded by obligation in a new agreement reflecting the heads of terms of obligation approved by resolution of the LTGDC on 10th September 2009 should not have direct financial implications save for maintenance and insurance costs should public access be facilitated at an early stage.

Legal Implications

Legal resources will be required to complete the Section 106 agreement.

Human Resource Implications & Risks:

None directly related to the variation or discharge of the planning obligations.

Equalities and Social Inclusion implications:

The Council's planning policies are implemented with regard to equalities and diversity. Any contracts entered into by the council would contain appropriate clauses to reflect the Council's equalities and diversities policies and relevant legislation e.g. compliance with the service provision requirements of the DDA 1995 and access requirements.

BACKGROUND PAPERS

Report of the Chief Executive U0013.08 – Rainham Landfill Site, Coldharbour Lane, Rainham – to the Regulatory Services Committee 27th August 2009

Report to London Thames Gateway Development Corporation Planning Committee – U0013.08 – 10th September 2009

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PLANNING COMMITTEE MEETING: 10 September 2009

PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC

REPORT OF THE DIRECTOR OF PLANNING

UDC CASE NUMBER:	LTGDC-08-172-FUL	DATE MADE VALID:	22/12/2008
APPLICATION NUMBER:	U0013.08/LBHG	TARGET DATE:	02/10/2009

APPLICANT:	Veolia Limited
AGENT:	Enviros
PROPOSAL:	Rainham Landfill Re-Contouring Scheme
LOCATION:	Veolia Landfill Site, Freightmaster Estate, Rainham,

1. SUMMARY

- 1.1 The application relates to the Veolia landfill site located at Coldharbour Point, Rainham within the London Borough of Havering. The proposal seeks to revise the agreed pre- and post-settlement contours in order to facilitate the early delivery of visitor facilities associated with the proposed 'Wildspace' conservation park. The need for the application arises from the changing nature of waste deposited in the landfill brought about by such factors as the emphasis on recycling and the Landfill Tax. This has meant that a greater proportion of degradable material is received by the landfill, resulting in a greater rate of settlement than was originally envisaged.
- 1.2 The applicant's projections are that if the currently-conditioned limitation on road-based importation of waste from 31 December 2012 remains the landfill site will not receive the required volume of waste needed for the revised pre-settlement contours as insufficient waste is transported by river. Therefore, the application also seeks the continuation of road borne waste until 31 December 2018.
- 1.3 The primary areas of consideration therefore relate to the importation of waste, the potential impact on air quality and odour, the increase in road borne traffic in the area and the revised landform. Other areas of consideration relate to the impact of the proposal on the adjacent statutory sites for nature conservation and indirectly the future Wildspace improvements.
- 1.4 Overall, the proposal is acceptable in terms of principle, being wholly compliant with national, regional and local strategy and policy for the location. The site specific considerations have been examined through the Environmental Statement and the

conclusion of Officers is that the environmental impacts are not considered to be significant enough to warrant refusal.

1.5 The application is before Members with a recommendation to approve, subject to conditions and a legal agreement to secure the following:

- Travel Plan limiting the waste vehicle movements to 300 per day, reducing as public access increases, volume decreases and to be reviewed annually as well as limiting the hours of vehicle access as public access to the site increases.
- Grant the London Borough of Havering the option of a leasehold over the site on a phased basis subject to an independent review of contamination, pollution and health risks.
- Upgrade the Rainham to Purfleet Path as a Public Right of Way
- Maintain Coldharbour Lane to a standard reasonable for public access.
- Grant the London Borough of Havering the right to purchase the Aveley Saltings
- Ensure public liability insurance provided, at the cost of the developer, should early public access be exercised.
- Provision a timetable for the early delivery of public access, to be agreed with the Local Planning Authority.
- Provide for defined areas of public access outside of operational and restricted areas
- Submit and implement an Ecological Method Statement to include a monitoring programme for over-wintering bird populations
- Submit and implement a landscape and restoration plan
- Revisit the settlement model at regular intervals, to be agreed with the Local Planning Authority, and provide a contingency plan.
- Provide an Odour Mitigation Strategy to the satisfaction of the Local Planning Authority

1.6 If Members agree the recommendation, the application will be referred back to the Mayor of London for his Stage 2 determination.

2. SITE AND PROPOSAL

Site Description

2.1 The site is the Rainham Landfill Site, a 177 hectare parcel of land located between Coldharbour Lane and the River Thames. The site is currently operational and has been so for the past 150 years. In addition to general landfill operations, the site also includes a materials reclamation facility, waste transfer station, composting plant, woodchipping plant, ash plant and a landfill gas power plant. Non-hazardous and inert waste is imported to the site by road and river.

2.2 Surrounding the site is a mixture of industrial uses and natural features. In terms of the industrial surroundings, adjacent to the site, but not included within this application, is the Freightmaster Estate on the southern most tip of Coldharbour Point. On the northern boundary of the application area is a Tilda Rice plant and, beyond that, the Beam Reach 8 LDA site. Other on-site uses include a composting facility, waste transfer station, wood shredding operation, ash handling plant and a landfill gas electricity generation plant.

2.3 The land to the north of the site is a Site of Special Scientific Interest, namely the Inner Thames Marshes Site of Special Scientific Interest (SSSI) which comprises

the Rainham, Wennington and Aveley Marshes. To the east is a RSPB reserve. Adjacent to the south and west of the site is the Havering Riverside Path which forms part of the London Loop strategic network of pathways.

- 2.4 The nearest residential development is located approximately 1km away on the southern side of the River Thames, being Erith in the London Borough of Bexley. Other residential properties include Rainham, located approximately 1.3km north, Wennington 1.3km north east and Purfleet 1.4km east which is in the Borough of Thurrock.

Proposal

- 2.5 Veolia Environmental Services, who own and manage the site, seek by way of this application, the placement of an additional 3.6 million tonnes of non-hazardous waste on the landfill site, thereby amending the pre- and post-settlement landfill contours agreed in the original planning permission P1275.96 and continuing road borne import of waste beyond the agreed cessation date of 31 December 2012 to 31 December 2018.
- 2.6 At present, the agreed post-settlement contours intend to result in two peaks with a saddle ridge linking both. The height of the western peak is agreed at 37 metres, while the eastern peak is 31 metres. The ridge linking the two is at 27 metres. The contours are such as to create sloping terrain that will be accessible by the public and will be able to accommodate a range of visitor facilities. To achieve these post-settlement levels, the pre-settlement contour heights that were originally agreed were to 41.2 metres at the western peak, 36 metres at the eastern peak and 34 metres at the ridge.
- 2.7 The revision to the agreed contouring is needed due to a change in the rate of settlement from that which was originally envisaged. Essentially, this has been due to a change in the nature of material being brought to the site. Increased recycling rates and the imposition of the Landfill Tax have resulted in the composition of material brought to the site having a higher degradability, therefore resulting in a higher rate of settlement. Should the re-contouring not take place, the result would be lower final gradients that would make public access to the site and the deliverability of visitor facilities uncertain due to poor drainage and increased gas build-up. This result would also be contrary to Environment Agency requirements.
- 2.8 Therefore, the application seeks a revised pre-settlement contour arrangement that will increase the western peak 11.8 metres to 53 metres, the eastern peak by 6.4 metres to 42.4 metres, the saddle between the peaks 3.5 metres to 35 metres and the south west facing valley below the peaks and the saddle by 12 metres. The result of these changes to the pre-settlement contours is that the final restoration profile will remain as originally agreed, with the exception of the south west facing valley which will increase in height by 7.5 metres.
- 2.9 In order to meet these revised contours, the application also seeks to amend the original condition that road borne waste imports will cease on the 31st of December 2012 and that further waste importation will be by river only. The application accordingly seeks the continuation of road-borne waste imports for the duration of the landfill, until December 31st 2018.
- 2.10 The application also makes available an area of land on the eastern edge of the site for the development of a visitor centre to ultimately serve the future 'Wildspace'

Conservation Park. Although these facilities do not strictly form part of this application, they are an intrinsic part of the re-contouring proposals and are therefore discussed in this report.

3. MAIN ISSUES

- Principle of the Development
- Transport Arrangements for the Importation of Waste
- Air Quality and Odour
- Pre and Post Settlement Land Form
- Nature Conservation
- Wildspace Proposals

4. RELEVANT SITE HISTORY

4.1 The site has been utilised for landfill over the past 150 years and has an extensive planning history. The most relevant permission to this application is the original planning permission for the contouring of the site, which was granted by the London Borough of Havering in February of 1998 (reference P1275.96). This permission set the landfill contours to the previous rate of settlement, prior to the current situation where a large proportion of non-biodegradable material is diverted to recycling facilities rather than landfill. For the information of Members, the planning history for the site is set out below:

- L/Hav/1416/67 - Disposal of household refuse and waste materials - Approved
- L/Hav/1049/83 - Deposit of refuse materials - Approved
- P0257.86 - Deposit of refuse materials to extend contoured landform - Approved
- P0905.86 - Refuse container unloading and transfer system involving the extension of the existing deep water jetty complex - Approved
- P1806.86 - Jetty Extension - Approved
- P1809.86 - Refuse container unloading and transfer system involving the extension of the existing deep water jetty complex - Approved
- P1409.91 - Renewal of temporary permission for refuse container unloading & transfer system involving the extension of the existing deep water jetty complex - Approved
- P1424.93 - Relocation and improvement of facilities ancillary to landfill site, including works hop x 2, office, site control office, mess facilities, toilets facilities, wheelspinners diesel storage and car park - Approved
- P0715.94 - Landfill gas powered electricity generating station - Approved
- P1409.95 - Renewal of P1806.86 - Approved
- P1058.95 - Modification of condition 10 of P1049.83 to enable supply of waste by road - Approved
- P1275.96 - Deposit of refuse materials through controlled landfill provision of material recovery facilities and creation of contoured landform and restoration scheme - Approved
- P0121.97 - Delete Condition 1 of permission P1058.95 to allow the continuation of delivery of waste by road to Rainham Landfill Site, Coldharbour Lane, Rainham - Approved
- P0159.97 - Retention of road access - Approved
- P0824.97 - Erection of open plan temporary domestic waste transfer facility - Approved
- P0835.97 - Continued use of the waste transfer jetty - Approved

- P0015.98 - To retain and use existing vacant Nissan hut for recycling trials and occasional maintenance - Approved
- P1139.98 - Renewal of permission P0824.97 for the erection of open plan temporary domestic waste transfer facility - Approved
- P1324.98 - Storage, recycling and provision of recovered electrical equipment, paper & household co-mingled recyclable materials - Approved
- P0861.99 - Variation of Condition No.11 of planning permission P1275.96 allowing opening on 27th & 28th December 1999 and 3rd January 2000 - Approved
- P1032.00 - Improvements to unadopted Coldharbour Lane, including carriageway widening, the erection of gates and a security post - Approved
- P1901.03 - A plant for the in-vessel composting of bio-wastes to produce a saleable compost - Approved
- P1210.05 - Development of soil recycling area within the boundary of the landfill site to provide soils for restoration - Approved
- U0002.05 - Autoclave processing facility for municipal solid waste - Approved
- U0005.06 - An extension to the domestic materials recycling facility - Approved
- U0011.08 - Variation of condition 1 of planning permission P0835.97 to allow for the export of recycled aggregates - Approved

5. CONSULTATIONS

London Borough of Havering

5.1 The application was put before the London Borough of Havering Regulatory Services Committee on the 27th of August 2009, who resolved to recommend that the Corporation approve the application, subject to the satisfactory complete of a Section 106 legal agreement and conditions. The suggested terms of the legal agreement and conditions are as follows:

5.2 Legal Agreement:

- Submission of a Travel Plan which includes the limitation of waste vehicle movements to 300 per day which shall be reduced as public access increases and volumes decrease to be reviewed annually or as otherwise agreed;
- Grant London Borough of Havering the option of a leasehold on Veolia's Land on a phased basis subject to an independent review of contamination, pollution and health risks;
- Uprate the existing Rainham to Purfleet path to a public right of way;
- Retain Coldharbour Lane for public access
- Grant London Borough of Havering the right to purchase Aveley Saltings;
- Ensure that Veolia extend public liability insurance should early public access be exercised;
- Provide realistic timeframes to allow early public access;
- Ensure public access is defined outside of operational and restricted areas through adequate measures;
- Submit and carry out an Ecological Method Statement for the treatment of existing habitats on already established areas;
- Submit and implement landscape and landscape plan;
- Revisit the settlement model at regular agreed intervals and provide a contingency plan.

5.3 Conditions to secure the following:

- No exportation of material from the site except as per consent for the jetty;
- Restricted hours of road borne waste except restoration materials Monday to Friday and Saturday AM only. No Sundays or Public Holidays without prior written consent.
- No further waste processing buildings or building works without prior permission
- Dust Mitigation
- Noise Mitigation
- Odour Mitigation
- Vermin Mitigation

London Borough of Barking and Dagenham

5.4 Barking and Dagenham are content to raise no objections on the basis that adequate odour and dust controls are in place. It was also requested that vehicles transporting waste are adequately covered and that the number of trips per day does not exceed 200.

London Borough of Bexley

5.5 Officers of the London Borough of Bexley reviewed the submission and in light of concerns raised by two of their ward councillors, Cllr David Leaf and Cllr Bernard Clewes, put the scheme to their planning committee on the 26th of February 2009, recommending that the Borough raise no objection. The basis of the councillor's objection was that locations within Erith on the southern side of the River Thames would be detrimentally affected by increased levels in odour and a deterioration in local air quality leading to a general decline in human health and quality of life. The councillors also contend that there was insufficient public consultation within Bexley, that the visual impact upon the Belvedere/Erith area will be unacceptable and that the proposal is in contravention of European waste policies. The councillors have also written to the (then) Secretary of State, Rt Hon Hazel Blears MP requesting that she use her authority to call in and determine the application.

5.6 By way of an addendum to their committee report, Bexley Officers also reported that John Austin MP objected to the scheme on the basis of odour nuisance, environmental damage caused by increase vehicle movement and contravention of waste policy. Mr. Austin was reported to ask the committee to request on behalf on behalf the Borough that the Secretary of State calls in the application.

5.7 Bexley's committee resolved to go against officer recommendation and object to the proposal, stating that the increase in odour is likely to be detected by residents, leading to complaints and that in the time made available to them to comment, they were unable to conclude that there would be no other environmental impacts. Bexley also mention that they consider that insufficient public consultation has been undertaken within the Borough of Bexley. The committee also resolved to request to the Secretary of State that the application be called in for determination.

5.8 Following this initial resolution, the applicant submitted a direct response to the issues raise by the Committee Members and Ward Councillors as well as submitting further information in response to concerns raised by the Environment Agency (discussed later in this report). Upon receiving this information, the scheme was put to Bexley's Planning Committee on the 23rd of July 2009, who resolved to

withdraw their earlier objection and their Secretary of State call in request.

- 5.9 Despite the withdrawal of the objection, it is understood that the two Ward Councillors and John Austin MP maintain their objection towards the scheme and have not withdrawn their request to the Secretary of State for call in.

Greater London Authority

- 5.10 The GLA Stage 1 Report went before the Mayor of London on the 4th of March 2009 where it was resolved to advise that the scheme does not comply with the London Plan, however remedies were also set out to achieve a more policy compliant scheme. The applicant has provided a specific response to each of the concerns raised by the Mayor, however at the time of writing it is not known whether these responses have been accepted and the concerns overcome.
- 5.11 In terms of the principle of the increase in waste, the Mayor considers that the application complies with the London Plan policies 4A.21 and 4A.24 in terms of waste strategic policy and targets and the existing provision of waste facilities.
- 5.12 The Mayor is generally supportive of the open space delivery and the features secured for the Wildspace Conservation Park, stating that *"...in principle the package of additional benefits offsets the impacts of the proposed amendments and will be of overall benefit at a strategic level."*
- 5.13 The river transport element of the scheme is not accepted by the GLA. This is in response to the applicant's comments regarding the availability of viable river transport contracts to move waste to the site. The GLA contest this and lists several sites within London that have the potential to become waste transfer stations that could incorporate river transport. In response to this comment, the applicant maintains that there is no foreseeable opportunity to increase the amount of waste imported to the site by river and goes on to state that Veolia's commitment to any future provision of river based imports is demonstrated by their investments in improving the jetty.
- 5.14 Some concerns have been raised regarding the landscaping and design of the scheme, in particular the landscaping element of the restoration. It was considered that further thought should be given to the size of the potential car park and its distance from the visitor centre, the layout of the footpaths and the planting arrangements. Although it has been acknowledged that these elements are indicative only, the GLA have requested further information. In terms of the changes to the landfill contours, the GLA conclude that the visual impact is likely to be indiscernible. The applicant has responded to these comments by reiterating that the restoration proposals are conceptual only and that the detailed design of such facilities is beyond the scope of the application. A Leisure Masterplan has been produced by the applicant to inform the suitability and viability of such facilities and will support any condition or Section 106 clause attached to the decision.
- 5.15 In terms of access and equal opportunities, the GLA contend that insufficient information has been provided to determine whether the scheme is in compliance with the London Plan. The GLA have also asked that a Design and Access Statement be submitted with the proposal. The applicant has responded by stating that it is their intention that all restoration visitor facilities will provide for inclusive access, however the specific proposals do not form part of this submission and will form separate planning applications accompanied by individual Design and Access

Statements.

- 5.16 On balance, the Mayor supports the biodiversity aspect of the ES, accepting that although the re-contouring proposals may lead to a detrimental impact on the adjacent SSSI, the eventual restoration of the site will lead to an improvement in the overall situation.
- 5.17 The scheme is generally consistent with the London Plan's energy policies, however it is felt that there is further capacity for renewables on site, such as wind turbines.
- 5.18 The GLA have undertaken a thorough analysis of the potential air quality impact of the scheme, detailing their view on the assessment criteria, baseline conditions, flare and engine emissions, fugitive emissions, odour stripping and recharging, landfill gas, road traffic, dust and potential mitigation. The overall conclusion of this analysis was that the impacts of the proposed development are neutral, with the exception of the odour impact associated with the stripping when compared with the existing operation. The applicant has responded to this odour aspect by providing the detailed calculations that the GLA were unclear on and clarifying that the increase is determined from the site overall and not individual locations.
- 5.19 The Mayor concludes that the proposal does not raise any strategic concerns with regard to noise or flooding.
- 5.20 In terms of transport, the primary points are: further clarity is sought on the car and cycle parking arrangements, that the HGV trip limitation be revised, that the movement of freight by water be maximised and that a Travel Plan be developed for the site. The applicant has agreed to these points, specifically through the submission of a separate application for the site entrance and agreeing to develop a Travel Plan through the Section 106 agreement.

Environment Agency

- 5.21 The Environment Agency's initial response to the proposal was received on the 13th of March 2009 and objected to the proposal. This objection was based on the following points:
- The hydrogeological risk assessment not adequately considering the risk posed by surcharging leachate levels appropriately
 - The risk to surface water from leachate outbreaks was not adequately considered
 - Further information was required on the 'encapsulation' of contaminated land
 - The risk assessment did not demonstrate compliance with the Landfill Directive in terms of engineering requirements to enable continued operations.
 - A contingency plan was needed should settlement rates be over-predicted.
 - The 'GasSim' modelling for landfill gas did not consider site receptors that will be introduced as part of the proposal, i.e. future recreational users.
 - The gas risk assessment did not consider the Air Quality Management Area sufficiently
 - The proposal was considered to be contrary to the EA's objectives to reduce carbon emissions from this site.
 - A stability risk assessment was required, demonstrating that the re-contouring is stable in the short, medium and long terms.

5.22 In response to these concerns, the applicant submitted an 'Environmental permit variation application' document, a letter replying directly to the comments and a report titled "Rainham Landfill Stability Assessment Report". The Environment Agency confirmed on the 14th of May 2009 that this information was sufficient to overcome all of their point of objection with the exception of those relating to air quality. Accordingly, the applicant submitted an 'Integrated Response to Comments on Air Quality' dated June 2009, which as confirmed in their response of 16 July 2009 was sufficient to overcome the EA's remaining concerns.

5.23 In removing their final objections to the scheme, the EA have recommended conditions to secure:

- An eight metre vegetated buffer zone alongside the Rainham Main Sewer
- No light spill into the watercourse or river corridor habitat
- A scheme to reduce the existing surface water runoff and details of improvements, protection and maintenance existing flood defences
- Assurance that pre-settlement contours shall not be exceeded

Transport for London

5.24 TfL do not regard the proposal to result in an unacceptable impact to the Transport for London Road Network, being the A13. It has however been recommended that the developer seek an increase in the use of water transportation for the importation of waste.

5.25 The maximum limit of HGV trips to the site is noted, however the comment was made that the maximum level currently secured is exceeded in practice.

5.26 Parking on site should be formalised to improve safety and a minimum of two spaces should be provided.

5.27 A Work Place Travel Plan has also been recommended.

Natural England

5.28 Natural England support the scheme in principle based on the potential to support the 'Wildspace' proposal. However, concern has been raised regarding the potential impact upon wintering bird populations. They have therefore recommended that a monitoring programme be secured by Section 106 agreement in consultation with the RSPB.

Campaign to Protect Rural England

5.29 The CPRE have objected to the proposal, primarily based on the 3.6 million tonnes of waste proposed to be imported as well as the increase in pre-settlement airspace required. The low waste recycling percentages of East London Waste Authorities in comparison to other waste authorities has been highlighted as being an issue that needs to be addressed by diverting non-inert material from landfill through better management systems. It is the opinion of CPRE that there are grounds for refusal based on these issues, but this should not be to the detriment of the 2018 country park restoration package.

Meeting: 10 September 2009
Agenda Item: 4
Report No.: LTGDC/09/PC40

Rainham Preservation Society

5.30 The Rainham Preservation Society initially objected to the proposal on 25th January 2009, citing potential health implications for local residents, odour and the continuation of road imports as sufficient reasons for refusal.

5.31 A second objection was received on the 20th of August 2009 reiterating their objection, placing particular emphasis on the potential for local air quality to deteriorate as well as concerns relating to human health, odour, national and European waste policy and visual intrusion. It has also been suggested to the London Borough of Havering that a request be made to the Secretary of State that the application be called in for determination. The Borough has not made such a request.

Port of London Authority

5.32 The PLA have no objection to the principle of the application and suggest that reviewing opportunities for the transport of waste by river should be formalised through a planning condition.

Other Consultation Responses

5.33 Thames Water, National Grid, the Metropolitan Police, London Fire Brigade and English Heritage have all responded, advising that they each have no objection to the proposal.

6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: 16 February 2009

6.2 Press Notice Expiry: 9 March 2009

6.3 Neighbour Notification: 6 January 2009

7. REPRESENTATIONS

7.1 A total of 102 neighbouring properties were consulted in the Rainham area. The application was also advertised by site notice and in the local press.

7.2 A number of objections from the London Borough of Bexley have implied that the consultation of their residents has been inadequate. Members will note that it is not the responsibility of the Corporation nor the London Borough of Havering to ensure that Bexley's residents are individually consulted, but rather the responsibility of Bexley to notify their own residents once they have been made aware of an application in a neighbouring Borough. There is also the practical matter that neither the Corporation nor Havering have access to individual resident information within Bexley and are therefore not in a position to establish the appropriate individual properties to consult.

7.3 Two residents of Rainham and a local Councillor have commented on the scheme and have both raised objections. These objections are summarised as follows.

Individual Comment	Response to Comment
<ul style="list-style-type: none"> • The proposal is too high and is out of place with the low level wet lands of the surrounding area. • The settlement level cannot be guaranteed • The visitor facilities can be provided without the additional waste. • The current views enjoyed by residents in Wennington across farmland to the site will be significantly affected and the submitted photographs of the existing landform in incorrect. The Members of 	<ul style="list-style-type: none"> • The proposed post-settlement contours are largely consistent with those already approved, while the pre-settlement contours would not be particularly discernable considering the settle rates and in the overall scale of the landfill. Whilst the finished levels may appear at odds with the surrounding low level wet lands, the site has been used as a landfill for the past 150 years and can be considered to be part of the landscape within living memory. This is discussed in greater detail in section 9 of this report under the heading 'Pre and Post Settlement Landform'. • The rates of settlement have been modelled and submitted as part of the application. Officers of the Corporation, the Borough and the Environment Agency are satisfied that this modelling accurately represents the future settlement rates. Modelling of settlement rates shall continue and be will be secured by legal agreement. A more detail analysis of this aspect of the scheme can be found in section 9 of this report, under the heading 'Pre and Post Settlement Landform'. • The applicant has discussed whether the visitor facilities can be delivered without the need for additional waste importation and has concluded that due to the changing nature of waste deposited in landfill, the appropriate post-settlement contours could not be achieved to deliver the early delivery of visitor facilities. Furthermore, the 'do nothing' scenario is likely to result in a greater environmental impact. This is discussed in greater detail within section 9 of this report, under the heading 'Wildspace Conservation Proposals'. • Officers from both Havering and the Corporation have viewed the site from Wennington. Their conclusion is that the impact will not be such as to merit refusal given the distance to the site

<p>the Committee should visit Wennington before making a decision to assess the true situation.</p>	<p>and the relatively small difference between the previously agreed post-settlement heights and what is proposed. Members will also be aware that loss of view in itself is not a reason for refusal.</p>
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8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

PPS1 Delivering Sustainable Development
PPS9 Biodiversity and Geological Conservation
PPS10 Planning and Sustainable Waste Management
PPG13 Transport
PPG17 Planning for Open Spaces, Sport and Recreation
PPS23 Planning and Pollution Control
PPG24 Planning and Noise
PPS25 Development and Flood Risk

8.2 The London Plan

3C.2 Sustainable Transport in London
3C.25 Freight Strategy
4A.19 Improving Air Quality
4A.21 Waste Strategic Policy and Targets
4A.22 Spatial Policies for Waste Management
4A.23 Criteria for the Selection of Sites for Waste Management and Disposal
4A.24 Existing Provision – Capacity, Intensification, Re-use and Protection
4C.6 Sustainable Growth Priorities for the Blue Ribbon Network
4C.8 Freight Uses on the Blue Ribbon Network
4C.16 Importance of the Thames
4C.17 Thames Policy Area

8.3 London Borough of Havering Local Development Framework (2008)

Core Strategy DPD

CP7 Recreation and Leisure
CP8 Community Facilities
CP10 Sustainable Transport
CP11 Sustainable Waste Management
CP15 Environmental Management
CP16 Biodiversity and Geodiversity

Development Control Policies DPD

DC19 Locating Cultural Facilities
DC20 Access to Recreation and Leisure
DC22 Countryside Recreation
DC33 Car Parking

Meeting: 10 September 2009
Agenda Item: 4
Report No.: LTGDC/09/PC40

DC34 Walking
DC35 Cycling
DC40 Waste Recycling
DC48 Risk
DC50 Renewable Energy
DC51 Water Supply, Drainage and Quality
DC52 Air Quality
DC55 Noise
DC58 Biodiversity and Geodiversity
DC61 Urban Design
DC62 Access
DC63 Crime
DC72 Planning Obligations

Site Specific Allocation

SSA17 London Riverside Conservation Park

8.4 Other Relevant Planning Policies & SPG's

The Mayor's Municipal Waste Management Strategy (2003)
DEFRA Waste Strategy for England (2007)
Joint Waste Development Plan Document for East London Waste Authority Boroughs - Proposed Submission Document (2009)

9. ASSESSMENT OF MAIN ISSUES

Principle of the Development

9.1 PPS10 is the primary policy document that addresses the Government's approach to waste and land use planning. PPS10 states that in the assessment of waste related development, the focus needs to be centred on the use of the land and the impact on other land uses. Pollution control, though complementary to the planning system, seeks through separate legislation and regulations to limit the impact of waste development on the environment. Therefore, the assessment of the planning application should not overlap separate controls and it is reasonable to assume that the relevant pollution regime will be applied and enforced.

9.2 At a regional level, waste management emphasis is centred upon reduction and recycling. This emphasis on recycling is part of the reason for the change in settlement rate and the consequent application. The proposal accords with adopted policy and supports the overall strategies for waste management in Greater London. Specifically, policy 4A.21 seeks to ensure that facilities are available to manage 75% of waste arising within London by 2010, 80% by 2015 and 85% by 2020. This policy also seeks to minimise the amount of energy used in the transport of waste by prioritising waste disposal sites close to the point of origin of the waste, ideally within Greater London rather than further afield.

9.3 In support of this policy, 4A.22 seeks to safeguard existing waste management sites and waste facilities including wharves, with an existing or future potential for waste management. Policy 4A.24 seeks to facilitate maximum use of existing waste sites, particularly existing landfill sites.

9.4 At a local level, Havering's Site Specific Allocation policy SSA17 acknowledges the

extant planning permission which allows the raising of the site through the importation of non-hazardous waste for restoration proposals to public open space and amenity in line with Wildspace objectives, with final soil tipping to be complete by 2018. The proposal before Members does not conflict with the objectives of this policy and is required to achieve the high quality of final restoration.

- 9.5 As one of two locally accessible regional waste disposal sites in London, the principle of importing additional volumes of waste from London is generally supported by Havering's LDF policies DC40 and CP11 and preferred policy W1 of the emerging East London Joint Waste Development Plan Document - Preferred Options April 2008, which promotes sustainable waste management principles. The site is safeguarded by preferred policy W2 which has taken into consideration the limited timescale of 2018. The policy further aims to achieve the longer term goals of the London Plan and the LDF to reduce the long term reliance on landfill and ensure London's capacity is maintained and increased to ensure self sufficiency.
- 9.6 The proposal is considered to be consistent with the policy approach to landfill and waste management. Therefore, the application is considered by Officers to be acceptable in principle.

Transportation Arrangements for the Importation of Waste

- 9.7 PPS1 provides general guidance on the national approach to sustainable development, seeking to mitigate the environmental impact of the movement of material. PPG13 is more specific in this regard and states in paragraph 47 that local authorities should seek to move material by rail or water wherever possible. Indirectly, PPS10 is also relevant to the proposal, stating that consideration of waste management should be alongside other spatial planning concerns including transport.
- 9.8 At a regional level, the London Plan seeks to consider the movement of bulk materials by rail or water through policies 4A.21, 4A.22 and 4A.28, while at a local level, Havering's LDF Core Strategy and Development Control Policies encourage the movement of freight and material by sustainable means, such as rail and water.
- 9.9 A core area of the proposal relates to the continuation of vehicle movements to December 2018. Condition 4 of the original planning permission requires that after the 31st of December 2012, all waste brought to the site for disposal by landfill will be delivered by river. At present, 15% of all waste imports arrive by water. Whilst the remainder is received by road, the site accepts predominately London based waste and is in direct access to the A13 and the M25 facilitating easier road access.
- 9.10 The Transport Assessment accompanying the application states that for sufficient waste to be supplied to the site to meet the revised pre-settlement contours, road borne vehicle inputs to the site will be needed until 31 December 2018. The number of vehicle movements per day is to remain at 200, and it has been suggested that this shall be secured by Section 106 agreement.
- 9.11 As stated in the consultation section of this report, Transport for London has not raise any significant concerns in extending the timeframe for the importation of material by road. There is also no doubt that the existing road network is suitable for the movement of up to 300 waste vehicles per day, as this situation has existed since the granting of the previous permission in 1998 and has not resulted in any significant highway safety or capacity concerns. Considering the proposals for the

area, this situation is unlikely to change by 2018.

- 9.12 Although the Transport Assessment provided by the applicant and the consultation response to date does not indicate any issues with the scheme, the policy basis of the movement of goods prioritises the movement of goods by sustainable means, such as rail or water. With regard to the latter, a waste transfer jetty is already located at Coldharbour Point which can accommodate both the import and export of material. The application documentation has explained that although waste can be imported by river, the origin of this river based waste is limited.
- 9.13 Whilst the preference for waste importation is by water-borne methods, the applicant has stated that there is difficulty in securing the limited availability of contracts. Original calculations envisaged the delivery of the final soil tipping by 31st December 2018 which would allow for water borne waste imports to be the only form of waste import from beginning of 2013. However, as additional volumes of waste are required to achieve the final landform, it cannot be guaranteed that water based forms of importation can ensure the rate of fill required to meet the pre-settlement contours within the specified timeframe. Therefore, to rely exclusively on water based importation of waste would result in the delivery of the Wildspace projects being delayed. However, extending the importation of waste by road to 2018 should ensure the the pre- and post-settlement contours can be achieved within the required timeframe. Although the GLA have raised concerns in this respect, officers are generally satisfied that the applicant would utilise water borne methods where available in preference to road. In a statement to the GLA responding to the Stage 1 report, the applicant stated that, *“Veolia’s willingness to utilise river-borne imports is demonstrated through the recent investment in the jetty. Approximately £2.5 million was invested to give the jetty a new lease of life. These repairs included renovations and corrosion resistance to the supporting structure in the water where corrosion had occurred.”* The increase in time of the road borne waste activities are not expected to give rise to significant traffic impacts. The impacts on air quality of the additional traffic movements have been described above and concluded to have minimal additional impact in this regard. Furthermore, the amount of investment and the recent grant of planning permission for the jetty to expand its waste operations are all indicators that the Thames will be a source of importation for the life of this permission.
- 9.14 Although preferential treatment is given to road borne waste imports, the applicant has demonstrated that this is the only feasible way of meeting the revised pre-settlement contours. On balance with the benefits of the revised contours and the delivery of Wildspace, the extension of road import to 31 December 2018 is considered to be acceptable.

Air Quality and Odour

- 9.15 The London Borough of Havering has identified the site to fall within an Air Quality Management Area (AQMA). As such, new developments must demonstrate that the proposal will not worsen the existing situation, at the least. London Plan Policy 4A.19 seeks that air quality is taken into consideration at the planning application stage by way of an Air Quality Impact Assessment. PPS23 also identifies air quality associated with land use and development as a material planning consideration.
- 9.16 The Environmental Statement has considered that the primary areas of potential

impact would be associated with emissions from traffic accessing the site, pollution from the landfill gas combustion plant, fugitive landfill gas and odour. Ultimately, the air quality and odour chapter of the ES concluded that there would be no significant effect on air pollution but the development would have a 'minor adverse' effect on odour in the local area.

9.17 In terms of the gas combustion plant, the emission rate is not expected to increase, however due to the additional waste importation it is expected to continue for a longer period of time. Therefore the existing rate of emission will continue at the existing baseline levels. This level has been accepted by the Environment Agency through their own permitting process as well as in their comments on this planning application, as stated in the consultation section of this report.

9.18 In terms of odour, the Environmental Statement concludes that the proposal will not give rise to odour emissions greater than those already experienced in the local area. The primary source of odour emission will be the stage when the landfill cap is stripped back so that further waste can be deposited to meet the revised contours. The modelling reported in the Environmental Statement suggested that stripping operations were likely to increase odour emissions by 370% in the first three hours of the working day, however the average increase in odorous emissions during the stripping process will be 45%. Sensitive receptor points have been indicated as being in Erith, Rainham, South Hall Farm, Wennington, Fanns Farm and the proposed visitor centre on site. With the exception of the proposed visitor centre, the maximum odour level at any hour during the year was projected to be 21.4OU/m³, which is a detectable level but is comparable with other odours commonly found in rural, industrial or commercial locations and is therefore unlikely to lead to odour nuisance complaints.

9.19 Odour was highlighted by the GLA as being the only area they consider to have an impact in terms of air quality. Similarly, the Environment Agency raised concerns initially, particularly with respect to the GasSim modelling conducted over the site, although Members will note that the Environment Agency has since removed this objection. Odour has also been a concern for the Councillors that raised objections from the London Borough of Bexley, particularly highlighting potential problems for residents of the Erith and Belvedere Wards.

9.20 The applicant has acknowledged that the cap stripping process may increase the risk of odour complaints in the area, but has also mentioned that when a similar process was conducted in 2003, no odour complaints were received. In order to minimise the risk of odour nuisance and complaints, the applicant has put forward a range of odour management measures that will include:

- Removing cap soils but retaining the plastic membrane in a 15 hectare zone of the site
- Retaining the 400mm protection layer until the tipping is imminent in a 5 hectare area of the site
- Stripping back the top 250mm of protective layer on the day of tipping in the specified area, but retaining a 150mm protective layer during the tipping
- Limiting the size of the tipping to as small as practical
- Covering the stripped layer with a fresh protective layer as soon as possible within the working day

9.21 Ultimately, the information provided by the applicant with respect to odour

demonstrates to the satisfaction of officers, subject to a condition being imposed, that odour resulting from the stripping operations is unlikely to give rise to degradation in conditions already experienced.

Pre- and Post-Settlement Landform

9.22 The pre- and post-settlement contours of the landfill are the key subject of the application. As stated previously in this report, the application seeks revisions to the current planning permission which would involve the importation of additional volumes of waste over the current landform due to changes in waste management practices and increased rates of settlement. Therefore, the approved pre-settlement contours for the site can no longer meet the required post-settlement profile and, as such, need to be increased. Additionally, the proposal seeks to slightly increase the final post-settlement profile to support various visitor facilities.

9.23 The proposed revised pre-settlement profile would be significantly higher in parts with the highest point being, approximately 12m higher than that currently approved. This is the primary area where visual impact could be discernable over the approved contours. The Environmental Statement included a Landscape and Visual Assessment, which took into consideration the proposals to restore the landfill in phases, focusing on the deliverability of the outer areas first and central areas last. The early completion of the outer areas aims to soften the visual impact from the immediate surrounding areas and ensure the success of delivering earlier restoration proposals.

9.24 It has also been proposed that the final indicative restoration plan would involve landscaping in key areas to soften the appearance of the landform and neighbouring industrial uses, such as the Freightmaster estate, from public vantage points on the site.

9.25 The profile of the post-settlement landform remains generally the same except for slight amendments which have been made to accommodate various visitor facilities and gentler slopes. The maximum proposed increase in post-settlement levels at any location on the site is within the mid-slopes of the southwest-facing valley where the increase is approximately 7.5m AOD from the current permission, whilst a reduction in heights of approximately 5m is proposed in the mid slopes to the north. The maximum increase in pre-settlement heights from the current permission required to achieve the planned profile would be approximately 12m on the west peak, 8.4m to the east peak and 3.5m to the saddle. For ease of reference, a summary of the approved and proposed heights are below:

Landform	Pre-settlement Contours (metres AOD)		Post-settlement Contours (metres AOD)	
	Approved	Proposed	Approved	Proposed
East Peak	36	42.4	31	31
West Peak	41.2	53	37	37
Saddle	34	37.5	27	27

9.26 The advantage of the proposed pre-settlement contours is that they would allow the landform to settle in a controlled manner. This will ultimately create adequate slopes for the reduction in leachate through controlled surface water run-off, reduce the potential for damage to the gas extraction pipework and reduce the potential

need for post restoration repairs that would ultimately create a manageable, useable, high quality, public open space and nature conservation area.

- 9.27 The land raising would be completed on a phased basis that would see the completion of the more visually prominent areas first along the northern fringe that will both create a visually softer landform to the adjacent marshes and to enable parts of the site for early public access and associated public facilities such as pathways, lookout points and car parking. As the site is restored, this would be the subject of a final restoration plan to detail landscaping, visitor facilities and ecological habitats to ultimately form part of the larger project, Wildspace.
- 9.28 Members should also note the context of the revised contours with reference to the overall scale of the landfill. Although the maximum increase in height at a single points is 12 metres, the actual discernable change in height when viewed from common public vantage points is likely to be small. This is due to the sheer size of the existing land form coupled with the distance from which the public would generally view the site. Ultimately, whilst the increase in pre-settlement contours when considered in isolation may appear to be large, in actual fact they are considered by Officers to be relatively insignificant in visual terms and more importantly are a short term situation.
- 9.29 It should also be acknowledged that due to the complicated nature of settlement rates, the pre-settlement contours are only representative of maximum overall heights that would be achieved if settlement did not occur. In practice, due to the phased, layered disposal of waste on the site, waste will tend to settle before the actual pre-settled contour is achieved. This occurs via a number of means through mechanical and bio-chemical processes. The deposited waste generally compacts and shifts towards nearby voids while the biodegradable components of the landfill waste break down over a period of time and form landfill gas and leachate. The landfill gas is extracted as part of the process and converted to energy. The leachate is extracted and treated before being disposed of. Therefore, the total tonnage of waste steadily reduces and the restoration surface settles concurrently. The rate of settlement is comparatively rapid in the early years and the rate gradually decreases with time.
- 9.30 The applicant has included a slope stability assessment to ensure that the slopes created would be safe and stable at all times. This settlement model and slope stability assessment is expected to be updated often to ensure the rate of settlement achieves the post-settlement contours. The Environment Agency has indicated that they are satisfied with this stability assessment and officers therefore have no reason to assume that this model does not provide an accurate representation of the settlement rates. It is recommended that conditions be imposed to ensure this is re-visited often to ensure its accuracy. A further condition will be imposed to ensure that the applicant provides a contingency plan that would safeguard the site to ensure it is not over tipped.

Nature Conservation

- 9.31 The application is located immediately adjacent to land protected for biodiversity conservation. The Rainham, Wennington and Aveley Marshes are designated as areas of SSSI and a Site of Importance to Nature Conservation (SINC) in the Havering local development framework and lie immediately to the north and east of the site. The site's southern boundary is adjacent to the River Thames frontage which is part of the River Thames and tidal tributaries Metropolitan SINC.

- 9.32 The long term use of the landfill site is for nature conservation and public recreation, which is to be managed by Havering Council and other stakeholders and combined with the existing surrounding marshes would be incorporated into the London Riverside Conservation Park or Wildspace. Therefore, when considering the potential impacts upon the ecology and biodiversity of the site and surrounding area, the long term gains must be weighed against the short term impacts.
- 9.33 The Environmental Statement in support of this application identifies three main areas of potential short term impact, being the visual and noise disturbance to birds caused by lighting and vehicle movement, the disturbance and predation of wildlife including ground nesting bird by gulls, urban scavenger birds and foxes attracted to the site and waterborne pollution from leachates entering the SSSI ditch network.
- 9.34 In terms of the potential visual and noise disturbance, no significant impact is expected to birds within the surrounding habitats as the frequency and intensity of vehicle movements will remain the same. Therefore, birds in the area will be largely accustomed to site operations. It is possible that there may be some disturbance during the restoration and landscaping phases of the development, as well as the construction of visitor facilities leading to increased visitor numbers.
- 9.35 Predation levels are not expected to increase, as the site will be restored within the previously approved time period and will ultimately cease waste operations. However, the attraction of predatory birds and foxes may continue until the final restoration is achieved.
- 9.36 Water pollution of the adjacent statutory sites is unlikely to occur simply due to the re-contouring profiles. If the site were to be left to settle under the existing land profile, there would be a greater risk of water pollution.
- 9.37 Overall, officers are satisfied that the long term biodiversity gains would outweigh the short term impacts arising from the importation of additional volumes of waste to the site and that, subject to various conditions imposed to secure mitigation and adequate restoration of habitats, there would be minimal adverse long term ecological impacts as a result of these proposals.

Wildspace Proposals

- 9.38 The proposed revisions to the pre- and post-settlement contours would allow the site to be adequately restored and included within Wildspace. The phased regeneration approach is proposed to allow the site to be available for public use at an earlier opportunity than in the extant permission. In addition to achieving a manageable site, the restored landfill is to be opened in stages for public use. These stages can be divided into two core themes and would include:
- Public access including:
 - Provision and maintenance of footpaths and cycle paths over the landform including two new viewpoints;
 - Maintenance of the existing Rainham to Purfleet path;
 - Access to and provision of serviced sites for a new car park, recreational facilities and visitor centre;
 - Increased access to the Thames and to existing walking and cycle routes;

- Creation of new habitat and active management of these that would achieve a large amount of London's targets for biodiversity for flora and fauna.

9.39 In addition to these deliverables, the applicant has also examined various alternate public facility possibilities that may be achievable and compatible with the restored landfill, the Thames and the areas of SSSI. These included such themes as an adventure playground, water sports facilities and general open space. Although not forming part of this application, Veolia has formed a concept masterplan which identifies various areas of land that would be made available for any such similar facilities. These facilities would be subject to further design and subsequent planning consent and would be discussed in detail with various stakeholders.

9.40 The applicant has also presented the alternative to the proposed revisions as a "do nothing" scenario which would involve filling as per the existing consent with road borne movements ceasing in 2012. This scenario was included within the application and it was the modelling of the landfill under the current permission which prompted these revisions. The applicant states that filling to the current permission would result in a much lower landform which would settle at uneven rates reducing adequate surface runoff leading to high levels of site contamination, ponding of surface water would breach the cap creating more leachate and increased engineering issues within the landfill. The applicant states that this would potentially lead to an unsafe landform not suitable for public access or nature conservation and would require further longer term remediation techniques involving stripping of the restoration layer and surcharging areas which may have depressed, consistently disturbing the longer term goal of a regional open space objective and creating further environmental issues, such as leachate control, methane production, water management issues and site management issues.

10. CONCLUSION

10.1 The application has demonstrated to the satisfaction of officers that the increase of 3.6 million tonnes of non-hazardous waste, the pre- and post-settlement re-contouring proposals and the continuation of waste importation by road until the 31st of December 2018 is acceptable in both policy and environmental terms.

10.2 The application has examined the policy principle of the proposal and through a detailed Environmental Statement has demonstrated that the environmental impact of the development is acceptable. These conclusions have been reached through much discussion with officer of the Corporation, the London Borough of Havering and the Environment Agency. While the GLA have expressed some concern relating to the potential for water based importation methods and the indicative landscape and visitor facilities, your officers' view is that the applicant has adequately responded to these concerns through additional information and the information supporting the application. The objections submitted by the local residents and Councillor as well as by Bexley Ward Members and the MP are not of such significance as to justify refusal.

10.3 This report has been sent to the Government Office for London for their review on whether to call-in the application for Secretary of State determination. Members will be updated on any further information in this respect on the night of Committee.

10.4 Ultimately, the change in the nature of the waste being imported to landfill has

led to this application. The 'do nothing' scenario that would play out should the application not be approved would be of great harm to the future Wildspace proposals. The alternative is a short term increase in pre-settlement contours that would lead to the early delivery of visitor facilities. On balance, the benefits of the proposal far outweigh any potential harm that could be arise as well as exceeding the benefits of the extant permission. The application is recommended to be approved, subject to the following conditions and the satisfactory completion of a Section 106 legal agreement.

11. RECOMMENDATION

11.1. Members are recommended to agree to delegate authority to the Director of Planning to grant full planning permission subject to the conditions below, together with any amendments or additions that he considers necessary, subject to:

- 1) The completion of a Section 106 legal agreement between the Corporation, the Borough and the applicant covering the Heads of Terms set out in section 1.5 of this report,
- 2) Referral to the Mayor of London for his Stage 2 determination and any direction

12. CONDITIONS AND REASONS

1. This permission shall be on the date of this permission and shall supersede planning permission P1275.96 in all respects.

Reason: For the avoidance of doubt and to ensure that the development hereby permitted replaces all earlier permissions.

2. The development hereby permitted shall be carried out in accordance with the details and drawings contained within the submitted Environmental Statement dated December 2008, including the revised information received 17 August 2009.

Reason: To ensure that the scheme is completed in accordance with the approved documents and plans.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 4, the development hereby approved shall be completed to the point where the final phase has been topsoiled and made ready for planting by 31st December 2018, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is completed within the timescales proposed in the application.

4. No operations for the erection, installation, extension, re-arrangement, replacement, repair or other structures shall be undertaken other than those proposed by this permission, unless otherwise approved by the Local Planning Authority by way of a separate planning application.

Reason: To ensure the further waste related development remains under the control of the Local Planning Authority, in the interests of nearby sensitive receptors included the natural environment and residential locations

5. No on-site operations other than essential maintenance shall be permitted on Sundays or Public Holidays.

Reason: In the interests of highway safety, in particular potential conflict with recreational users of the existing and proposed visitor attractions.

6. The final layer of cover over the capping layer placed over the deposited waste materials shall comprise at least 1.0m of topsoil, or subsoil, or other such soil forming material, and under the areas to be planted with trees and shrubs this layer shall be at least 1.5 metres deep. This layer material shall be left free from all materials likely to interfere with the final restoration, in compliance with the restoration and landscaping scheme.

Reason: In order to provide an adequate layer of capping for the future recreational and nature conservation use of the site.

7. The final soil layer shall be graded in accordance with the stability assessment and the approved post settlement contours, as shown on figures 1.3b and 1.4b, and to provide an even surface to enable the land to be planted in accordance with an agreed landscape plan.

Reason: To ensure that a high quality post-restoration planting scheme can be achieved.

8. Within six months of the date of this permission, a scheme of dust mitigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the transmission of dust and particulates from the development in the interests of air quality and residential amenity.

9. The spreading of soils shall only take place when they are in a suitable dry and friable condition and carried out in such a way and with such equipment to ensure minimum compaction.

Reason: to ensure soil integrity for adequate site restoration.

10. No heaping of soil or other materials shall remain on site following the completion of the restoration works.

Reason: To ensure that the result restoration scheme is left in an orderly and tidy manner in the interests of delivering a high quality public space.

11. In the event that any areas of uneven settlement occur during the post-restoration

period, these shall be made good with suitable imported soils to the satisfaction of the Local Planning Authority.

Reason: In order to provide a high quality, even and stable landform.

12. No excavated restoration materials or other restoration materials stored or reclaimed on site shall be sold or otherwise taken from the site.

Reason: To ensure that the landfill cap is adequately maintained for the perpetuity of the permission and that the future use of the site shall remain for open space and nature conservation purposes only.

13. Waste material deposited on this site for the purposes of filling the permitted void space shall be solid, non-hazardous inert material only.

Reason: For the purposes of environmental control and safety, particular with regard to the protection of ground water.

14. Soils for regeneration shall not be stored in mounds of a height exceeding 4 metres above the ground level in which it is piled.

Reason: In the interests of visual amenity and safety.

15. No waste materials shall be deposited on the site under the permission, except where delivered by river, until a vehicle wheel cleaner has been installed close to the site entrance. The cleaner shall be used by all vehicles leaving the site.

Reason: To prevent mud and dust being transferred onto the public highway

16. All storage mounds intended to remain in place for more than 6 months shall be grassed over and weed controlled and other necessary maintenance carried out in accordance with a scheme agreed in writing by the Local Planning Authority.

Reason: In the interested of visual amenity and dust control.

17. Soils shall only be placed in accordance with a scheme of soil placement which shall be submitted for the written approval of the Local Planning Authority prior to the commencement of soil movement, and shall be implemented in accordance with the approved scheme.

Reason: To ensure the managed placement of soils on site.

18. No leachate storage lagoons or settlement pond will situation on previously landfilled areas without the prior written agreement of the Local Planning Authority.

Reason: In the interests of controlling potential pollution pathway from the site into the natural environment.

19. Within six months of the date of this permission, a noise mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To assess and minimise noise generated by the site which may impact upon nearby sensitive receptors.

Meeting: 10 September 2009
Agenda Item: 4
Report No.: LTGDC/09/PC40

20. Within 6 months of the date of this permission, a scheme detailing the control vermin shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate vermin attracted to the site which may detrimentally affect the nearby areas of natural conservation.

21. An 8 metre vegetated buffer zone shall be provided alongside the Rainham Main Sewer, details of which shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendment shall be agreed in writing with the Local Planning Authority. The scheme shall include:

Reason: In the interests of protecting habitat and wildlife alongside the watercourse.

22. There shall be no light spill into the watercourse or adjacent river corridor habitat. To achieve this, artificial lighting shall be directional and focused with cowlings.

Reason: In order to protect the wildlife and habitat of the river corridor.

23. Within 6 months of the date of this permission, a scheme updating the 'Water Resources' chapter of the Environmental Statement hereby approved by this permission shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate a satisfactory management of surface water run-off as well as including details of the improvement, protection and maintenance of the existing flood defences. The scheme shall be further updated should any future changes come about due to the implementation of the 'Landscape and Restoration Plan' secured by the Section 106 legal agreement.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface from the site and to ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding.

24. The pre-settlement contours depicted in Figure 9 'Proposed Site Contours for Stability' of the 'Rainham Landfill Stability Assessment Report' submitted in support of the application shall not be exceeded.

Reason: To ensure the stability of the proposed landform in the interests of the protection of the water environment.

25. Within 6 months of this permission, the applicant shall submit for written approval by the Local Planning Authority a Phasing Plan that will detail the individual phases of the landfill including likely timeframes and restoration. The scheme will detail the direction of landfill taking into account the revised site entrance and public accessibility.

Reason: In the interest of visual amenity and to ensure the early delivery of the site for public access.

CASE OFFICER: Stephen Allen

Meeting: 10 September 2009
Agenda Item: 4
Report No.: LTGDC/09/PC40

- Appendix 1:** Site Location Plan
- Appendix 2:** Permitted and Proposed Pre and Post Settlement Contours
- Appendix 3:** Cross Sections
- Appendix 4:** Phasing Sequence
- Appendix 5:** Perspective Views
- Appendix 6:** Indicative Restoration Concept

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MEETING	DATE	ITEM
REGULATORY SERVICES COMMITTEE	27 August 2009	7

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: U0013.08 - Rainham Landfill Site, Coldharbour Lane, Rainham

PROPOSAL: Proposed re-contouring of landfill site through controlled landfill involving continuation of road-borne waste imports until 2018 (as well as river-borne imports, as previously approved) to achieve appropriate restoration scheme and associated visitor facilities.

WARD: Rainham / Wennington

SUMMARY

The application relates to a 177 hectare site located on the River Thames at the most southern part of the Borough. The application site currently benefits from an existing consent to deposit refuse materials through controlled landfill. The site is to be restored by 2018 relying solely on river sourced waste imports from 2012.

The applicant's recent experience on Rainham landfill and other landfill's taking municipal solid waste show that these are settling at a greater rate than originally assumed. This is due to the biodegradable content of domestic waste steadily increasing over time; the imposition of landfill tax; and the drive toward recycling which have resulted in the removal of inert materials such as bottles, plastics, cans, building waste which has ultimately increased biodegradable material. As a result the amount of settlement in Rainham Landfill would be greater than envisaged. This would result in poor site drainage and increased pollution risks. This may also impede the final use of the site for public access and incorporation within the Wildspace regeneration project.

The applicant therefore seeks planning permission to update the original planning permission taking into consideration the updated settlement rates in order to create a satisfactory final landform similar to that originally envisaged. The revisions include the importation of an additional 3.6 million tonnes of non-hazardous waste over the current landform. This would achieve a higher pre-settlement restoration height that would settle to a lower height that is not

Regulatory Services Committee, 27 August 2009

dissimilar to the current planning permission. The revised landform would assist in the early delivery of the eastern side of the site for public access and allow for the delivery of various visitor facilities.

The importation of additional volumes of waste would require an extension in time for road-borne waste imports for the life of the landfill. It is likely that the final restoration would remain unchanged to be completed by the 31st December 2018.

The application has been submitted with a full Environmental Statement which has been fully considered.

Staff consider that on balance, the proposals would accord with the relevant policies of the LDF Core Strategy and LDF Development Control Policies DPD and that Havering should raise no objection to the LTGDC but if permission is granted that it be subject to a legal agreement and conditions.

RECOMMENDATION

- 1) That Members agree with staff that the development complies with government guidance, London Plan and Havering LDF policies as set out in this report and that no objections are raised to the application and should the London Thames Gateway Development Corporation be minded to grant planning permission that it be subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) and impose conditions;

a) Legal agreement:

- Submission of a Travel Plan which includes the limitation of waste vehicle movements to 300 per day which shall be reduced as public access increases and volumes decrease to be reviewed annually or as otherwise agreed;
- Grant London Borough of Havering the option of a leasehold on Veolia's Land on a phased basis subject to an independent review of contamination, pollution and health risks;
- Uprate the existing Rainham to Purfleet path to a public right of way;
- Keep Coldharbour Lane for public access
- Grant London Borough of Havering the right to purchase Aveley Saltings;
- Ensure that Veolia extend public liability insurance should early public access be exercised;
- Provide realistic timeframes to allow early public access;
- Ensure public access is defined outside of operational and restricted areas through adequate measures;

Regulatory Services Committee, 27 August 2009

- Submit and carry out an Ecological Method Statement for the treatment of existing habitats on already established areas;
- Submit and implement landscape and landscape plan;
- Revisit the settlement model at regular agreed intervals and provide a contingency plan.

b) Conditions;

- No exportation of material from the site except as per consent for the jetty;
 - Restricted hours of road borne waste, except restoration materials, Monday to Friday and Saturday AM only. No Sundays or Public Holidays without prior written consent.
 - No further waste processing buildings or building works without prior permission
 - Dust Mitigation
 - Noise Mitigation
 - Odour Mitigation
 - Vermin Mitigation
- 2) That the Head of Development and Building Control be authorised to prepare a written response to the London Thames Gateway Development Corporation in accordance with the recommendation or as otherwise resolved by the committee at the meeting.

REPORT DETAIL

1.0 Site Description:

- 1.1 The application site includes a triangular area of land approximately 177ha (437 acres) in the most southern point of the Borough, at Coldharbour point, Rainham and is bounded by Coldharbour Lane and the Thames.
- 1.2 The site lies within a mixed setting of open marshland, partly restored and operational landfill and industrial uses. The Inner Thames Marshes Site of Special Scientific Interest (SSSI) lies immediately adjacent, referred to as the Rainham, Wennington and Aveyley Marshes. The closest residential properties are located in Rainham, located approximately 1.3km north, Wennington 1.3km north east, Purfleet 1.4km east, and Erith approximately 1km to the south across the Thames. There are three industrial areas which lie north west of the site between 400m and 1km known as Tilda Rice, Beam Reach 8 industrial Park and Ferry Lane Industrial Estate. The Freightmaster Estate lies immediately adjacent the landfill and the Thames.
- 1.3 Parts of the site have been historically tipped since the 1800's. River dredging's were since pumped onto the site and importation of mainly river-

Regulatory Services Committee, 27 August 2009

borne domestic waste commenced in the 1960's. Permission was granted in the 1990's for landraising to be completed by 2018 to restore the site for public amenity. Existing operations include a Material Recycling Facility (MRF), waste transfer station, composting plant, wood chipping plant, ash plant and landfill gas utilisation plant exporting power to national grid including numerous (11) gas flaring units.

- 1.4 Access to the site is from Coldharbour Lane which links to the A13 from Ferry Lane. There is an existing operational jetty on the Thames from which waste is imported, and has recently been granted permission to allow the export of recycled aggregate.

2.0 Description of proposal:

- 2.1 The applicant's recent experience of current landfills accepting solid municipal waste has shown that these are settling at a greater rate than originally assumed which, for Rainham landfill means a lower, flatter landform affecting site drainage and adversely impacting upon the restoration of the site, creating pollution and environmental risks which would lead to ongoing maintenance issues that would adversely impact upon its inclusion within Wildspace. This is largely due to a number of factors including:

- the larger fraction of biodegradable waste steadily increasing over time;
- the imposition of landfill tax and;
- increased drive towards recycling;

- 2.2 The applicant therefore seeks planning permission for a number of revisions to the currently approved planning permission which is outlined below:

- Placement of an additional 3.6 million tonnes of non-hazardous waste over the current landform to achieve a higher pre-settlement profile to ensure that the site settles to a satisfactory post-settlement landform in the long-term.
- Amendments to the approved post-settlement contours to accommodate visitor facilities, ensure the intention of the previous application to encapsulate the pre-existing contaminated land is fulfilled, and; to harmonize the proposed increased pre-settlement contours with the existing restored areas;
- Continuation of road-borne waste imports for the duration of the landfill, until December 31st 2018.

- 2.3 The extent of the visitor facilities can be divided in two core themes:

- o Phased approach to allowing early public access which include:
 - Provision and maintenance of footpaths and cycle paths over the landform including two new viewpoints;

Regulatory Services Committee, 27 August 2009

- Maintenance of the existing Rainham to Purfleet path;
 - Access to, and provision of serviced sites for, a new car park, recreational facilities and visitor centre;
 - Increased access to the Thames and to existing walking and cycle routes;
- o Creation of new habitat and active management of these that would achieve a large amount of London's targets for biodiversity for flora and fauna.

3.0 Consultations and Representations

3.1 The application has been advertised as a major application by reason of its waste related nature and as an application supported by an Environmental Statement. The application was advertised by press notice, site notices and letters to neighbouring properties. As Havering remain consultees on this application to the LTGDC, all consultation responses would be forwarded to the Corporation along with Havering's response for consideration in their decision on this application. Should the LTGDC be of a mind to grant planning permission the application would then be referred to the Mayor of London who would decide to accept the decision or exercise his powers to direct refusal.

4.0 Planning History (relevant)

- L/Hav/1416/67 - Disposal of household refuse and waste materials - Approved
- L/Hav/1049/83 - Deposit of refuse materials - Approved
- P0257.86 - Deposit of refuse materials to extend contoured landform - Approved
- P0905.86 - Refuse container unloading and transfer system involving the extension of the existing deep water jetty complex - Approved
- P1806.86 - Jetty Extension - Approved
- P1809.86 - Refuse container unloading and transfer system involving the extension of the existing deep water jetty complex - Approved
- P1409.91 - Renewal of temporary permission for refuse container unloading & transfer system involving the extension of the existing deep water jetty complex - Approved
- P1424.93 - Relocation and improvement of facilities ancillary to landfill site, including works hop x 2, office, site control office, mess facilities, toilets facilities, wheelspinner diesel storage and car park - Approved
- P0715.94 - Landfill gas powered electricity generating station - Approved
- P1409.95 - Renewal of P1806.86 - Approved
- P1058.95 - Modification of condition 10 of P1049.83 to enable supply of waste by road - Approved
- P1275.96 - Deposit of refuse materials through controlled landfill provision of material recovery facilities and creation of contoured landform and restoration scheme - Approved
- P0121.97 - Delete Condition 1 of permission P1058.95 to allow the continuation of delivery of waste by road to Rainham Landfill Site, Coldharbour Lane, Rainham - Approved
- P0159.97 - Retention of road access - Approved

Regulatory Services Committee, 27 August 2009

- P0824.97 - Erection of open plan temporary domestic waste transfer facility - Approved
- P0835.97 - Continued use of the waste transfer jetty - Approved
- P0015.98 - To retain and use existing vacant Nissan hut for recycling trials and occasional maintenance - Approved
- P1139.98 - Renewal of permission P0824.97 for the erection of open plan temporary domestic waste transfer facility - Approved
- P1324.98 - Storage, recycling and provision of recovered electrical equipment, paper & household co-mingled recyclable materials - Approved
- P0861.99 - Variation of Condition No.11 of planning permission P1275.96 allowing opening on 27th & 28th December 1999 and 3rd January 2000 - Approved
- P1032.00 - Improvements to unadopted Coldharbour Lane, including carriageway widening, the erection of gates and a security post - Approved
- P1901.03 - A plant for the in-vessel composting of bio-wastes to produce a saleable compost - Approved
- P1210.05 - Development of soil recycling area within the boundary of the landfill site to provide soils for restoration - Approved
- U0002.05 - Autoclave processing facility for municipal solid waste - Approved
- U0005.06 - An extension to the domestic materials recycling facility - Approved
- U0011.08 - Variation of condition 1 of planning permission P0835.97 to allow for the export of recycled aggregates - Approved

5.0 Relevant Policy's

Development Policies

- DC19 – Locating Cultural Facilities
- DC20 – Access to Recreation and Leisure
- DC22 – Countryside Recreation
- DC33 – Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC40 – Waste Recycling
- DC48 – Flood Risk
- DC50 – Renewable Energy
- DC51 – Water Supply, Drainage and Quality
- DC52 – Air Quality
- DC55 - Noise
- DC58 – Biodiversity and Geodiversity
- DC61 – Urban Design
- DC62 - Access
- DC63 - Crime
- DC72 – Planning Obligations

Site Specific Allocations

- SSA17 – London Riverside Conservation Park

Core Policies Document

Regulatory Services Committee, 27 August 2009

CP7 – Recreation and Leisure
 CP8 – Community Facilities
 CP10 – Sustainable Transport
 CP11 – Sustainable Waste Management
 CP15 – Environmental Management
 CP16 – Biodiversity and Geodiversity

London Plan

3C.2 Sustainable Transport in London
 3C.25 Freight Strategy
 4A.19 Improving Air Quality
 4A.21 Waste Strategic Policy and Targets
 4A.22 Spatial Policies for Waste Management
 4A.23 Criteria for the Selection of Sites for Waste Management and Disposal
 4A.24 Existing Provision – Capacity, Intensification, Re-use and Protection
 4C.6 Sustainable Growth Priorities for the Blue Ribbon Network
 4C.8 Freight Uses on the Blue Ribbon Network
 4C.16 Importance of the Thames
 4C.17 Thames Policy Area

Government Guidance

PPS1 – Delivering Sustainable Development
 PPS9 – Biodiversity and Geological Conservation
 PPS10 – Planning and Sustainable Waste Management
 PPG13 – Transport
 PPG17 – Planning for Open Spaces, Sport and Recreation
 PPS22 – Renewable Energy
 PPS23 – Planning and Pollution Control
 PPG24 – Planning and Noise
 PPS25 – Development and Flood Risk

Joint Waste Development Plan Document for East London Waste Authority
 Boroughs - Proposed Submission Document

Preferred Policy W1 - Sustainable Waste Management
 Preferred Policy W2 - Waste Management Capacity, Apportionment & Site Allocation
 Preferred Policy W3 - Energy recovery facilities
 Preferred Policy W4 - Disposal of inert waste by landfilling
 Preferred Policy W5 - General Considerations

Note: The Submission document has been approved by Cabinet and the three other East London Boroughs and is being prepared to be released for public consultation. This document therefore carries significant weight.

6.0 Officer Comments

6.1 Principle:

- 6.1.1 The application seeks planning permission to import additional volumes of waste in order to restore the site for public use and nature conservation. LDF Policy SSA17 closely follows RPG9a (The Thames Gateway Planning Framework) and London Plan policies 3D.10 and 5C which identify and support Regional and Metropolitan Park opportunities and promote this site for restoration into the London Riverside Conservation Park (Wildspace). Policy SSA17 acknowledges the extant planning permission which allows the land raising of the site through the importation of non-hazardous waste for restoration proposals to public open space and amenity in line with Wildspace objectives, with final soil tipping to be complete by 2018. The proposal does not conflict with the objectives of this policy and is required to achieve the high quality of final restoration and is considered to be acceptable in principle.
- 6.1.2 As one of two locally accessible regional waste disposal sites in London, the principle of importing additional volumes of waste from London is generally supported in LDF policies DC40 and CP11 and preferred policy W1 of the emerging East London Joint Waste Development Plan Document - Preferred Options April 2008, which promote sustainable waste management principles. The site is safeguarded by preferred policy W2 which has taken into consideration the limited timescale of 2018. The policy further aims to achieve the longer term goals of the London Plan and the LDF to reduce the long term reliance on landfill and ensure London's capacity is maintained and increased to ensure self sufficiency.
- 6.1.3 The site benefits from direct access to the Thames with 15% of all waste imports arriving by this method. Whilst the remainder is received by road, the site accepts predominately London based waste and is in direct access to the A13 and the M25, facilitating easier road access. A large amount of waste processed at the site is recycled where practicable, the remainder being disposed to landfill. Overall, these contribute to the site following the key sustainability objectives in waste disposal and treatment methods promoted by policy CP11, DC40, DC50 and preferred policy W1.
- 6.1.4 The proposed additional volumes of waste to be placed over the existing landform is proposed to ensure that a high quality landform results for the entire life of the landfill and for its final restoration profile, which is safe and accessible for public use with final restoration restoring biodiversity to the site in compliance with policies CP15, CP16, DC48, DC51, DC52 and DC58. The proposal accepts responsibility for pre-existing contamination arising from permitted landfill to date and proposes to adequately control likely future contamination through environmental controls in compliance with policies DC51, DC52, DC55 and DC58 and preferred policy W5.
- 6.1.5 The acceptability of the proposal rests, therefore, on whether the proposals are acceptable in terms of the successful delivery of the London Riverside

Regulatory Services Committee, 27 August 2009

Conservation Park; whether the temporary impact on the landscape would be acceptable in terms of the pre-settlement contours and the restoration aims of the park; whether the continuation of traffic movements from 2012 to 2018 would have impacts to the deliverability of the final restoration of the site or impacts to the greater area in the short term; and whether the delivery of the east side of the park for public use at earlier stages is feasible.

6.2 Revised Landform:

- 6.2.1 The application proposes revisions to the current planning permission which would involve the importation of additional volumes of waste over the current landform. This takes into consideration changes in waste management practices and increased levels of settlement. The proposal would additionally slightly alter the final post-settlement profile to support various visitor facilities.
- 6.2.2 The proposed revised pre-settlement profile would be significantly higher in parts with the highest point being approximately 12m higher from that currently approved. As the settled landform would be similar to the landform currently approved, the main visual impact would be as a result of the proposed pre-settlement contours. A visual assessment was undertaken as part of the submission and the proposal has taken into consideration the conclusions which propose to restore the landfill in phases, focusing on the deliverability of the outer areas first and central areas last. The early completion of the outer areas aims to soften the visual impact from the immediate surrounding areas and ensure the success of delivering earlier restoration proposals.
- 6.2.3 It is additionally proposed that the final indicative restoration plan would involve various landscaping in key areas that would soften the appearance of the landform and neighbouring industrial uses from public vantage points on the site – such as the Freightmaster estate.
- 6.2.4 The profile of the post-settlement landform remains generally the same except for slight amendments which have been altered to accommodate various visitor facilities and gentler slopes. The maximum proposed increase in post-settlement levels at any location on the site is within the mid-slopes of the southwest-facing valley where the increase is approximately 7.5m from the current permission, whilst a reduction in heights of approximately 5m is proposed in the mid slopes to the north. The maximum increase in pre-settlement heights from the current permission required to achieve the planned profile would be approximately 12m on the west peak, 8.4m to the east peak and 3.5m to the saddle. A summary of the heights comparing the approved and subject applications are tabulated below.

Landform ¹	Pre-settlement Contours (metres AOD)		Post-settlement Contours (metres AOD)	
	P1275.96	Proposed	P1275.96	Proposed
East Peak	36	42.4	31	31
West Peak	41.2	53	37	37
Saddle	34	37.5	27	27

6.2.5 The proposed pre-settlement contours would settle in a controlled manner to ultimately create adequate slopes that would reduce leachate through controlled surface water run-off, reduce the potential for damage to the gas extraction pipework and reduce the potential need for post restoration repairs that would ultimately create a manageable, useable, high quality, public open space and nature conservation area in line with the current Wildspace objectives, LDF and London Plan policies.

6.2.6 Staff are of the opinion that the higher restoration profile would be a short term measure resulting in greater long term results and are satisfied that through the proposed phasing scheme and indicative restoration proposals, that the short term visual impact would be reduced significantly and would help deliver the aims of the park at an earlier opportunity.

6.3 Phasing:

6.3.1 The land raising would be completed on a phased basis that would see the completion of the more visually prominent areas first along the northern fringe that will both create a visually softer landform to the adjacent marshes and to enable parts of the site for early public access and associated public facilities such as pathways, lookout points and car parking. As the site is restored, this would be the subject of a final restoration plan to detail landscaping, visitor facilities and ecological habitats to ultimately form part of the larger project, Wildspace.

6.4 Settlement Rates:

6.4.1 Although the pre-settlement contours are higher than the current planning permission, this is required in order to achieve appropriate post settlement contours that would be more representative to the current permission. This occurs via a number of means through mechanical and bio-chemical processes. Wastes generally compact and shift to nearby voids and the biodegradable components of the land filled waste break down over a period of time and form landfill gas and leachate. The landfill gas is extracted as part of the process and converted to energy. The leachate is extracted and treated before being disposed of. The total tonnage of waste therefore steadily reduces and the restoration surface steadily settles. The rate of settlement is comparatively rapid in the early years and the rate gradually decreases with time.

¹ Existing surrounding land lies at approximately 5m AOD

Regulatory Services Committee, 27 August 2009

- 6.4.2 The applicant has applied a more comprehensive model to predict the settlement rates that have been applied to this landfill. The model has been calibrated for the Rainham Landfill and calculations tested successfully to various existing landfill sites in the UK. Figures have been specifically calibrated for this site and monitored over the past 7 years to give a more accurate representation and it is proposed to revisit this model during the filling process to ensure its accuracy.
- 6.4.3 The volumes and types of waste for each section of the landfill have been modelled to create a satisfactory post-settlement contour. It is calculated that the majority of the settlement (some 24% of the final landform at site closure in 2018) would occur in the first 20 years. Settlement will continue for some 80-150 thereafter but at significantly reduced amounts finally settling to approximately 36% of the total filled height at 2018. Staff are satisfied through adequate information provided that the settling landform would be an acceptable landform.
- 6.4.4 Due to the complicated nature of settlement rates, the pre-settlement contours are only representative of maximum overall heights that would be achieved if settlement did not occur. In practice, due to the phased, layered disposal of waste on the site, waste settles before the actual pre-settled contour is achieved. It is additionally noted that the entire site would not be raised at any one time to this height due to the phased nature and actual pre-settlement rates of waste and heights may be less by up to 3m than proposed. The applicant has included a slope stability assessment to ensure that the slopes created would be safe and stable at all times. This settlement model and slope stability assessment is expected to be updated often to ensure the rate of settlement achieves the post-settlement contours. Staff are satisfied that this model provides a more accurate representation of the settlement rates but would recommend that conditions be imposed to ensure this is re-visited often to ensure its accuracy. Additionally, it is staff's opinion that the developer provide a contingency plan that would safeguard the site to ensure it is not over tipped.
- 6.5 **Settlement Modelling and Changes to Waste Types**
- 6.5.1 The application was prompted by changes to waste management practices in the past 10 years that has resulted in a greater settlement rate than previously planned. The majority of waste accepted to the site is largely industrial and commercial, current legislation and government guidance are aimed more at the reduction of householder wastes and this is not considered to greatly affect the settlement modelling for the landfill within the ultimate completion date of 2018 that may affect the predictions of the settlement model.
- 6.6 **Odour:**
- 6.6.1 Past operations at the site have resulted in some odour complaints from nearby residential areas. Whilst the landfill techniques utilized on site have been improved significantly to address this, the more recent complaints were

as a result of techniques used at the open-air windrow compost site located adjacent the Thames. Various mitigation measures have since been employed such as deodorizers, lower compost heights, greater turning rates which has successfully reduced this impact. The formation of the Veolia-run community liaison group was a more recent venture which has improved public relations with the operator, and created a more transparent and communicative front between residents and the landfill to enable them to address various issues. An odour mitigation plan was required for the Environment Agency licensing. These practices have since proved successful in mitigating odour levels on the site and have enhanced relations between residents and the site operator to identify the source of these issues which commonly lead to complaints.

- 6.6.2 The main source of odour from landfill sites is from escaping landfill gas. Management of existing landfill gas is currently controlled through a network of pipes within the landfill and flared to existing generators which generate electricity to the grid. Due to the additional volumes of waste to be imported, gas levels are expected to be generated for a longer period of time but are not expected to increase the peak flows. Therefore the current gas extraction system is adequate in managing the level of gas produced not to create further odour impact to nearby sensitive receptors than present site operations.
- 6.6.3 Part of the re-contouring requires the eastern side of the site to be surcharged with additional volumes of waste. This requires the existing cap to be stripped back temporarily. The main cause of odour in this instance would be through fugitive gas emissions during the cap removal. This process involves a small area stripped where fresh waste is disposed of over within a short time frame thus reducing exposure time. This technique is presently allowed under the existing consent and a similar process was undertaken in 2003 with no known complaints.
- 6.6.4 The proposed site re-contouring would ensure the integrity of the landfill extraction network remains in tact to ensure that gas is adequately extracted minimising odour impacts. Through an existing odour management plan, required under current site licensing, Staff are satisfied that there would be no significant increase in the expected odour emissions from the proposal and that through an adequate odour management plan there would be no significant increase in the local environmental effects associated with landfill gas production and odour.
- 6.6.5 The proposed re-contouring is required to ensure that the existing gas management system largely remains successfully operational. The additional volumes of waste are not expected to increase peak gas rates but rather the gas would be sustained for longer. It is anticipated that the total gas would increase by approximately 10% over the gas producing lifetime of the development. An extensive gas management system is currently in place and

Regulatory Services Committee, 27 August 2009

would be retained throughout the lifetime and aftercare of the scheme. Existing flaring units, the subject of separate consents would remain and will continue to generate electricity to the Grid. Adequate treatment is undertaken to ensure that this does not create odour issues to nearby residential areas. As the site is a land raising operation, there is little to no potential for gas migration. Staff are satisfied that the proposals would not significantly impact upon the water and gas risks associated with landfills. Flood risk is minimised through controlling surface water flow rates in line with DC49; contamination and leachate control are minimised and treated in line with PPS23 and DC53; and odour is managed with gas utilised for electricity generation in line with sustainability policies.

6.7 Health Risks – Air Quality:

- 6.7.1 A detailed health risk assessment was undertaken examining the level of particulate matter and health related gases emanating from the site on nearby sensitive receptors such as residential areas, nearby industrial sites and the inclusion of a visitor centre immediately adjacent, if constructed. It was concluded that there would be no increase in current baseline air quality as a result of the proposed revisions and no further impact expected. Further consideration was given toward the principle of providing early visitor access, it was concluded that there would be minimal impact to the health of these receptors subject to various control measures being incorporated.
- 6.7.2 The existing air quality for current proposals is within acceptable limits and the proposals are not envisaged to increase these to a level that would be harmful. Subject to the likely future development and restoration of the area, the recommendations and conclusions of the health risk report and air quality are expected to be incorporated into conditions to ensure the continued protection of health for potential future visitors.
- 6.7.3 Staff are satisfied that the air quality would not deteriorate over the level already expected for existing operations as a result of this proposal and through the imposition of appropriate conditions, the impact of air quality to future visitors in the short term would be mitigated.

6.8 Transport:

- 6.8.1 Waste is imported to the site via road and water. Proposed access to the site for the deposit of road-borne incoming wastes would be a continuation of the existing access from Coldharbour Lane. This has been in operation for almost 11 years and accounts for approximately 85% of all imported waste to the site. Current activity has not created any significant traffic impacts and the continuation of this route at current levels is not anticipated to give rise to further impacts.
- 6.8.2 The potential impact of road traffic safety in allowing early public access to the site has been fully considered. Informal access is presently gained to parts of the site through existing footpaths and cycleways that has not resulted in

Regulatory Services Committee, 27 August 2009

safety issues. Although this application seeks permission to extend road-borne waste imports until 2018, the number of heavy vehicles in each day will not be increased and will continue to reduce as the site nears completion. It is envisaged that as heavy good vehicles reduce, visitor numbers may increase and impacts would be minimal. Consideration has been made in the retention of the current landfill access and location of public facilities to ensure maximum safety. Staff are satisfied that minimal impact would occur in this regard and recommend this be included within a legal agreement to continue to monitor vehicle numbers and movements and an ongoing travel plan.

- 6.8.3 The remaining 15% of imported waste is generally allocated by river. Whilst it is preferred to import waste by water-borne methods, there is difficulty in securing the limited availability of contracts. Original calculations envisaged the delivery of the final soil tipping by 31st December 2018 which would allow for water borne waste imports to be the only form of waste import from beginning of 2013. However, as additional volumes are required to achieve the final landform, it was considered unnecessary to extend the life of the project to promote this but rather import additional material at a faster rate by continuing the road borne waste imports until final delivery of the site. Staff are satisfied that the proposal generally accords with Policy CP11 on promoting alternate transport options and understand that the applicant would utilise water borne methods where available over preference to road. The increase in time of the road borne waste activities are not expected to give rise to significant traffic impacts. The impacts of air quality from the additional traffic movements have been described above and concluded to have minimal additional impact in this regard.

6.9 Ecology - Biodiversity:

- 6.9.1 The application is located immediately adjacent to land protected for biodiversity conservation. The Rainham, Wennington and Aveley Marshes are areas of SSSI and Borough SINC's and lie immediately to the north and east of the site. The sites southern boundary is adjacent the Thames River frontage which is part of the River Thames and tidal tributaries Metropolitan SINC.
- 6.9.2 The proposed future use of the landfill site is for nature conservation and public recreation, which is to be managed by Havering Council and other stakeholders and combined with the existing surrounding marshes would be incorporated into the London Riverside Conservation Park or Wildspace.
- 6.9.3 The proposed importation of additional waste to the site would impact parts of the site's established biodiversity in the short term, whilst the existing final layer is removed and surcharged with additional volumes of waste. However, this impact is expected in the short term and, subject to stringent ecological mitigation and management plans, the greater long term impact of site restoration would no doubt be increased with these proposals.

Regulatory Services Committee, 27 August 2009

6.9.4 There are additional concerns that the presence of a landfill within the SSSI nature conservation areas attract a level of unwanted wildlife and pests. The impact of this on the surrounding nature conservation areas have been considered in this application and considered to be of marginal impact in the short term from the current proposals.

6.9.5 Staff are satisfied that the long term biodiversity gains would out weigh the short term impacts through the importation of additional volumes of waste to the site and that subject to various conditions imposed to secure mitigation and adequate restoration habitats that there would be minimal adverse long term ecological impacts as a result of these proposals.

6.10 Flood and Surface Water:

6.10.1 The current site profile has raised the landform over and above surrounding land levels thereby reducing the impact on flood levels. The proposal to revise the pre-settlement contours are proposed in order to ensure that the final landform would be of adequate angle and gradient to promote surface run-off and reduce drainage issues on the site which would otherwise lead to ponding and greater associated environmental risk. The additional pre-settlement contours have taken onto account the potential increased rate of surface water runoff and have been designed to ensure no impacts on surface water and food risk is to occur. Staff are satisfied that there would be minimal flood and surface water risks associated with the revised proposals.

6.11 Public Access and After Use

6.11.1 The proposed revisions would allow the site to be adequately restored to be included within Wildspace. The phased regeneration approach is proposed to allow the site to be available for public use at an earlier opportunity which was not included in the current permission. In addition to achieving a manageable site, the restored landfill is to be opened in stages for public use.

6.11.2 These can be divided into two core themes and would include:

- Public access including:
 - Provision and maintenance of footpaths and cycle paths over the landform including two new viewpoints;
 - Maintenance of the existing Rainham to Purfleet path;
 - Access to and provision of serviced sites for a new car park, recreational facilities and visitor centre;
 - Increased access to the Thames and to existing walking and cycle routes;
- Creation of new habitat and active management of these that would achieve a large amount of London's targets for biodiversity for flora and fauna.

Regulatory Services Committee, 27 August 2009

- 6.11.3 In addition to the above, the applicant has also examined various alternate public facility possibilities that may be achievable and compatible with the restored landfill; the Thames and the areas of SSSI. These included such themes as an adventure playground, water sports facilities and general open space. Although not forming part of this application, it has formed a concept masterplan which identifies various areas of land that would be made available for any such similar facilities. These facilities would be subject to further design and subsequent planning consent and would be discussed in detail with various stakeholders.
- 6.11.4 Additional work was carried out by the applicant to ensure that through allowing early public access to parts of the site that this would be compatible to the operation of the landfill. Staff are satisfied that safe access can be achieved and is protected by condition and legal agreement.
- 6.11.5 Staff are satisfied that the applicant has recognised the future aspirations of the after use of this site and is assisting in helping to achieve the longer term goals and aspirations of the incorporation of this land into the London Riverside Conservation Park / Wildspace. Staff are satisfied that these can be secured through entering into a legal agreement.
- 6.12 Alternatives:**
- 6.12.1 A logical alternative to the proposed revisions would be the "do nothing" scenario which would involve filling as per the existing consent with road borne movements ceasing in 2012. This scenario was included within the application and it was the modelling of the landfill under the current permission which prompted these revisions. The applicant states that filling to the current permission would result in a much lower landform which would settle at uneven rates reducing adequate surface runoff leading to high levels of site contamination, ponding of surface water would breach the cap creating more leachate and increased engineering issues within the landfill. Largely, this higher settlement rate is due to the larger fraction of biodegradable waste disposed of in landfill due to landfill tax; higher recycling rates; removal of non-biodegradable wastes such as building and demolition waste, cans, bottles, plastic which were existent in the granting of the current planning permission.
- 6.12.2 The applicant states that this would potentially lead to an unsafe landform not suitable for public access or nature conservation and would require further longer term remediation techniques involving stripping of the restoration layer and surcharging areas which may have depressed, consistently disturbing the longer term goal of a regional open space objective and creating further environmental issues, such as leachate control, methane production, water management issues and site management issues.
- 6.12.3 Staff have examined the submitted modelling techniques and various supporting information with this application and are satisfied that the continuation of this landfill under the current permission may lead to longer

Regulatory Services Committee, 27 August 2009

term management difficulties which may adversely affect the future aspirations of the site as a public open space and amenity area within the Wildspace objectives.

6.13 Conclusions

- 6.13.1 Changes in waste management practices have resulted in a greater fraction of bio-degradable wastes being disposed of in the landfill that has resulted in a greater settlement rate than originally modelled.
- 6.13.2 This would result in a lower, flatter landform which would affect site drainage and consequently create increased pollution risks, ongoing site maintenance issues and difficulties of site management. The ongoing maintenance would impede the final use of the site for public access and incorporation within the Wildspace regeneration project.
- 6.13.3 The proposed increase in pre-settlement heights to Rainham Landfill are considered necessary in order to ensure the final post-settlement profile is achieved as originally approved and would ensure the site can be restored to the greater aims of the site into Wildspace.
- 6.13.4 Policy generally accepts the provision of a higher landform in this location in the short term to enable the site to be adequately restored for public amenity and nature conservation into the Rainham Conservation Park / Wildspace.
- 6.13.5 The existing permission provides the principle of restoring this site to an agreed post settlement profile in accordance with this greater aim. The current application proposes to dispose of additional volumes of waste in order to achieve a final profile which accords with the current permission.
- 6.13.6 Staff are of the opinion that, due to the relatively short time frame of the increase in the proposed pre-settlement contours and early delivery of public access to the eastern areas of the site is acceptable, in order to achieve the greater long term benefits of the landform and safe public access and operations.

7.0 Financial implications

- 7.1.1 In approving this application, the permission would be subject to the applicant entering into a legal agreement to secure various measures as detailed in this report. It is the intention that the London Borough of Havering would exercise an option to actively manage the site either via a 'pie crust' leasehold arrangement with the various landowners or to take up an option to become landowners. An additional option to take up ownership of the 'Saltings' is also offered. If Havering decide to take up the options, they would be responsible for the upkeep of the site under the arrangements of the lease or otherwise for the period following the completion of the aftercare period required to be fulfilled by the developer and in the case of the 'Saltings' ,in regard to general land management. The Council would need to extend its public liability

Regulatory Services Committee, 27 August 2009

insurance in allowing public access once this option is exercised. It is recommended by Staff that Havering do not agree to the leasehold or ownership until such time as an independent review is carried out on the site as it is progressively restored and allowed 'open' for public access. Reasonable costs should be met by the applicant and the option to take the leasehold to be agreed subject to the conclusions and recommendations of such a report. There are ongoing financial costs in securing the extension to the public indemnity insurance and longer term park management.

8.0 Legal Implications

8.1 There would be time and manpower associated with the creation and monitoring of the legal agreement and in determining to take up any options offered in regard to public access, leaseholds and land ownership.

10.0 Human Resource Implications & Risks:

10.1 Planning and legal input would be met from existing staff resources as part of current responsibilities. There would be substantial manpower associated with the facilitation of the site in its inclusion to the Wildspace regeneration project and offers of public facilities.

11.0 Equalities and Social Inclusion implications:

11.1 The Council's planning policies are implemented with regard to equalities and diversity. Any contracts entered into by the council would contain appropriate clauses to reflect the Council's equalities and diversities policies and relevant legislation.

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CHERYL COPPELL
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. Planning Conditions and heads of terms for a s106 agreement.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.