

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
13 October 2011 (7.30 - 8.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Sandra Binion, Jeffrey Brace, Robby Misir,
Frederick Osborne and Garry Pain

Residents' Group Linda Hawthorn and Ron Ower

Labour Group +Pat Murray

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Paul McGeary and Mark Logan.

+Substitute members: Councillor Pat Murray (for Paul McGeary) and Councillor David Durant (for Mark Logan).

Councillors Steven Kelly and Jeffrey Tucker were also present for parts of the meeting.

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

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

121 P1223.11 - UNIT 6 ALBRIGHT INDUSTRIAL ESTATE, FERRY LANE NORTH, RAINHAM

It was **RESOLVED** that consideration be deferred at the request of staff to enable consideration of Greater London Authority comments on planning obligations.

122 **P1137.11 - KING GEORGE CLOSE (FORMER HUBINET SITE) - 2-STOREY DATA CENTRE WITH ASSOCIATED OFFICE ACCOMMODATION AND INTERNAL AND EXTERNAL PLANT, INCLUDING AN ENERGY CENTRE**

Officers corrected the wording of paragraph 6.3.6 of the report by replacing the word underground with the word overground. The report before members detailed an application for the construction of a Data Storage Centre (DSC) consisting of B1 and B8 uses. The facility would 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 would 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.

Members were advised that an additional condition would be inserted requiring details of the fuel store tanks design and location.

The Committee considered the report and without debate, **RESOLVED** that the application was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A 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 in the report.

123 **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.**

The report before members concerned a Section 73 application for variation of a previously approved scheme P1473.10 which was for the erection of 15 family houses, parking spaces and landscaping.

The Committee considered the report and without debate, **RESOLVED** that both recommendations A and B be granted subject to the conditions set out in the report.

124 **P1323.11 - RAINHAM QUARRY, LAUNDERS 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.**

The report before members proposed the variation of a planning condition under the provisions of Section 73 of the Town and Country Planning Act 1990. Planning permission P1361.02 had 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 had been undertaken.

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a 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 did not use land at Rainham Quarry for the processing of skip waste in accordance with planning permission P1361.02 and its successor, P1323.11. 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 sought to extend the life of planning permission P1361.02. A legal agreement was 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 in the report.

The vote for the resolution to grant planning permission was passed by 10 votes to 0 with 1 abstention. Councillor Durant abstained from voting.

125 **P0518.11 - SPRING FARM QUARRY, LAUNDERS LANE, RAINHAM - REMOVAL OF CONDITION 7 OF PLANNING PERMISSION P2098.04 AND CONSEQUENTIAL AMENDMENTS TO OTHER CONDITIONS.**

The report detailed a planning application that proposed 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 required 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 proposed the removal of condition 7

meaning that the new access onto New Road would not need to be constructed.

The Committee considered the report and without debate, **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into 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 should 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 would remain unchanged.
- The completion of a new legal agreement to ensure that the operator did not use land at Rainham Quarry for the processing of skip waste in accordance with planning permission P1361.02 and its successor, P1323.11, 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 sought to extend the life of planning permission P1362.02. A legal agreement was 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 in the report.

The vote for the resolution to grant planning permission was passed by 10 votes to 0 with 1 abstention. Councillor Durant abstained from voting.

126 **P0593.11 - RAINHAM QUARRY, LAUNDERS LANE, RAINHAM - VARIATION OF CONDITION 1 OF PLANNING PERMISSION P0761.05, TO EXTEND THE LIFE OF THE APPROVED DEVELOPMENT TO 31 DECEMBER 2015, AND CONSEQUENTIAL AMENDMENTS TO CONDITIONS.**

The report before members detailed an application that proposed 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 required that the approved development be completed and the site restored by the 30 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 proposed the variation of condition 1 to enable the period of working to continue until the 31st December 2015.

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions contained in the report.

The vote for the resolution to grant planning permission was passed by 10 votes to 0 with 1 abstention. Councillor Durant abstained from voting.

127 **P0712.11 - RAINHAM QUARRY, LAUNDERS LANE, RAINHAM - VARIATION OF CONDITION 4 OF PLANNING PERMISSION P2239.87, TO EXTEND THE PERIOD OF MINERAL PROCESSING TO 31 DECEMBER 2015, AND CONSEQUENTIAL AMENDMENTS TO OTHER CONDITIONS.**

The report considered by members detailed a planning application that proposed 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 was still in use. It also granted approval for the re-erection of a concrete batching plant, although this aspect of the proposal had not been implemented.

Condition 4 of planning permission P2239.87 required 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 30 September, 2012. The planning application under consideration proposed the variation of condition 4 of planning permission P2239.87 to enable the period of working to continue until the 31 December 2015.

The Committee considered the report and without debate, **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into 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 16 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 should 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 in the report.

The vote for the resolution to grant planning permission was passed by 10 votes to 0 with 1 abstention. Councillor Durant abstained from voting.

128 **RAINHAM LANDFILL - 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 10 SEPTEMBER**

The report before members detailed an application relating to a 177 hectare site located on the River Thames at the most south eastern part of the Borough. The application site currently benefited from an existing consent to deposit refuse materials through controlled landfill.

The site was to be restored by 2018 relying solely on river sourced waste imports from 2012. The current application was agreed in principle by the Regulatory Services Committee under planning reference U0013.09, and the Council was 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 was situated.

The LTGDC Planning Committee of 10 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 had not yet been completed and the planning obligations and planning conditions subject to minor amendment were set out in the report.

An additional planning obligation was 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 6 February 1998 would no longer have effect.

With its agreement, Councillor Tucker addressed the Committee. Councillor Tucker remarked that the landfill at the site should have come to an end some time ago but was continuing due to further extensions being granted. Councillor Tucker asked that the Committee give careful consideration to the report before agreeing planning permission.

During the debate members considered the possibilities of possible noxious smells and dust emanating from the site.

It was **RESOLVED** that the proposal was unacceptable as it stood 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 included the limitation of waste vehicle movements to 300 per day which should be reduced as public access increased 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 should 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 should maintain and repair the premises fit for purpose and an environmental centre.

- The obligations in the existing agreement dated 6 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 in the report.

The vote for the resolution to grant planning permission was passed by 10 votes to 0 with 1 abstention. Councillor Durant abstained from voting.

Chairman