

 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>7 June 2018</b>
---	---

<b>Application Reference:</b>	<b>P0080.18</b>
<b>Location:</b>	<b>Cockhide Farm, Bramble Lane</b>
<b>Ward:</b>	<b>Upminster</b>
<b>Description:</b>	<b>Mineral extraction and importation of inert material, to enable restoration to agriculture, including ancillary plant and buildings</b>
<b>Case Officer:</b>	<b>Justin Booij</b>
<b>Reason for Report to Committee:</b>	<b>The Projects and Regulation Manager considers committee consideration to be necessary.</b>

---

## **1 BACKGROUND**

- 1.1 An earlier planning application iteration of this scheme was presented to this committee on 2 February 2017, when it was decided that the application should be refused.
- 1.2 This application is classified as a 'county matter'. The Council's performance in determining county matters is judged in respect of the speed and quality of decisions, over a two year period. Speed is judged on the percentage of decisions taken during the statutory period or any extended period as agreed with the applicant. The threshold for designation is performance less than 50%. The quality of decisions made is measured by the percentage of the total number of decisions made that are then subsequently overturned at appeal. The threshold for designation is 10% or more.
- 1.3 Subject to confirmation from MHCLG, the applicable period for this application is April 2017 to March 2019. During this period, 5 decisions have been taken on county matters, with 4 applications approved and 1 refused. An appeal was not lodged on the refused scheme.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The London Borough of Havering is required, by the London Plan, to maintain a sand and gravel landbank of 1.75 million tonnes (or 250,000 tonnes per annum). The Council does not currently have a sufficient landbank and it is therefore considered that principle policy support, as per the NPPF, needs to be given to this application in providing additional mineral reserve.
- 2.2 Mineral extraction is appropriate development within the Green Belt and whilst this development would involve a number of temporary buildings and structures to facilitate operations, such development is considered ancillary and it is not considered that for a temporary period (the life of the operations) that these would significantly impact on the openness of the Green Belt.
- 2.3 With regard to restoration, it is proposed to that the site would be restored, via the importation of inert material, back to existing levels and an agricultural use. Staff, mindful of this, consider that the site could be worked in a sustainable manner without significant impact to the local amenity; the environment or highway efficiency. In particular, Staff consider that the highway safety issue that was a reason for refusal for the previous application in relation to road safety, no longer applies due to the amended proposed site access. Further, the second reason for refusal of the previous application in relation to the temporarily increased number of HGV movements and the resulting effect on the character of the area and the amenity of nearby residents, would in the opinion of Staff, on its own not be a strong enough reason for refusal. In conclusion, the application has been assessed in context of other approved and planned development in the area and is deemed to comply with National planning guidance and the relevant policies of the development plan subject to the completion of a legal agreement and adherence to the recommended planning conditions.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to:

The prior completion of a legal agreement to secure the following planning obligations:

1. Adherence to a lorry routing agreement, to be approved in writing by the Local Planning Authority;
2. The payment of £12,500 (subject to indexation) towards the cost of highway maintenance;
3. A requirement to enter into a Creation Agreement under s26 of the Highways Act 1980 to secure improvements to the local footpath network, in accordance with a scheme first approved in writing by the Local Planning Authority; and

4. The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed; and
  5. The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.
  6. Any other planning obligation(s) considered necessary by the Head of Planning.
- 3.2 That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

- Time Limit/Commencement
- Compliance with Submitted Details
- Duration and Cessation
- Removal of Ancillary Development
- Early Restoration in the Event of Suspension of Operations
- Export/Import Throughput Restriction
- Importation Restriction
- Records of Throughput
- Vehicle Movements
- Records of Vehicle Movements
- Hours of Working
- Archaeology
- Land Contamination
- Land Contamination Monitoring
- Infiltration Drainage
- Retention of Soils
- Soil Handled in a Dry and Friable Condition
- Soil Movement Scheme
- Stripping of Top and Subsoil
- Secondary Containment
- Fauna Management Plan
- Final Soil Coverage
- Final Landform
- Aftercare Scheme
- Operations Method Statement
- Vehicle Visibility Splays
- Wheel Washing
- Noise Limits and Monitoring
- External Lighting
- Permitted Development Restriction

#### **Informatives**

- Application fees
- Changes to the Highway
- Environmental Permit
- Contacting National Grid
- CIL Regulation 122 test
- Negotiation/submission of information to allow an appropriate assessment of the proposal and improvements required to make the proposal acceptable

- 3.4 That, if by 7 September 2018 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 This is an application to work an area of land for sand and gravel with restoration proposed to existing levels, and agricultural use, through the importation of inert materials. The application is a resubmission of application scheme Ref. P1626.16, with an amended access (now proposed further west along Bramble Lane, compared to the previously proposed location to join the existing 90 degree bend at Bramble Lane).
- 4.2 It has been suggested that the on-site minerals reserve is circa 75,000 tonnes and it is proposed to work the site as one phase, with extraction programmed over a six month period. All materials extracted are proposed to be processed off-site at Rainham Quarry, Launders Lane.
- 4.3 The void created from the extracted mineral would require the importation of approximately 45,000 cubic metres of material, with the applicant again suggesting that this would take place over a six month period. No on-site processing of material to be imported is proposed with infill material simply being used to bring the land back up to level.
- 4.4 With regard to vehicle movements, the extraction process would result in 60 movements per day (30 in and 30 out); and the restoration activities would result in 68 movements per day (34 in and 34 out). As the applicant does not however propose to work the site in a phased manner, there would be no duplication of movements as extraction and restoration would not occur simultaneously. The applicant proposes a new access off Bramble Lane.
- 4.5 The site is proposed be operational during the following hours:

07:00-18:00 Monday to Friday, with no working on Saturdays, Sundays or Public holidays.

### **Site and Surroundings**

- 4.6 Cockhide Farm is located in the south of the Borough, south of Upminster, north of Aveley, to the east of Rainham and to the west of the M25 and South Ockendon. The site immediately adjoins Belhus Woods Country Park, where there are a network of footpaths and bridleways. No footpaths nevertheless dissect the site and views of it, from public vantage points, are relatively limited.

- 4.7 There is an access track to the farm, located in the north-west corner of the site that extends approximately 735m north from the farm buildings to the junction with Bramble Lane.
- 4.8 The farmhouse itself, on-site, is derelict and in a poor state of repair. There are a number of outbuildings across the 10 acre / 4 Ha site similarly derelict and in poor condition.
- 4.9 In terms of background, the application area originally formed part of a quarry known as Baldwins Farm, which was operated by Redland Aggregates in the 1970/80s. This site is the only part of that former site not worked, given the presence of the farmhouse.
- 4.10 The site forms part of the Metropolitan Green Belt but is not designated for any landscape or ecological merit at local, national or international level. The locality, and landscape, shows obvious signs of the former quarry use with the surrounding fields in a mix of arable and woodland use with a number of water bodies. The application area does however form part of the outer Ingrebourne Marshes SSSI Impact Risk Zone.

#### **Planning History**

- 4.12 The following planning decisions are relevant to the application:

P1626.16 - Mineral extraction and importation of inert material, to enable restoration to agriculture, including ancillary plant and buildings REFUSED on 8 February 2017. Reasons for refusal:

1. The proposal, by reason of the high number of HGV movements proposed each working day, would when viewed cumulatively with existing levels of activity and traffic on the local road network, result in added conflict for road users and pedestrians. The proposed intensification of the access point on the bend would furthermore be dangerous and harmful to highway safety. Accordingly the proposal is contrary to the principles of policy DC32 of the Core Strategy and Development Control Policies Development Plan Document.
2. The proposal, by reason of the high number of HGV movements proposed each working day, would adversely impact on the character of the area and the amenity of nearby residents. The vehicle movements associated with the development would be detrimental to the local air quality conditions and give rise to unwarranted noise, dust, mud and debris nuisance. In this respect, the proposal is contrary to policies DC42, DC52, DC55 of the Core Strategy and Development Control Policies Development Plan Document, policy W5 of the Joint

Waste Development Plan, policies 7.14 and 7.15 of London Plan and guidance within both the NPPF and Technical Guidance to the NPPF.

3. In the absence of a legal agreement to secure a financial contribution towards highway maintenance, as a result of the increased use of local roads by HGVs, the proposal fails to satisfactorily mitigate the impact of the development upon highway surfaces and verges, contrary to the provisions of policies DC32 and DC72 of the Core Strategy and Development Control Policies Development Plan Document and Policy 8.2 of the London Plan

## **5 CONSULTATION RESPONSE**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 The following were consulted regarding the application:
- 5.3 Anglian Water (Statutory Consultee) – No comments received.
- 5.4 Environment Agency – No objection subject to conditions covering contamination; drainage and site management (the storage of materials, chemicals, oil and/or any other hazardous substances).
- 5.5 EPN Networking (Statutory Consultee) - No comments received.
- 5.6 Essex and Suffolk Water (Statutory Consultee) – No objection.
- 5.7 Havering Friends of the Earth – Object on the basis that this is considered an inappropriate development in the Green Belt and very special circumstances have not been justified to outweigh the potential harm by reason of inappropriateness.

The development has the potential to impact on wildlife and whilst the surveys submitted suggest the number of creatures utilising the land is low, it is considered that we should be doing everything not to threaten habitat. We should be working to improve and increase biodiversity, not disrupt it. An invertebrate survey should have also been undertaken.

The applicant is commercial-led and concerns are raised that there appears no set limit on the amount of infill material proposed to be imported. A dome shaped landscape, as a result of excessive infilling is not inappropriate. Concerns are also raised in respect of nearby public footpaths and interaction with the proposed development; as well as additional air pollution from vehicle movements. Officer comment: The proposed development type falls within

the exception categories in Paragraph 80 of the NPPF, which are not considered to be inappropriate development within the Green Belt. A condition is recommended to restrict the importation quantum. The impacts on ecology and footpaths have been assessed in the MATERIAL PLANNING CONSIDERATIONS section below, and have been not found not to be reasons for refusal.

- 5.8 Highway Authority (Statutory Consultee) – No objection subject to conditions and a financial contribution towards the maintenance of Bramble Lane.

Historic England (Statutory Consultee) – No objection subject to conditions requiring a stage 1 written scheme of investigation (WSI) for archaeological work to be submitted and approved in writing by the LPA. If heritage assets of archaeological interest are identified by the stage 1 then a stage 2 WSI shall be submitted for such areas.

- 5.9 London Borough of Havering Environmental Protection – No objection, subject to condition.

- 5.10 London Borough of Havering Lead Local Flood Authority (Statutory Consultee) – No response received.

- 5.11 National Grid (Statutory Consultee)– No comments received.

- 5.12 Natural England (Statutory Consultee) – No objection subject to conditions to mitigate the potential adverse effects of the development on biodiversity. In this regard a fauna management plan should be secured by condition.

- 5.13 Thames Chase Trust – No objection. The Thames Chase Community Forest covers a 40 square mile area extending from Dagenham in the west to the Mardyke River in the east, and from North Stifford in the south to Brentwood in the north. The Forest was designated by National Government in 1990 with the intention of delivering strategically significant environmental improvements through tree planting, pond, hedgerow and meadow creation with associated links for people and wildlife. The designation followed recognition that the landscape had suffered extensive damage through quarrying, landfilling, previous road building and urban growth. The Thames Chase Community Forest project has since planted 1.3 million trees, increasing woodland cover by 70%, as well as creating or restoring almost 50km of hedgerows and creating or restoring nearly 1000 hectares of non-woodland habitat. Quarry sites make up 20% of Thames Chase – a total of 20 square kilometres.

The delivery of the Thames Chase Community Forest is guided by the Thames Chase Plan 2014. This is the third Plan to have been produced since 1990, with each Plan setting out a decade long window of delivery. Baldwins Farm (2.19) and the adjacent Aveley Forest (3.02) are projects included in the Thames Chase Plan (Area 2 Ingrebourne Valley and Quarry Landscapes).



Baldwins Farm is a Priority Project within Area 2. The vision for the Community Forest is simply “by 2030, Thames Chase Community Forest will be recognised as an inspirational example of landscape regeneration where enhanced, connected woodland and green space has made a clear difference to wildlife and peoples’ lives.”

The Thames Plan is closely aligned with the All London Green Grid Framework and the London Plan and as such the Thames Chase Community Forest would want to see due consideration given to the delivery of the following in relation to this Planning Application:

- Tree planting and woodland creation;
- Habitat creation (woodland and non-woodland);
- Community engagement / promotion of volunteering;
- Carbon offsetting;
- Biomass & energy;
- Sustainable transport and access;
- Green Infrastructure and landscape connectivity;
- Air Quality;
- Biodiversity and wildlife; and
- Culture and Heritage

The scheme must not have a detrimental impact upon the landscape or for people and wildlife and must, upon completion, improve the area in accordance with the Thames Chase Community Forrester.

5.14 Thames Water (Statutory Consultee) – No comments received.

5.15 Thurrock Council – No objection.

5.16 UK Power Networks (Statutory Consultee) – No comments received.

## **6 LOCAL REPRESENTATION**

6.1 A total of 52 neighbouring properties were notified about the application and invited to comment. The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The application has also been publicised in the local press.

6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses:	4 of which, 4 objected, none supported and none commented
-----------------------------	---

6.3 No local groups/societies made representations.

- 6.4 No Councillor, London Assembly Member, MP, or MEP made representations.

### **Representations**

- 6.5 The following issues were raised in objections that are material to the determination of the application, and they are addressed in substance in the next section of this report:

- Impact on ecology at Belhus Woods Country Park
- Impact on financial impact at Belhus Woods Country Park
- Highways impact from lorry movements (road safety and damage to roads and verges)
- Impact on residential amenity (well-being and quiet enjoyment of nearby home, noise)
- Environmental concerns (Pollution, dust from lorries, vibration)
- Increase in anti-social behaviour (fly tipping)
- Visual impact from the new junction and access road

## **7 MATERIAL PLANNING CONSIDERATIONS**

- 7.1 The main planning issues raised by the application that the committee must consider are:

- Principle of Development
- Green Belt
- Landscape and Visual Impact
- Ecology
- Geology, Hydrology and Flood Risk
- Heritage and Archaeology
- Highway Impact and Lorry Routeing
- Amenity Impacts
- Restoration & Public Rights of Way

### **Principle of Development**

- 7.2 The London Borough of Havering, as per policy 5.20 of the London Plan is required to maintain a sand and gravel landbank of at least 1.75 million tonnes throughout the plan period (until to 2031). The Council last produced a Local Aggregate Assessment (LAA) in October 2014. The conclusion of this was that the Council's landbank was approximately 2.5 years on the basis of a permitted reserve of 700,000 tonnes. Since October 2014, planning permission has however been granted for mineral extraction at East Hall Farm. This site has a reserve of 1.1 million tonnes and adding this to the existing permitted reserves within Havering it is considered that the landbank

is currently around 1.6 million tonnes or 6.4 years (factoring an approximate additional 2 years of working from the 700,000 tonne figure suggested within the LAA).

- 7.3 Detailed below is a table which shows Havering's landbank over the last 5 years together with an indication on how the landbank will reduce over the coming years. The reduction per year has been calculated on the basis of 0.25mtpa usage, as suggested within the London Plan although it is noted that the most recent data available to the Council, as detailed within the latest Annual Monitoring Report, suggests extraction has recently been occurring at a reduced rate.

<b>Year</b>	<b>Required landbank (7 year figure)<sup>1</sup></b>	<b>Permitted landbank <sup>2</sup></b>	<b>Landbank in years</b>
2011*	1.75mt	0.4mt	1.6
2012*	1.75mt	0.4mt	1.7
2013*	1.75mt	0.5mt	2.0
2014	1.75mt	0.7mt	2.8
2015	1.75mt	1.6mt	6.4
2016	1.75mt	1.35mt	5.4
2017	1.75mt	1.1mt	4.4
2018	1.75mt	0.85mt	3.4
2019	1.75mt	0.6mt	2.4
2020	1.75mt	0.35mt	1.4
2021	1.75mt	0.1mt	0.4
2022	1.75mt	Reserves exhausted	0

<sup>1</sup> Required landbank = the seven year landbank apportionment detailed within the London Plan. On the basis of Havering having an apportioned seven year landbank of 1.75mt, this equates to a requirement of a 0.25mtpa yield. In respect of the above and the calculations, taking 2011 as an example a 0.4mt reserve divided by 0.25 equates to a landbank of 1.6 years.

<sup>2</sup> Permitted landbank = the reserve within the Borough to which planning permission has been granted to extract. In respect of the above and the calculations, the landbank (post 2016) has been calculated to reduce at a rate of 0.25mtpa as per that suggested within the London Plan.

*\*The figures from 2011-2013 are that of London and not just Havering. Until 2014, Havering was not required to produce a Local Aggregate Assessment and therefore provided data to the GLA to produce the Assessment for London as a whole.*

- 7.4 On the basis of the above it is clear that the current permitted reserve within the Borough is insufficient to support a seven year landbank throughout the plan period. Indeed even if planning permission is granted for extraction at this site and 75,000t added to the landbank at the end of 2016/start of 2017, the landbank in Havering would not be as per that required by the London Plan.

<b>Year</b>	<b>Required landbank (7 year figure)</b>	<b>Landbank reserve with at Cockhide</b>	<b>Landbank in years</b>
Start of 2017	1.75mt	1.425	5.7

- 7.5 There are no formal sanctions against the Council if the landbank apportionment is not met. Similarly there are no sanctions if the landbank is exceeded. The NPPF requires mineral planning authorities to plan for a steady and adequate supply of aggregates and when determining applications as far as practical, provide for the maintenance of landbanks. Policy CP13 of the LDF details that the Council recognises the strategic need to supply the construction industry with aggregates and will seek to ensure it makes an appropriate contribution towards the apportionment in the London Plan.
- 7.6 Although planning authorities can allocate or safeguard areas for mineral development, such development is market-led and there is little a mineral planning authority can actually do to ensure a sufficient landbank which is the reason why there is no formal sanction for a deficit. That being said this lack of sanction should not in any way be seen a reason to presume mineral development and the provision of landbanks is not important. The NPPF states that great weight should be given to the benefits of mineral extraction when determining planning applications. Expanding on this, the NPPF at paragraph 142 states that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

- 7.7 The London Borough of Havering, even with the recently permitted reserve at East Hall, does not have a sufficient landbank to comply with the apportionment figure detailed in the London Plan. Whilst the landbank position has improved with the granting of planning permission for East Hall Farm, it is considered that planning policy dictates that the Council (as the mineral planning authority), in the circumstances, should generally supports proposals for mineral bearing development subject to no significant adverse environmental impacts.
- 7.8 The Council does not have an adopted Minerals Plan and until such a time, when preferred sites for mineral extraction to achieve a seven year sand and gravel landbank during the plan period are identified, applications for mineral development have to be assessed on their individual merits, as per policy CP13 of the LDF. In terms of the principle of development, it is therefore considered that in providing additional mineral reserve, broad policy support exists for the development coming forward as the sand and gravel landbank in Havering is currently below seven years.

### **Green Belt**

- 7.9 The Government attaches great importance to Green Belts. Paragraph 80 of the NPPF identifies certain forms of development which are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do no conflict with the purposes of including land in Green Belt.
- 7.10 In context of the above, it is considered that mineral extraction is not inappropriate development in the Green Belt. Policy DC45 of the LDF states that the Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives. Mineral extraction is detailed as a potentially appropriate development in the Green Belt subject to compliance with the other relevant policies in the LDF. Of particular note in this regard is policy DC42, which details appropriate conditions for minerals extraction developments.
- 7.11 As detailed previously in this report, no on-site processing is proposed as part of this application. As part of the development an office; foul drainage tank; and weighbridge would however be installed. The office would be of modular design, 12.1m long by 2.4m wide and 2.7m high. The modular building would be finished in a painted dark green colour. Such development would be installed adjacent to the existing site access road and to the north of the extraction area.
- 7.12 With regard to screening, it is proposed that the office and weighbridge area would be screened by a 2m high earth bund. The bund on the western side, being the other side of the access road. The extraction site, is also proposed to be screened with bunding up to 3m in height. The bunding would run

around the eastern, southern and western boundaries of the site. The northern boundary is not proposed to be screened.

- 7.13 From a Green Belt and policy DC42 perspective, it is considered that the development proposed as part of this development is the minimum necessary to facilitate the development. With regard to this and openness the office and weighbridge would not be overly visible from public vantage points and would be removed in their entirety following completion of the development. Accordingly, it is considered the extraction activities and associated buildings and plants are not representative of inappropriate development or likely to undermine the purpose of the Green Belt. As such it is considered that the development complies with relevant Green Belt guidance within the NPPF and policies within the LDF and London Plan.

### **Landscape and Visual Impact**

- 7.14 Mineral extraction by its very nature can be visually intrusive. As existing this is an agricultural field, which has previously been used for grazing, and largely blends into the adjacent landscape setting. The site however appears to have a rather neglected appearance, which is compounded by the condition of the property on-site. The site is considered of neutral value in the landscape setting.
- 7.15 Policy DC61 (Urban Design) of the LDF is is considered to be the critical policy in respect of Landscape and Visual Impact. Of note in respect of this development, it is detailed that proposals should harness the topographical and ecological character of the site and complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.
- 7.16 Staff note the existing land levels of this site and that the site slopes down to the south-east. Mindful of this, views across the site are limited from the south although partial views from the east, along footpaths FP1 and FP259, do exist.
- 7.17 The provision of bunds between 2m and 3m high would be visible from nearby areas and accordingly appear as an incongruous landform in the landscape. Given the proposed timeframe for the development it is also considered that it is unlikely that the bunds would be able to be grassed, as by the time such a mix has established the bunds would be being removed. That being said, for a temporary period, Staff do not consider that the landscape impact would be so significant as to justify a refusal. The bunds whilst incongruous would screen the development and provide noise attenuation. The bunds would also be formed from indigenous top soils and subsoil removed to facilitate the extraction of the underlain sand and gravel. If the top soil and subsoil was not stored or stockpiled on site such material would have to be removed from the

site, only to be replaced as part of the restoration. The proposed use of soil bunds, whilst performing a function, also therefore limits the amount of material required to be imported as part of the development. From a restoration perspective such a process also seeks to ensure the existing top soil is kept on-site and re-incorporated as part of the end development.

- 7.18 Mindful of the site topography, it is considered that machinery would be visible from nearby areas, above the screening bunds, and in the case of vehicles when these are travelling down the access road from the new temporary junction. The extent of views of the actual working area would however reduce as material is extracted and the working shelf reduces below existing ground level. As alluded previously, views of the site are nevertheless relatively limited and although it is accepted that the nature of the site together with amount of on-site activity would increase it is not considered that for a 12 month period that such impacts would be significant and warrant refusal on such grounds.
- 7.19 The site would be restored to existing levels, mirroring the current gradient of the site towards the south-west. The proposed development would entail the reinstatement of boundary planting, such as at the new temporary access junction onto Bramble Lane. Accordingly, once complete, from a landscape perspective the site would appear as existing, maintaining the current character and appearance of the locality. It is therefore considered that the development complies with policy DC61 of the LDF.
- 7.20 With regard to farmhouse and outbuildings (the built form) at Cockhide Farm, as existing, no works are proposed to this area, as part of this application, with the applicant suggesting that once works pursuant to the mineral extraction have been completed an application seeking to re-develop this farmhouse will be submitted to the Local Planning Authority for consideration. At this stage, the Local Planning Authority is unaware as to the re-development likely to be proposed and therefore can offer no further comment on this other than to say that the restoration for this site would return the landscape setting for this site to that as currently exhibited.

### **Ecology**

- 7.21 Policy CP16 (Biodiversity and Geodiversity) of the LDF is considered to be the central policy in respect of Ecology, , in combination with policies DC42 (Minerals Extraction) and DC58 (Biodiversity and Geodiversity).
- 7.22 The submitted Phase 1 Ecological Assessment suggests that the site comprises habitats that are common and widespread. The site is considered to be of medium ecological value overall with habitats present suitable for use by a range of protected species. It is also noted that the development could give rise to off-site impacts due to hydrological changes. Further Phase 2

Assessments in respect of water voles, reptiles and great crested newts have been submitted with suggested mitigation measures incorporated as part of the development plans to limit potential impact.

- 7.23 A resident's response highlighted the presence of an active badger sett about 6 to 7 metres from the proposed works across the track within Belhus Woods Country Park, and the Applicant subsequently commissioned and submitted a badger survey. The survey report described that a badger sett was found to be approximately 30 m west of the site boundary, located at the opposite side of a small track and that the proposed works will have no direct impact on the badger sett. A number of mitigation measures are proposed as part of the report, which can be incorporated as part of the fauna plan, which is recommended to be covered by a planning condition.
- 7.24 Comments received from Friends of the Earth in respect of the commercial nature of the development are accepted however as discussed previously in this report, the Borough has a mineral landbank apportionment which it is currently not delivering. Whilst this need does not override all potential impacts, it does have to be weighed in the balance when impact is likely to be relatively limited or can be suitably mitigated or offset. Contrary to that suggested by Friends of the Earth, mineral extraction is furthermore not inappropriate development in the Green Belt.
- 7.25 Natural England has been consulted on the application and has suggested that the development has the potential to damage or destroy habitat for protected or priority species. To mitigate such impact it is nevertheless suggested that a fauna management plan should be secured by condition. The management plan would detail how activities during construction, operation and restoration will be undertaken to minimise the risk of disturbance to, and provide future habitat for protected and priority species identified within the submitted Phase 1 and 2 Assessments. Subject to a suitably worded condition being imposed should planning permission be granted, together with appropriate restoration conditions discussed later in this report, it is not therefore considered that ecological impacts associated would render the development unacceptable and, in principle, contrary to policies CP16, DC42 and DC58 of the LDF.

### **Geology, Hydrology and Flood Risk**

- 7.26 Policy CP15 (Environmental Management) of the LDF is considered to be the central policy in respect of Geology, Hydrology and Flood Risk, in combination with policy DC48 (Flood Risk) and policy DC51 (Water Supply, Drainage and Quality).



- 7.27 It has been suggested that the local geology comprises of superficial Lynch Hill Gravels overlying London Clay at a depth of between 2.2m and 4m below ground level. The London Clay is classified as unproductive strata but the Gravel band is representative of a secondary aquifer. Aquifers can be locally important in terms of ground permeability and flow and often provide local abstraction points. Given the site locality and that much of the surrounding area has previously been worked and infilled it is suggested that this development would likely adversely impact upon groundwater flow.
- 7.28 The Environment Agency has raised no objection in principle to the development coming forward. However, given the extent of extraction and infilling which has occurred in this area have suggested that, should planning permission be granted, a condition should be imposed requiring the submission of a scheme prior to commencement of the development that would identify all potential contaminants associated with former uses and a conceptual model indicating sources, pathways and receptors of any such contamination, as existing. The scheme shall detail how such sources and pathways may be affected and in turn the impact of this on receptors with a remediation strategy submitted if required.
- 7.29 Turning to flood risk and drainage, the site is located within Flood Zone 1 at low probability to flooding. The site is proposed to be worked wet and accordingly there would be no excess discharge from dewatering during the course of operations. The site is proposed to be restored to existing levels and agricultural use. Surface water run, post restoration, would be controlled by a perimeter drain which would collect surface run-off from the field and route it to a soakaway (pond) in the south-west corner of the site. An overflow pipe would then connect this to the existing pond on site and control discharge at the pre-development greenfield rate.
- 7.30 With suitable conditions attached to any planning permission granted to ensure the above, it is not considered that flood risk represents a reason to refuse the application. It has been demonstrated that suitable mitigation measures could be implemented and accordingly it is considered that the development complies with policies CP15, DC48 and DC51 of the LDF

### **Heritage and Archaeology**

- 7.31 LDF Policies CP18 (Heritage) and DC70 (Archaeology and Ancient Monuments) are considered to be the key policies in relation to Heritage and Archaeology.
- 7.32 The site is located on an area of the Lynch Hill/Corbetts Tey terrace gravels, to the north of the River Thames that is known to have a significant prehistoric and Roman landscape. Extensive cropmarks have been identified in the vicinity and investigations have revealed an arrangement of late Bronze Age

to early Iron Age settlements and enclosures nearby. However Cockhide Farm appears to have remained as fields or pasture between farms or manorial sites until at least the 16<sup>th</sup> Century.

- 7.33 The proposed development would result in total disruption of any archaeological remains if they are present. A geophysical survey has however been undertaken which involved a magnetic survey of the site and this found no clear evidence of anything significant beneath. Historic England, in view of the above results, have raised no objection in principle to the development coming forward subject to appropriate further investigation being undertaken prior to commencement. The development, subject to such a condition being secured, is therefore considered to be compliant with policies CP18 and DC70 of the LDF.

### **Highway Impact and Lorry Routeing**

- 7.34 Policy DC32 (The Road Network) of the LDF is considered to be the central policy in respect of Highways Impact and Lorry Routing.
- 7.35 Access to the site is proposed off the Bramble Lane, from the southern side of Bramble Lane, approximately 106 m west from the sharp bend where the previous application proposed the site access point. A new access track would run from here towards the main part of the site. As detailed, this application proposal principally involves two stages – the extraction and the restoration (infilling). The estimated vehicle movements associated with the extraction would be 60 per day (30 in and 30 out) and the estimated vehicle movements associated with the restoration is 68 per day (34 in and 34 out).
- 7.36 As the extraction and restoration would not occur simultaneously, the above movements represent daily maximums. On the basis of an eleven hour working day (07:00am-18:00pm), the development would result in roughly six movements per hour – roughly one movement every 10 minutes. Vehicles would arrive at the site via the A13, Launders Lane and Warwick Lane. Vehicles leaving the site would follow the same route, with the exception of those leaving the site loaded with mineral which would divert/stop at Rainham Quarry on Launders Lane to drop off the material for processing.
- 7.37 In respect of existing use of these roads, Members will be aware of some similar developments which have recently been granted in the locality. Below is a table showing these developments with the other main existing mineral and waste sites in the locality together with an indication on their lifespan.

<b>Site</b>	<b>Development Description</b>	<b>Proposed/Permitted No. of Vehicle Movements</b>	<b>Update / End Date</b>
Rainham Quarry, Launder's Lane (most recent application ref: P1323.11)	Phased extraction of sand and gravel	180 movements a day (90 in and 90 out) was the basis of the Transport Assessment submitted. However, this is not formally controlled by condition.	Permission for extraction expired in 2015. That being said consent exists for continued processing at the site – most recently granted as part of planning application ref: P0271.14.
Arnolds Fields, New Road (most recent application ref: P0941.00)	Land raising to facilitate community woodland	None – no planning permission exists for vehicles to access site	Enforcement Notice issued in 2004 on grounds that sufficient material was on-site to facilitate approved restoration. Enforcement Notice upheld but site still has not been restored in accordance with approved details.
Spring Farm, New Road (application ref: P2098.04)	Phased extraction of sand and gravel	70 movements a day (35 in and 35 out) was the basis of the Transport Assessment submitted. However, this is not formally controlled by condition.	Site restoration expected 2017.

Southall Farm, New Road	Phased extraction of sand and gravel	n/a	Restoration complete.
Moor Hall Farm, New Road (parent application ref: P0319.09)	Construction of a 'links' style golf course	400 movements a day (200 in and 200 out) was the basis of the submitted Transport Assessment. However, this is not formally controlled by condition.	The importation of material to complete this project is substantially complete.
Mardyke Farm, Dagenham Road (most recent application ref: P0455.14)	Landscaping and re-contouring	190 movements a day (95 in and 95 out) was the basis of the submitted Transport Assessment. However, this is not formally controlled by condition.	Importation to be completed by 11/04/2017.
The Paddocks, Moor Hall Farm, New Road (application ref: P1578.14)	Re-restoration of site following differential settlement	500 loads per calendar month for a period of 18 months.	Works commenced on- site January 2016.
Little Gerpins 2, Berwick Pond Lane (application ref: P1637.14)	Engineering earthworks to provide managed woodland	200 movements a day (100 in and 100 out) over a two year period – controlled by condition.	Site restoration required by 2018.
Land adjacent to Bramble Farm, Bramble Lane	Landscaping works to landfill and fishing lake	20 movements a day (10 in and 10 out) – controlled	Site restoration of landfill required by July 2017; and

(application refs: P0507.14 + P1578.15)		by condition.	restoration of fishing lake required by September 2017.
East Hall Farm, New Road (application ref: P0271.14)	Phased extraction of sand and gravel	192 movements a day (96 in and 96 out) – controlled by condition. No processing of material is permitted at this site with all extracted material duly transported to Rainham Quarry.	Site restoration required by 2026.
Pinch site + Ahern Compound, Gerpins Lane (application ref: P1601.15 + P1605.15)	Importation and spreading of inert soil materials to provide managed woodland and grassland for amenity afteruse	260 movements a day (130 in and 130 out) – controlled by condition.	Resolution to approve subject to s106. Discussions on-going in this regard and therefore formal decision yet to be issued and/or development commenced.
Wennington Hall Farm (application ref: P1407.13)	Phased extraction of sand and gravel	270 movements a day (135 in and 135 out) over a nine year period	Application refused but appeal lodged. Informal hearing to held in due course.

7.38 A Transport Statement has been submitted with the application which concludes that the development would not have a detrimental impact on the highway network, given the limited number of vehicle movements associated. Staff nevertheless note the location of the access and the concerns raised by the public in terms of Highways matters, including road safety.

- 7.39 Furthermore, staff note concerns previously expressed as part of other applications of this nature about potential impact on the structural condition of the roads and their suitability for HGV movements. Noting the contents of the above table, it is clear that the A1306, Launders Lane and Warwick Lane support a number of quite vehicle heavy developments. Specifically looking at the end dates of the above developments it is considered at least either Little Gerpins 2 or Pinch together with East Hall Farm would be operational at the same time as this development, should planning permission be granted.
- 7.40 The Highway Authority has assessed the information submitted with the application and undertaken an independent assessment in context of known site conditions and available data. In respect of this, the Highway Authority has raised no objection to the development in terms of safety, trip generation and/or impact on the road network. The applicant as part of the submitted Transport Statement has assessed the suitability of access and through adopting a cautious approach i.e. a two second driver reaction time and a 'g' deceleration rate of 0.25, has suggested a 90m visibility splay would need to be provided at the access junction. Additionally a 90m forward visibility would need to be provided to ensure safe sight stopping distance from vehicles travelling from the north. To facilitate the above visibility requirements, the applicant proposes to trim all overgrown vegetation and remove any vegetation which currently restricts this.
- 7.41 Staff having driven along this road acknowledge local concern about safety and the position vehicles would have to be at to secure the appropriate forward visibility, when turning into the site at its current proposed site access location at approximately 106 m west from the bend in Bramble Lane, where the site access was previously proposed. Accepting that the Highway Authority has confirmed that that the current application access is away from the bend and the current proposed location is acceptable in terms of positioning and available vehicle visibility, and that the details submitted suggest the required visibility would be achieved, it is considered that the highway safety reason for refusal of the previous the application has been successfully addressed. To nevertheless ensure an appropriate visibility is achieved, it is considered that a scheme to increase visibility could be secured by way of planning condition.
- 7.42 With regard to mud and debris on the road, suggested condition 26 requires the submission of a detailed scheme to prevent mud being deposited onto the public highway. In the event that planning permission is granted it is likely that measures including the provision of a wheel spinner and wheel wash would be put forward by the applicant in terms of minimising the potential of mud being brought onto the public highway. The use of a water bowser to clean the public highway is also something which may be proposed. It will be noted that the last point of the suggested condition is for a contingency plan in

the event of a break-down of any agreed measures or evidence that such measures are failing to prevent mud from being traversed on to the public highway. It is expected that the contingency proposed would be to suspend all vehicle movements to and from the site until measures are implemented to ensure that mud and debris is no longer deposited from the site. The offending material shall also be cleared from the public highway as soon as practically possible. As this contingency plan would form part of the approved details of the application, should any issues arise the mineral planning authority would be able to pursue enforcement action and issue temporary stop notices should it be considered expedient to do so.

- 7.43 The mineral planning authority has the option to undertake up to eight paid site monitoring visits within a 12 month period to monitor mineral and landfill permissions. A charge of £331 per visit can be imposed on the site owner under Regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 and the visit allows officers to duly check compliance with the planning permission and relevant conditions. Following each inspection, a report would be produced by the officer undertaking the inspection and this shall be forwarded to the site owner and operator identifying any breaches of planning control; issues to be rectified; and a time frame to complete such works before more formal enforcement action may be pursued.
- 7.44 In the event that mud is distributed on the public highway and sufficient evidence exists to demonstrate that the operations from the site are responsible there are a number of enforcement options which would be available to the Council. Initially if the wheel washing measures had not been installed or were not being used, as approved, a Breach of Planning Condition Notice could be issued requiring such measures to either be installed and/or used. Should such measures however have been installed and an issue still remain powers do exist under section 151 of the Highways Act 1980 to serve a Community Protection Notice on the operator. The issuing of such an Order would be under the operator's failure to comply with duties imposed under Section 3 of the Health and Safety at Work etc Act and this would require the operator to cease operations until the problem has satisfactorily been resolved.
- 7.45 The Highway Authority has raised no concerns in respect of mud and debris, subject to appropriate conditions. However, concerns on the impact on the overall surface and structural condition of the highway have been highlighted. In context of the additional HGV traffic a financial contribution towards the maintenance and repair of Bramble Lane is suggested (£12,500), should planning permission be granted. Members may recall that a similar type of contribution has been sought on a number of mineral and waste related applications recently. The Highway Authority in this regard apply a set

formula to calculate the amount applicable - the carriageway area affected (length of road x an average carriageway width) x an average cost of re-surfacing (£35 per m<sup>2</sup>) x the proportion of development against a 10 year average re-surfacing cycle x the % increase in HGV movements against baseline data. In this instance the amount is comparably small given the proposed life of the development is only 12 months.

- 7.46 Overall, it is considered that the vehicle movements associated with this development, when assessed in isolated and collectively with other approved development in the locality, would not adversely impact on highway safety or efficiency. The Highway Authority have raised no objection to the proposed use of the existing access and therefore subject to the adherence of a lorry routing plan and a financial contribution towards the maintenance of the Bramble Lane secured by legal agreement it is considered that the development complies with policy DC32 of the LDF.

### **Amenity Impacts**

- 7.47 Policy DC61 (Urban Design) and policy DC42 (Minerals Extraction) of the LDF are considered to be the central policies regarding Amenity Impacts, supported by Policy DC55 (Noise), and DC52 (Air Quality).. The nearest residential properties to the site are those on those to the west on Aveley Road, circa 600m from the area of extraction as the crow flies. The access point to the site from Bramble Lane is however 45m from the entrance, and 27m from the nearest residential building at Bramble Farm. Given the distance from nearby residential properties to the actual extraction area it is not considered that the development would likely give rise to excess noise impacts. That being said it is considered that the vehicle movements associated could give rise to additional noise; air quality; and vibration impacts all of which have been expressed in some form as areas of concern in the letters of public representation received, particularly in light of the fact that compared to the previous refused application, the location of the vehicle access onto Bramble Lane has moved closer to residential properties. Accordingly an assessment of these factors can be found below:

### **Noise**

- 7.48 The Technical Guidance to the NPPF expands on the minerals policies outlined in the NPPF. At paragraph 20 of the Technical Guidance it is acknowledged that residents living close to mineral workings may be exposed to a number of environmental effects. With regard to noise emissions the NPPF makes it clear that mineral planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. At paragraph 30 it is stated that subject to a maximum of 55dB(A)LAeq, 1h (free field), mineral planning authorities should aim to establish a noise limit at



noise sensitive properties that does not exceed background level by more than 10dB(A).

- 7.49 The Noise Assessment submitted with the application suggests background noise levels for the properties along Bramble Lane and Aveley Road of 45dB LA90 and 47dB LA90, respectively. Noting that suggested in the NPPF, the maximum 55dB(A)LAeq, 1h (free field) standard would therefore apply in this case.
- 7.50 The Noise Assessment submitted with this application suggests that the maximum working (noise) level of machinery and vehicles, likely to be experienced along Bramble Land and Aveley Road, would be 38dB(A)LAeq, 1h. As this is below the existing background noise level, it is not considered that the development operations would significantly impact on the residential properties along Bramble Lane or Aveley Road. With regard to noise levels experienced from the Country Park, during the construction phase of the bunds an exceedance of the 55dB threshold would be likely but once the bund is complete the assessment suggests a working noise level of 51dB, which again in context of that detailed in the NPPF is considered acceptable.
- 7.51 In terms of noise from vehicles on Bramble Lane and Aveley Road, the average background noise (LA90) has been calculated on the assumption of 10 HGV movements per hour, as existing. As discussed in the Highways section of this report, this development would result in approximately six HGV movements per hour and accordingly would increase the frequency of a HGV movement in the locality. The Council's Environmental Protection team have reviewed the application details including the submitted noise assessment and they raise no objections, subject to conditions being imposed. Mindful that Bramble Lane and Aveley Road are public roads, and the Local Planning Authority have no control over the number of vehicles which may use these on a daily basis – whilst Staff are keen to ensure that there is no significant increase in the noise environment, Staff have to be mindful of this position – and it is considered that substantiating a refusal on noise associated with the vehicles when on a public highway would be difficult on Appeal.
- 7.52 That being said, where possible, it is considered appropriate for Staff to limit any such impacts through conditions. In respect of this, and hours of working, it is noted that the applicant has applied for hours of working commencing at 07:00am. Staff consider this excessive and likely to exacerbate noise impact, as the use of the local roads is likely to be less in the early hours of the morning. In respect of this, it is noted that the landscaping and remediation works currently occurring at land adjacent to Bramble Farm (application refs: P0507.14 and P1578.15), which also includes the importation of material, are only permitted to occur between 08:30am and 16:30pm for this reason. Whilst this site (Bramble Farm) is located directly adjacent to residential

properties, Staff consider a restriction which does not allow operations to commence before 08:00am appropriate in this instance (Cockhide), to comply with policy DC55 and the noise aspect of policy DC42 of the LDF.

#### Air Quality and Dust

- 7.53 Policy DC52 of the LDF details that planning permission will only be granted where new development, both singularly and cumulatively, does not cause significant harm to air quality and does not cause a breach of the targets set in Havering's Air Quality Management Area Action Plan. An air quality assessment has been provided with the application in which it is suggested that indicated air quality impacts were not predicted to be significant at any sensitive location within the vicinity of the site. The Council's Environmental Protection team have reviewed the application details including the submitted air quality assessment and they raise no objections, subject to conditions being imposed. Subject to a condition imposed ensuring the suggested mitigation measures outlined in the aforementioned Assessment are implemented and maintained it is considered that the development would comply with the stipulations of policy DC52 of the LDF.

#### Vibration

- 7.54 Staff note that no assessment of likely vibration emanating from the site and/or increased HGV use of Bramble Lane has been provided. Subsidence and vibration has been raised in a local resident's response and policy DC55, in addition to covering noise, states that planning permission should not be granted if a development would result in exposure to vibration above acceptable levels, affecting a noise sensitive development. Given the distance of actual extraction from nearby sensitive uses it is not however considered that vibration from the activities would likely result in detrimental impacts.
- 7.55 Whilst concerns about increased HGV use of Bramble Lane are noted, Bramble Lane is an unrestricted public highway and the Local Planning Authority therefore has limited control over the use of it. As discussed in the highway impact section of this report, should planning permission be granted the applicant would be required to make a highway maintenance contribution that would provide the Highway Authority with additional funds to ensure Bramble Lane and other roads utilised are maintained in a suitable condition and of a suitable surface to limit the potential for vibration nuisance.

#### Restoration & Public Rights of Way

- 7.56 LDF Policy DC42 (Minerals Extraction) and Policy W4 (Disposal of Inert Waste by Landfilling) of the Joint Waste Development Plan are considered to

be the central policy regarding Restoration, while Public Rights of Way are relevant to LDF Policy DC22 (Countryside Recreation).

- 7.57 Site restoration would be back to existing levels, achieved through the importation of inert materials. No processing of material is proposed as part of the restoration, with the applicant suggesting all material to be imported would be strictly inert, sourced from the excavation sector of the construction market. With regard to this, once the imported material has brought the surface up to the base of the soil, the indigenous soils stored in the screening bunds would be re-spread. Following this, it is proposed that the site would be returned to an agricultural use.
- 7.58 In respect of mineral development, the NPPF at paragraph 144 suggests the local planning authorities should seek to ensure restoration is undertaken at the earliest opportunity and to high environmental standards. The Technical Guidance to the NPPF details that applicant's as part of reclamation schemes should demonstrate that the site can be reclaimed to an acceptable standard and after use. It is suggested that appropriate conditions should be imposed by the local planning authority to ensure that the restoration and after use is achieved. It is nevertheless detailed within the NPPF and the Technical Guidance that bonds or other financial guarantees to underpin restoration and aftercare conditions should only be sought in exceptional circumstances.
- 7.59 The restoration scheme proposed as part of this application would see the site returned to its former levels and an agricultural use. In respect of this, it is therefore considered that the restoration profile has been designed to utilise the minimum amount of inert material and not result in a restoration profile incongruous to the existing landscape. A five year aftercare period, to ensure that the site is returned to an equivalent agricultural quality could furthermore be secured by planning condition. In respect of restoration, subject to conditions, the proposed development is considered to be in accordance with Policies W4 and DC42.
- 7.60 In terms of footpaths, Staff note that there are number of public footpaths in the vicinity of the site. Strangely however none of these connect with FP258 simply running southwards from Bramble Lane; FP259 stopping at the access road to Cockhide Farm; and FP264 stopping within Belhus Country Park. Given the extent of the applicant's land ownership it is considered that this application could be used as an opportunity to improve the connectivity of the footpaths. Such works would however require a Creation Agreement to be made. Accordingly, it is considered appropriate to simply require the applicant to submit a scheme of footpath improvements works for approval, with a s106 planning obligation duly requiring, post acceptance of the scheme, that an application for a Creation Agreement be made. The Thames Chase Trust consultation response requested that the application scheme

would deliver improvements and Staff consider that the potential for improved footpath connectivity would be a significant contribution to the Thames Chase Community Forrest vision.

- 7.61 The potential improvement to the footpath network is considered an environmental and social benefit to the development. Whilst mineral extraction is not an inappropriate form of development in the Green Belt and very special circumstances to render the development acceptable are not required it is considered that such benefits would help counter the amenity impacts, albeit not deemed significant, caused by the development during operation. In respect of Public Rights of Way, subject to a planning obligation, the proposed development is considered to be in accordance with Policy DC22.

#### **Financial and Other Mitigation**

- 7.62 The proposal would attract the following section 106 contributions to mitigate the impact of the development:
- Up to £12,500 (subject to indexation) towards the cost of highway maintenance.
  - The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed; and
  - The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

#### **Conclusions**

- 7.63 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.