

Officer Report On Planning Application: 10/00231/CPO

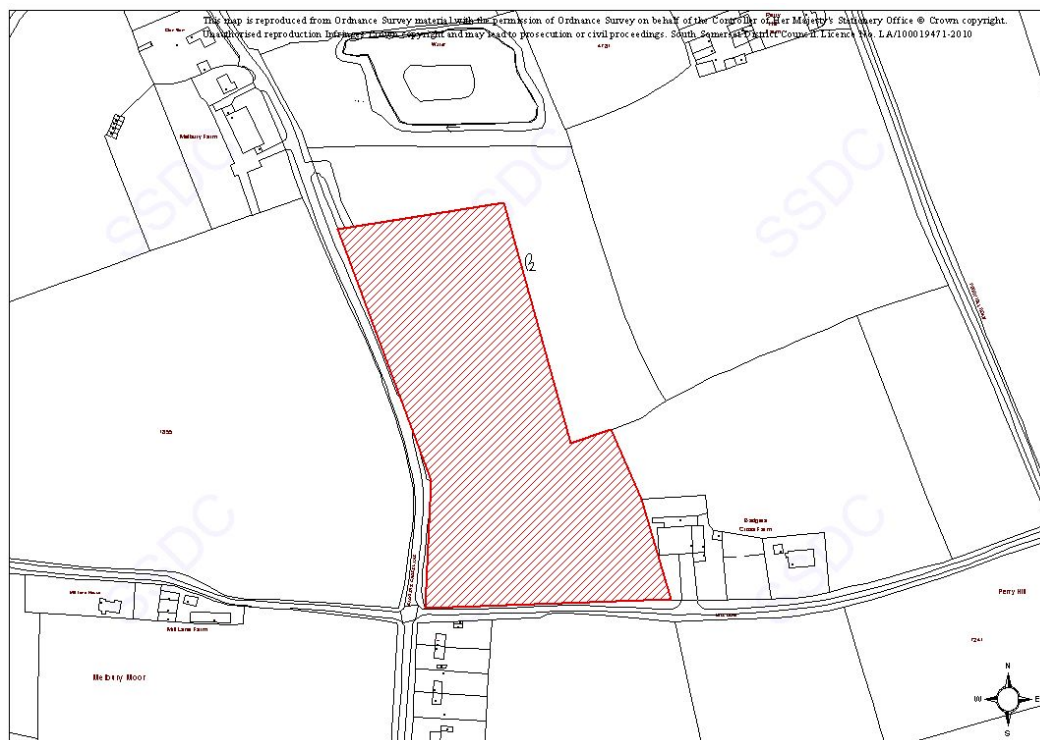
Proposal :	Section 96 review of old minerals planning permission (ROMP) under section 96 of the Environment Act 1995. (GR 348358/127733)
Site Address:	Quarry Badgers Cross Lane Somerton
Parish:	Somerton
WESSEX Ward (SSDC Members)	Mrs Jill Beale (Cllr) Mr Tony Canvin (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	16th February 2010
Applicant :	Mr & Mrs M Squire
Agent:	Greenslade Taylor Hunt 1 High Street Chard Somerset TA20 1QF
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

This application has been brought to the Area North Committee because the site owner is a District Councillor. This application is being reported to the Committee so a consultation response can be formulated and returned to Somerset County Council (SCC).

This item relates to a County planning application (CPO), which has been submitted to SCC. South Somerset District Council (SSDC) has been consulted on this application, and therefore SSDC has not carried out any external consultation on the application, as in this circumstance this is the role of SCC.

SITE DESCRIPTION AND PROPOSAL



The site is located just outside the southwest outskirts of Somerton, approximately 1.5km from the town centre. The site has had several approved planning applications dating from the 1940s and 1950s for quarrying. The site that is the subject of this application is made up of two parts: the first part is a rectangular shaped brownfield site that has had varying uses over the years since it was first quarried, including a landfill site, laundry business and storage, repair and retail of damaged motor vehicles. The second part of the site is a rectangular shaped field that has been used as agricultural land. This part of the site, while included in the quarrying consents on the site, has not been quarried.

Over the past 50 years many sites have received planning permission for extraction of minerals such as limestone and peat. Despite their age most of these permissions remain valid but are subject to few or no environmental or operating conditions. This application has been submitted to Somerset County Council, and seeks a Review of Old Minerals Planning Permissions (ROMP) under Section 96 of The Environment Act 1995. The Environment Act 1995 places an obligation on Mineral Planning Authorities to review and update conditions on old permissions. This process has been introduced to ensure the conditions attached to older mineral planning permissions are brought into line with the Governments modern environmental standards.

HISTORY

09/04464/CPO: Construction of a household waste-recycling centre. Application withdrawn on 14/01/2010.

09/03655/CPO: Construction of a household waste-recycling centre. Application withdrawn on 22/10/2009.

08/03000/FUL: The erection of 2 no. agricultural buildings for the storage of fodder and machinery and 2 no. polytunnels. Granted conditional approval on 11/11/2008.

08/01021/AGN: The erection of an agricultural building for the over-wintering of cattle and for calving. Decision that planning permission is required made on 31/03/2008.

01/01430/COU: Use of land and buildings for storage, repair and retail of damaged motor vehicles, carry out engineering works and erection of new covered area for accident damaged cars. Granted conditional approval on 26/07/2001.

98/01521/AGN: Notification of intent to erect agricultural building for use as dry feed store. Approved on 04/09/1998.

97/00664/COU: Change of use of site to laundry business (class B1) involving erection of chimney, provision for car parking and open storage. Application withdrawn on 10/09/2001.

92/01773/FUL: Erection of an agricultural building for the housing of cattle. Granted conditional approval on 24/09/1992.

90/02181/CPO: The use of land for the tipping of spoil arising from enlargement of fishing pond. Conditional approval granted on 18/03/1991.

871457: Carrying out excavation works to increase size of pond used for pleasure fishing. Granted conditional approval on 01/07/1987.

851909: Outline: Light industrial development of land to accommodate a civic amenity area. Application refused on 04/04/1986.

770454: Outline: Erection of workshop for light agricultural vehicle maintenance. Application withdrawn.

24771/C: Erection of garage/workshop. Granted conditional approval on 12/01/1973.

2621/E: Erection of dwelling and use of existing vehicular access. Application refused on 03/08/1972.

24771/B: Use of land as controlled refuse tip. Granted conditional approval on 04/10/1971.

2621/D: Formation of vehicular access. Granted conditional approval on 05/04/1967.

24771/A: Use of land as site for caravan and sectional wooden hut. Granted conditional approval on 06/12/1965.

A/5179: Erection of a non-illuminated sign. Granted conditional approval on 10/11/1965.

2621/C: Erection of cloakroom and concrete block making shed. Approved on 29/09/1965.

2621/B: Alterations of vehicular access. Approved on 01/06/1965.

2621/A: Erection of ready mix concrete batching plant and improvement of existing vehicular access. Granted conditional approval on 04/12/1963.

35925: Use of land for disposal of factory waste. Application withdrawn.

24771: Outline: Use of land for manufacture of concrete products and erection of a building in connection therewith. Granted conditional approval on 04/08/1954.

2621/A: Continued excavation of limestone. Granted conditional approval on 05/12/1951.

2621: Continued quarrying of stone. Granted conditional approval on 01/04/1949.

2691: Continued quarrying of stone. Granted conditional approval on 30/03/1949.

POLICY

Environment Act 1995

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant development Plan Documents unless material considerations indicate otherwise.

Regional Spatial Strategy:

Policy VIS 1 - Expressing the Vision

Policy VIS 2 - Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR5 - Development Outside Towns, Rural Centres and Villages

Policy 24 - Mineral Safeguarding
Policy 25 - Aggregate Production
Policy 27 - Minerals Landbanks
Policy 28 - Level of Mineral Output
Policy 30 - Reclamation and After-Use
Policy 31 - Recycling Mineral Waste
Policy 32 - Extraction Criteria

South Somerset Local Plan (Adopted April 2006):

Policy ST3 - Development Areas
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development
Policy EP1 - Pollution and Noise
Policy EP2 - Pollution and Noise
Policy EP4 - Building Waste
Policy EP9 - Control of Other Potentially Polluting Uses

CONSULTATIONS

Environmental Health Officer - Observations on this consultation are with regard to the noise limits being proposed. Having considered MPG11 and its draft replacement, the proposed condition 16, should be amended in accordance with recommended level (recommended condition supplied).

Area Engineer - No comment

Town Council (in response to County Planning Authority) - Response provides suggested amendments to conditions as well as additional conditions.

REPRESENTATIONS

One letter of objection has been received, although SSDC has not notified any neighbours. This letter expresses concern over the following issues:

- Concern over the impact on the residents in Badgers Cross from this application coupled with the potential move of the recycling centre to this site
- Concern over extra volume of traffic that may access the site as heavy lorries cause problems with vibration to property

CONSIDERATIONS

The use of the site as a quarry already has planning permission, and therefore the purpose of this application is not to establish whether a quarrying use is acceptable. This application has been submitted to assess the suitability of the proposed conditions as put forward by the agent. The proposed conditions can be amended or deleted, and additional conditions can be recommended.

The proposed conditions as put forward are broken down into the following categories:

Procedural Conditions:

1. Time limit condition to expire in February 2042
2. Restriction to the area of the site to be quarried - the proposed area to be quarried is restricted to the half of the site that is currently agricultural land, and not the brownfield site

Conditions concerned with the working of the site: these proposed conditions cover issues such as:

1. Specific areas to be worked, and method for this working, e.g. direction of working within the site
2. Treatment of soils during working
3. Site access

Conditions concerned with protection of the environment: proposed conditions cover:

1. Surface water treatment and drainage systems within the site
2. Protection of hedges and trees
3. Cleaning of vehicles prior to leaving the site
4. Noise management and monitoring scheme
5. Hours of working
6. Restriction on blasting
7. Processing of stone on site
8. Treatment of dust
9. Vehicular movement restrictions
10. Restriction on lighting
11. Archaeological investigation

Conditions restored with the restoration of the site:

1. Depth of working
2. Restoration of land to agricultural use after quarrying
3. Time limit for restoration

The consultation responses carried out by SSDC have identified an amendment as recommended by the Environmental Health department, relating to a noise condition. The following condition has been recommended by Environmental Health:

The noise levels arising from works within the land coloured yellow on the plan. 171/2A dated 18th November 2009 shall not exceed 45dB LAeq 1hr when measured at the boundary of the nearest residential property, unless otherwise agreed in writing with the County Planning Authority.'

The Environmental Health department have not made any comments on any of the other conditions proposed and therefore it is assumed that the Environmental Health department considers the proposed conditions adequate.

RECOMMENDATION

That Members consider this application for a ROMP under Section 96 of The Environment Act 1995 for the site at Badgers Cross, and provide a recommendation on the proposed conditions to enable a consultation response to be formulated and returned to Somerset County Council.