

REGULATORY SERVICES COMMITTEE

REPORT

13 October 2011

Subject Heading:	P0593.11 – Rainham Quarry, Launderers Lane, Rainham Variation of Condition 1 of planning permission P0761.05, to extend the life of the approved development to 31st December 2015, and consequential amendments to conditions.
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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	[]
Value and enhance the life of every individual	[X]
High customer satisfaction and a stable council tax	[]

SUMMARY

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

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

RECOMMENDATIONS

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

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

Reason:

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

INFORMATIVES

1. Reason for Approval:

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

REPORT DETAIL

1. Site Description

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

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

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

2. Description of Proposal

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

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

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

3. Relevant History

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

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

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

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

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

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

3.3 Summary

Rainham Quarry (processing area)

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

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

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

Rainham Quarry (Bagging area)

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

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

Rainham Quarry (processing area and bagging area)

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

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

Spring Farm Quarry (extraction area)

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

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

4. Consultations/Representations

4.1 Statutory Consultees

Natural England - No objections.

4.2 Non statutory Consultees

Highways - No objections.

Essex and Suffolk Water - No objections.

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

5. Relevant Policies

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

DC22 (Countryside Recreation)

DC32 (The Road Network)

DC43 (Ready Mixed and Processing Plant)

DC45 (Appropriate Development in the Green Belt)

DC58 (Biodiversity and Geodiversity)

DC61 (Urban Design)

SSA6 (Rainham Quarry Community Woodland)

5.2 Relevant national planning guidance:

MPS1 (Planning and Minerals)

PPS1 (Delivering Sustainable Development)

PPG2 (Green Belts)

6. Staff Comments

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

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

7. Assessment

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

7.2 Principle of development

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

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

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

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

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

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

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

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

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

7.3 Visual Impact

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

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

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

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

7.4 Local Amenity

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

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

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

7.5 Access Considerations

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

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

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

7.6 Nature Conservation

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

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

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

8. Conclusion

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

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

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