

# REGULATORY SERVICES COMMITTEE REPORT

13 October 2011

**Subject Heading:**

**P0712.11 – Spring Farm / Rainham Quarry, Lauanders Lane, Rainham**

**Variation of Condition 4 of planning permission P2239.87, to extend the period of mineral processing to 31st December 2015, and consequential amendments to other conditions.**

**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 P2239.87 granted consent for the continuation of the processing of indigenous and imported sand and gravel within the established Rainham Quarry

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

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

## RECOMMENDATIONS

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

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

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure a high standard of restoration.

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

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

Reason:

To ensure a high standard of restoration.

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

Reason:

To ensure a high standard of restoration.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure a high standard of restoration.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

## **INFORMATIVES**

1. Reason for Approval:

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

<b>REPORT DETAIL</b>
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1. **Site Description**

- 1.1 The application site comprises land within an established sand and gravel working, which is largely worked-out. The application site is primarily in use for the processing and storage of minerals, with fixed plant, a mineral stockpiling area, and associated site buildings present. A separate site within Rainham Quarry, run by a different operator, is located immediately to the north and comprises a fenced compound and buildings associated with the bagging of aggregate.
- 1.2 The site forms an irregular shape and is broadly located within an area bounded by 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 Launderers Lane. The sand and gravel extracted at Spring Farm is sent to Rainham Quarry (the application site) for processing and bagging.

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

## **2. Description of Proposal**

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

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

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

## **3. Relevant History**

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

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

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

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



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

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

### 3.3 Summary

#### Rainham Quarry (processing area)

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

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

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

#### Rainham Quarry (Bagging area)

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

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

#### Rainham Quarry (processing area and bagging area)

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

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

#### Spring Farm Quarry (extraction area)

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

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

## 4. Consultations/Representations

### 4.1 Statutory Consultees

Natural England - No objections.

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

## **5. Relevant Policies**

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

## **6. Staff Comments**

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

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

## **7. Assessment**

### **7.1 Principle of development**

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

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

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

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

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

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

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

7.1.7 In terms of Green Belt policy, this application proposes building operations (fixed plant and other structures) and a change of use (aggregate storage area.) It is considered that the use of land for the storage of aggregates, given the screened nature of the site and subject to height limitations, would not significantly diminish the openness of the Green Belt.

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

7.1.9 The proposal is considered to be acceptable in principle.

## 7.2 Visual Impact

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

7.2.2 The application under consideration proposes the temporary continuation of existing built structures for a relatively modest, additional period of two years and three months over and above what is already approved. The planning permission that would be varied permits mineral processing with its

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

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

### 7.3 Local Amenity

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

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

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

### 7.4 Access Considerations

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

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

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

### 7.5 Nature Conservation

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

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

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

## 7.6 Legal Agreement

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

## 8. Conclusion

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

## IMPLICATIONS AND RISKS

### Financial implications and risks:

None.

### Legal implications and risks:

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

### Human Resources implications and risks:

None.

### Equalities implications and risks:

None.

## BACKGROUND PAPERS

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