



REGULATORY SERVICES COMMITTEE

13 March, 2014

REPORT

Subject Heading:

**P1570.13 – Spring Farm / Rainham
Quarry, Launder Lane, Rainham**

**Variation of Conditions 5 & 6 of
planning permission P1323.11, to allow
additional processing plant.**

Report Author and contact details:

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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	[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 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.

Planning permission P1323.11 allowed for a variation of the conditions attached to P1361.02 to allow the processing of materials at the site to continue until 31st December 2015, with the exclusion of skip and construction waste processing. Where appropriate, all of the conditions imposed on planning permission P1361.02 were carried over as part of planning permission P1323.11.

The application under consideration proposes the variation of conditions 5 and 6 of planning permission P1323.11 to allow for the erection of new plant for the production of hydraulically bound material from imported, inert material.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), to vary the Section 106 planning obligation completed on 1st March 2012 in respect of planning permission P1323.11, by substituting that planning permission reference with a new reference to reflect the new consent.

The developer / owner shall pay the Council's legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation set out above and any necessary consequential amendments to the Section 106 planning obligation dated 1st March 2012 all recitals, terms, covenants and obligations in the said section 106 Agreement shall remain unchanged.

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

1. The operations hereby approved shall cease on or before 30th June, 2023.. The site shall, by 31st December 2012, be fully restored in accordance with the 'Revised Restoration and Aftercare 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 the NPPF.

2. The HBM plant and any plant, machinery, structures and buildings approved under planning permission P1361.02 shall be removed from the site within one month of the date referred to in condition 1 above, that being 30th June, 2023.

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 the NPPF.

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 the NPPF.

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 the NPPF.

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, approved as part of planning permission P1361.02, as modified by the plans referenced "RAI/99" and "RAI/100", both received 23/12/2013.

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. Unless otherwise agreed in writing by the Local Planning Authority, the approved plant, detailed on the plan referenced "RAI/100" (received on 23/12/2013), shall employ the same colour scheme as the existing aggregate processing plant, which shall be retained in accordance with the materials and colour scheme approved as part of condition 6 of planning permission P1361.02. No other previously approved 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 the NPPF.

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.

12. Prior to the erection of any new plant, the developer shall submit for the written approval of the Local Planning Authority:

- a) A Phase I (Desktop Study) Report documenting the history of the 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 (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages,

maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

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

- 13.
- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
 - b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason:

To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

14. Prior to the erection of any new plant, the developer shall submit for the written approval of the Local Planning Authority;

- a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
- b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
- c) The air quality assessment shall predict air quality with the development in place (with development).
- d) The air quality assessment should also consider the following information:

- A description containing information relevant to the air quality assessment.
- The policy context for the assessment- national, regional and local policies should be taken into account.
- Description of the relevant air quality standards and objectives.
- The basis for determining the significance of impacts.
- Details of assessment methods.
- Model verification.
- Identification of sensitive locations.
- Description of baseline conditions.
- Assessment of impacts.
- Description of the construction and demolition phase, impacts/ mitigation.
- Mitigation measures.
- Assessment of energy centres, stack heights and emissions.
- Summary of the assessment of results.

For further guidance see the leaflets titled, 'EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason:

To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

INFORMATIVES

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

Planning Obligations

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.

Approval – No Negotiation Required

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

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 Launders 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 Launders 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. The proposed additional plant would be located towards the south eastern corner of the site and would be located hundreds of metres from the nearest residential properties.

2. Description of Proposal

- 2.1 Condition 5 of planning permission P1323.11 states that:

“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.”

Condition 6 of planning permission P1323.11 states that:

“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.”

- 2.2 This planning application seeks approval for the variation of conditions 5 and 6 of planning permission P1323.11. These conditions require that the site be developed and maintained in accordance with the plans approved as part of planning permission P1323.11 and that the details of any new plant be approved in writing by the Local Planning Authority. The proposed variations would allow for the erection of additional plant at the site for the production of hydraulically bound material. This process involves the importation of inert, unconsolidated material, which is then processed to produce solid material, which might be used for fill or other purposes by end users.
- 2.3 It is estimated that the importation of material to feed the proposed plant would generate around 16 lorry movements per day, which is comparable to the level of activity that would have been associated with a previously approved recycled aggregate facility (planning permission P1361.02), which was not brought forward and cannot now be implemented owing to the presence of a separately approved bagging plant.
- 2.4 The proposed plant, which would have an industrial appearance, would have a maximum height of approximately 10.5m, and would have an overall ground coverage of around 60sqm.

3. Relevant History

- 3.1 The Council is currently considering an associated application relating to the same site:

P1527.13 - Variation of Condition 2 of P0712.11 - To continue processing both indigenous and imported sand gravel on the existing, long standing processing plant until 30th June 2023 – Under consideration.

- 3.2 The planning permissions of most relevance to this application are as follows:

P1323.11 - Variation of Condition 1 of Planning Permission P1361.02 to extend the period of working to 31st December 2015 – Approved.

P0712.11 – Variation of condition 4 of planning permission P2239.87, to allow for the continuation of mineral processing until 31st December 2015.

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.

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

3.3 Summary of relevant mineral extraction and processing permissions:

Rainham Quarry (processing area and bagging area)

P1570.13 - Variation of Condition 5 & 6 of planning permission P1323.11, to amend the approved processing plant details – Under consideration.

P1323.11 – Variation of condition 1 of planning permission P1361.02 for the continuation of approved operations until December 2015 – Approved (06/03/2012).

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)

P1527.13 - Variation of Condition 2 of P0712.11 - To continue processing both indigenous and imported sand gravel on the existing, long standing processing plant until 30th June 2023 – Under consideration.

P0712.11 – Continuation of mineral processing at Rainham Quarry to December 2015 – Approved (06/03/2012).

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 – Approved.

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)

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

4. Consultations/Representations

4.1 This application was advertised by site notice and a press advertisement, and notification letters were sent to adjacent addresses. No representations have been received.

Non statutory Consultees

Highways - No response to date.

Environmental Health - No objections. Conditions recommended in relation to air quality and contaminated land.

5. Relevant Policies

5.1 Havering's Core Strategy and Development Control Policies DPD:

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:

National Planning Policy Framework ("the NPPF")

6. Staff Comments

6.1 Introduction

6.1.1 This proposal is put before Committee because, should planning permission be granted, an agreement under Section 106A of the Town and Country Planning Act 1990 would need to be completed.

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 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 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 mainly relates to approved development, some of which has been implemented, it also proposes the erection of new plant for the recycling of inert material. It should be noted that previously approved recycling plant (P1361.02) has never been implemented. In view of the fact that a separate planning application is before Members to extend the working period of the application site, with that application being recommended for approval, it is recommended that the current proposal should be subject to the same period of working (to 30th June, 2023.) This would mean that all of the development at the site would need to be removed by this date, and the previously approved restoration scheme implemented.

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 would involve the retention of the existing development but would also include additional plant, which would enhance the viability of the existing processing facility. It is therefore considered to be in accordance with Policies DC41, DC43 and DC45.

6.2.5 The guidance contained in the NPPF 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. The NPPF and the Development 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”.
- 6.2.7 In terms of Green Belt policy, this application proposes building operations (fixed plant and other structures) and a change of use (the recycling of inert material.) 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 the NPPF. 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.
- 6.3.2 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 heavily 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 the NPPF.

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 Environmental Health officers have raised no objections to the proposal subject to the use of conditions relating to contaminated land and air quality. It is recommended that these conditions be imposed should planning permission be granted, but should relate solely to the proposed new plant.

6.4.3 Given the siting, scale, and design of the proposal in relation to the surrounding area and especially in relation to distant residential properties, it is considered that the proposal would not result in any significant increase in harm over and above the operations already permitted and on-going at the site. 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 additional material would be imported to the site, and there would be an increase in heavy goods vehicle movements, in the region of 16 (8 in, 8 out) per day. The proposed conditions, having regard to a separate application that is recommended for approval, would allow the existing development to continue until 2023, meaning there will be a continued impact on the highway network.

6.5.3 However, the modest increase in vehicle movements, and the extension of time being suggested, need to be considered in light of the fact that previously approved recycling plant was never implemented, and that the applicants have previously signed up to an agreement not to import skip waste to the site, which had also previously been permitted.

6.5.4 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 The proposed plant would have a very limited footprint in relation to the overall mineral processing area, which includes other plant, buildings, hardstandings, and stockpiles. The proposed additional plant would be located in an area of the site forming part of the operational, mineral processing area, and it is therefore considered that the proposal would not have any significant impacts on local ecology.

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 prepare a deed of variation in relation to an existing legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

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