



Application Reference:	P1882.19
Location:	Wennington Quarry, New Road, Rainham
Ward:	Rainham and Wennington
Description:	Variation of Condition 11 of planning permission (Ref: P1407.13) dated 04/05/2017 granted for mining and extraction of materials from the site. The variation in condition would allow vehicles to enter the site prior to 08:00 to avoid waiting/parking on A1306.
Case Officer:	Habib Neshat
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 BACKGROUND

- 1.1 Planning permission has been granted for the extraction of mineral from the site. The development has commenced and works of extraction is under way. There are conditions which restrict the hours of the operation on site together with the movement of Heavy Goods Vehicle (HGVs) entering the site. The application seek to vary a condition which prevents HGVs entering the site before 8am.
- 1.2 Given the variation in traffic conditions, there have been occasions where HGV's have arrived at the site before 8am and have to wait on the road or pull onto the verge until the site is opened. There has been a growing concern that the HGVs parking on the road cause road safety hazards as well as damage to the grass verge.
- 1.3 Cllr David Durant – has called in the application. In order to establish the need for the variation, the number of vehicles involved, duration and to ensure, if approved, that suitable conditions are attached.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The variation of the condition would allow HGVs to enter the site before 8am, thereby obviating the need for parking within the vicinity of the entrance gate on the main road. Consequently this would result in avoiding obstruction of the highways and reducing the risk to road safety hazards. The site entrance and vehicle waiting area is some distance from residential properties and the waiting of vehicles in the site is not considered to impact on residential amenity.
- 2.2 Conditions would be imposed to ensure the impact of the development upon the social and environmental factors would remain acceptable.

3 RECOMMENDATION

- 3.1 That the Committee resolve to grant planning permission subject to the terms of the deed of variation pursuant to Sections 106 and 106A of the Town and Country Planning Act 1990 (as amended) carrying forward the terms of the existing unilateral undertaking (planning obligation and the following conditions

Conditions

- 1 Commencement time limit deleted
- 2 According to plans
- 3 Temporary period for 9 years from commencement
- 4 Phased development
- 5 All structures (machinery, plant, road, hardstanding) removed no later than 9 years or if disused.
- 6 Restoration of land if operation ceased after 12 months.
- 7 Tonnage limitation for removal and imported materials.
- 8 Control with respect to imported recycling waste materials
- 9 Recording of monthly output of materials
- 10 Limitation in the stockpiling of materials (height)
- 11 Total number and the hours of the HGV movement to and from the site.
- 12 Written record of vehicular movement
- 13 Hours of the operation
- 14 Archaeology
- 15 Water Quality and Quantity monitoring
- 16 Hydrological
- 17 Drainage Strategy
- 18 Contamination
- 19 Planting

- 20 Topsoil restoration
- 21 Control in topsoil removal (seasonal and moisture content)
- 22 Control in stripping, handling and restoration of top soil (origins, quality, quantity and depth).
- 23 Control over the excavation and lorry movement over land
- 24 Control over the forming, planting and maintenance of soil storage bunds around the site
- 25 Advance warning for stripping of soil
- 26 Quality of finished topsoil.
- 27 Control over the final levels.
- 28 Control over bringing the land back into quality agricultural condition
- 29 Vehicle cleansing
- 30 Road safety audit
- 31 Freight Management Plan
- 32 Noise levels
- 33 Air quality assessment.
- 34 Vibration
- 35 External lighting
- 36 Removal of permitted development rights.
- 37 No process or treatment of materials on land with respect to phase 6 and 7

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is to vary one of the condition imposed on a planning permission granted on appeal in 2017 for the mining and extraction of mineral from the site.
- 4.2 Currently there are two inter-relating conditions controlling the movement of HGVs to the site

Condition 11 requires;

“The total number of heavy goods vehicle movements in and out of the site associated with the development hereby permitted shall not exceed the following limits:

- a) 270 movements (135 in and 135 out) per day Monday to Friday; and
- b) 136 movements (68 in and 68 out) per day on Saturdays.

No vehicle movements in or out of the site shall take place outside the hours of operation authorised or on Sundays and Public and Bank Holidays.

The hours of the operation is currently contained within condition 13 which specifies;

Condition 13 requires

Except in emergencies, when the Local Planning Authority for minerals and waste shall be notified as soon as possible, operations authorised by this permission shall only be undertaken during the following times:

- c) 08:00 hours to 18:00 hours Monday to Friday; and
- d) 08:00 hours to 13:00 hours on Saturdays and at no other times including Sundays, Bank or Public Holidays.

Notwithstanding the details shown on Drawing No. 1308/W/2 v11, activities in the southern half of the site (Phases 6 and 7) shall only take place between the following times:

- a) 09:00 hours to 18:00 hours Monday to Friday; and
- b) 09:00 hours to 13:00 hours on Saturdays and at no other times including Sundays, Bank or Public Holidays.

It is proposed to change condition 11 as follows;

The total number of heavy goods vehicle movements in and out of the site associated with the development hereby permitted shall not exceed the following limits:

- e) 270 movements (135 in and 135 out) per day Monday to Friday; and
- f) 136 movements (68 in and 68 out) per day on Saturdays.

No vehicle movements in or out of the site shall take place outside the following hours

07:00 hours to 18:00 hours Monday to Friday; and

07:00 hours to 13:00 hours on Saturdays

Any vehicle movements between 07:00 hours to 08:00 hours Monday to Saturdays shall be limited to parking/waiting on site for operations to start in accordance with the authorised hours of operation.

There shall be no vehicular movement to and from the site on Sundays and Public and Bank Holidays

The change of condition in this manner would ensure that the limitation in hours of operation would not be altered.

4. Site and Surroundings

- 4.3.1 The application site is approximately 1 km south east of the village of Rainham and is a rough square plot extending to some 26 hectares. It is bound to the north by East Hall Lane, and further north by land which forms part of East Hall Farm. To the east the site is bounded by the A1306 (New Road) and to the west the site is bounded by Church Lane. To the south of the site is Wennington Road.
- 4.3.3 The nearest dwellings are on Church Lane and A1306, with their curtilage directly adjoining the application site.
- 4.3.4 The land is currently used for extraction of sand and gravel and some processing and storage of material. The materials are moved from the site by HGV vehicles.
- 4.3.5 The site forms part of the Metropolitan Green Belt and also forms part of the Thames Chase Community Forest. The site is partially located with flood zone 2 and partially within flood zone 3. The nearby ecological designations, the inner Thames Marshes SSSI and Rainham Marshes Nature Reserve is about 1 km south west of the site.

Relevant Planning History;

- 4.3.6 On 04/05/2017 planning permission (Ref: P1407.13) was granted on appeal for the winning and working of minerals, the erection of a low profile processing plant, workshop, site office, welfare unit, weighbridge and wheel cleaner and other ancillary buildings with restoration using pre-treated imported suitable inert materials to return the land to agricultural use. This was a conditional planning permission granted on appeal. The planning permission was also subject of a unilateral agreement for the provision for a highway contribution, a traffic management routing schedule and a local liaison group.
- 4.3.7 On 11-10-18 condition discharge (Ref; Q0258.17) was approved.

5 Consultation

- 5.1 A total of 151 neighbouring occupants/owners were invited to comment on the proposal. No comments has been received.

Internal and External Consultation:

- 5.8 The following bodies have been notified of the application;
- The Highway Authority,
Environmental Health,
Waste and Recycling,
Thames Water,
Essex and Suffolk Water,
National Grid (gas and electricity),
RSPB, Rainham Conservation & Improvement Society,
Fire brigade,
Tree officer,
Health and Safety Executive,
Regeneration and partnership,
Environment Agency,
Natural England,
Greater London Authority,
Transport for London,
National Planning Casework Unit,
Campaign for the Protection of Rural England,
The Ward Councillors were notified.

Apart from calling in the application by a Ward Member, no other reply has been received.

Cllr David Durant – has called in the application. to establish the need for the variation, the number of vehicles involved, duration and to ensure, if approved, that suitable conditions are attached.

6 MATERIAL PLANNING CONSIDERATIONS

- 6.1 The principle of the development subject to conditions and unilateral undertaking has been accepted on the site. The works of mining and extraction is currently underway.
- 6.2 The main planning issues raised by the application that the committee must consider are:
- The safety of the Highways condition
 - and impact upon amenities in terms of noise.;

- 6.3 The planning permission is subject to an unilateral undertaking (planning obligation), requiring the formation of a working party to observe the operation of the site. The working party has been formed and there appear to be regular meetings.
- 6.4 At the most recent meeting the local residents raised concerns that HGV lorries arriving early to collect material were parking on the A1306 and the verge until the quarry gates were opened at 0800. The concern was raised that the parking of the HGVs raises significantly road safety issues.
- 6.5 At the Liaison Meeting IVL were asked to submit a simple application to request a variation that would allow the quarry gates to be opened. It was agreed that this simple solution would address the issues.
- 6.6 It should be noted that there would be no requirement to vary any of the operating hours of 0800 - 1800 Monday to Friday and 0800 - 1300 Saturday in the main operational area, nor there are any proposal to park any vehicles in the South West operations area where the hours are slightly different.
- 6.7 The proposal to allow the HGVs to enter the site would avoid any potential road safety hazard to the road users within the vicinity of the site. The proposal would not change the hours of the operation on site. It means simply the HGVs entering the site would wait in their cab before the hours of operation commences. Therefore, the proposal in highway safety terms is considered acceptable.
- 6.8 It would appear there may be some concern with respect to likely increase in the noise from the HGVs entering the site before 8am. Policy DC55, explains that Planning permission will not be granted if it will result in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation, schools and hospitals.
- 6.9 However, it is considered that there would not be any additional noise, that would affect the noise as the lorries are already 'in the system' and all they would to do is park (i.e. no loading,). The entrance to the site and the area where the HGVs would be parking is located at a significant distance to the nearest dwellings. It is not anticipated the level of noise to increase to a level which could raise any significant concern.
- 6.10 In any event there are other conditions which have specifically been designed to address the control of noise and vibration.
- 6.11 This is a Section 73 application which in effect would result in the grant of a new planning permission. The approved scheme has been subject to restrictive conditions to minimise the impact of the development upon the social and environmental factors. Therefore any relevant conditions with

respect to the approved scheme capable of controlling the use, the operation and the final restoration of the site would need to be re-imposed.

- 6.12 Furthermore, the approval would also need to ensure the legal agreement with respect to the working of the liaison group and other relevant terms with respect to ongoing operation of the site would also continue to function in the same format. Therefore a deed of variation would be necessary to carry forward the ongoing terms for the duration of the development.

7 Financial and Other Mitigation

- 7.1 The council introduced the Community Infrastructure levy (CIL) with effect from 15th September 2019. The CIL charge covers a wide range of infrastructure as set out in the regulation 123 list. CIL is chargeable on the relevant net additional floorspace created by the development. The proposal would not increase any floorspace and hence it would not be CIL liable.

8. Conclusions

- 8.1 The proposal is made in a response to a request from the Liaison Group to address the concern of early arrivals parking on the A1306 and verges. The proposal would improve the highways safety and the free flow of traffic without compromising the amenities of the local residents.