

DR/29/09

committee DEVELOPMENT & REGULATION

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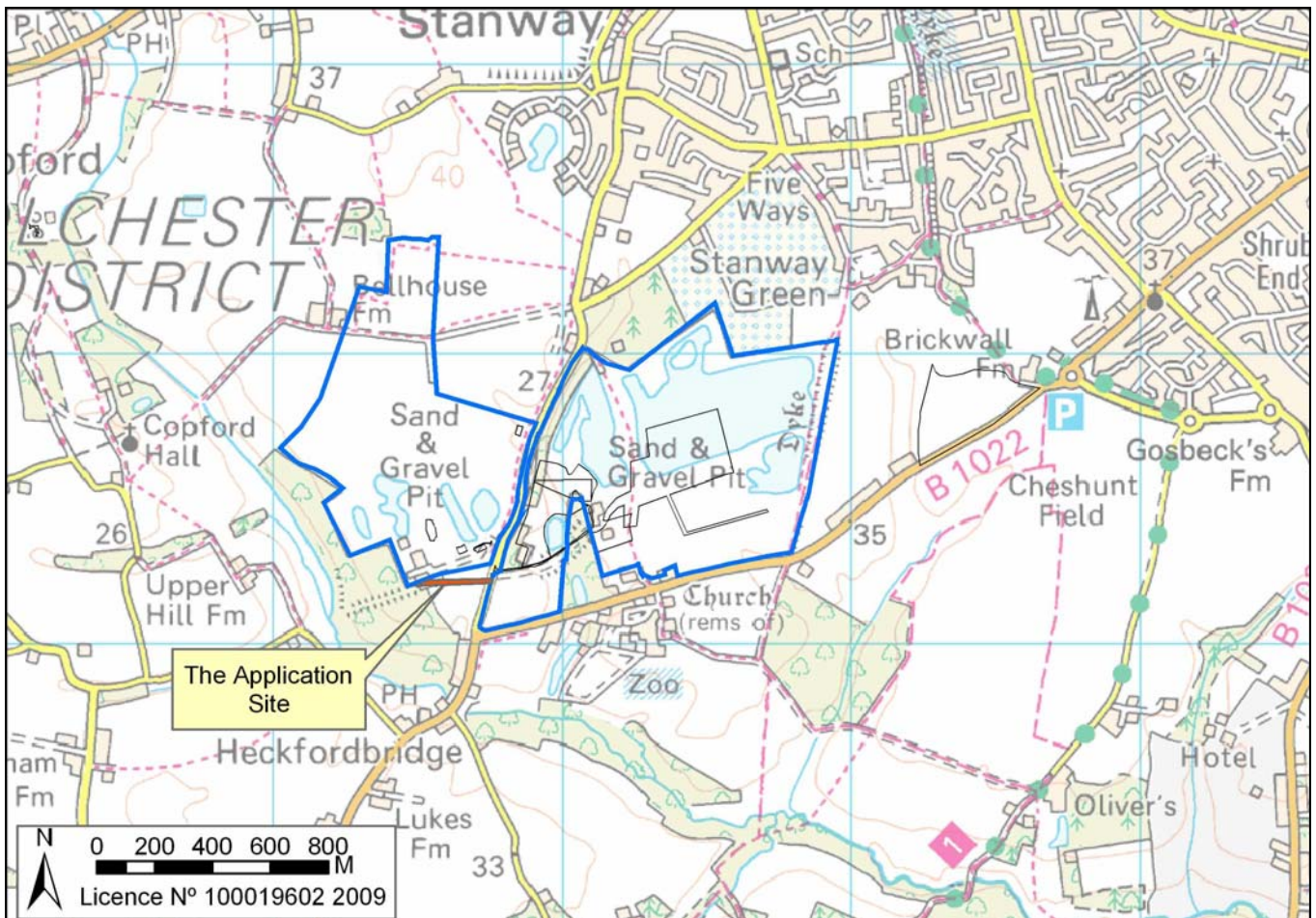
MINERALS AND WASTE DEVELOPMENT

Retrospective application for the installation of temporary pipework to connect two parts of quarry to facilitate movement of water.

Colchester Quarry, Warren Lane, Stanway. Ref: ESS/09/09/COL

Report by Head of Environmental Planning

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1. BACKGROUND

The applicant operates a sand and gravel quarry known as Colchester Quarry 5.5km south west of Colchester town centre. The quarry is divided centrally by Warren Lane which runs north to south between two areas of the quarry. To the east of Warren Lane is the sand and gravel quarry area known as Stanway Hall Farm, to the west are the areas known as Bellhouse Farm and Abbotstone which are being worked for sand and gravel and restored by landfilling with non-hazardous commercial, industrial and household waste.

2. SITE

The 0.04ha linear application site is located within an agricultural field owned by the applicant to the south of the Bellhouse Farm permitted area and to the east of Warren Lane.

Public Footpath 16 Stanway runs northwards from the north-eastern corner of the agricultural field along Warren Lane.

The nearest properties are located approximately 0.5km to the south of the application site along the B1022 Maldon Road.

The site lies within a Countryside Conservation Area and adjacent to a Site of Importance for Nature Conservation to the west.

A large pile of sand material has been placed inside the access gate to the field in order to prevent intruders but is not associated with this application.

3. PROPOSAL

The quarry already manages water which accumulates from surface and groundwater and from mineral washing processes on the quarry site.

Surface and groundwaters are usually discharged directly off site but processing water is circulated within the Stanway Hall part of the quarry and passed through a number of silt lagoons to allow sediments to settle and ensure clean water.

The applicant wishes to transfer water from the Bellhouse Farm area to the settlement lagoons in the Stanway Hall part of the quarry and then transfer the clean water back to the Bellhouse Farm area for reuse. The application is for the connection of the two areas using two pipes.

Two 300mm pipes have already been placed beneath Warren Lane and the necessary Street Works Consent has been obtained.

In the application area the pipes lie on the surface of the field. As this area is outside of the permitted quarry area, a retrospective planning application has been required in order to regularise the development in planning terms.

The applicant proposes that the pipe would be removed by the end of 2010.

4. POLICIES

The following policies of the Review Colchester Borough Local Plan, (CBLP), adopted March 2004, and the Essex Minerals Local Plan (MLP), adopted November 1996, provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>CBLP</u>	<u>MLP</u>
Countryside Conservation Area	CO3	
Areas for Informal Recreation Bellhouse	STA3	
Development Control	DC1	MLP13
Nature Conservation - Habitats	CO5	

5. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL – Disappointed that a visually destructive option has been chosen and asks that Essex County Council refuses the application and that the applicant relocates the pipes northwards into the existing site.

ENVIRONMENT AGENCY – No objection

NATURAL ENGLAND – No objection

ESSEX WILDLIFE TRUST – Any comments received shall be reported

NATURAL ENVIRONMENT (Trees) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No comments to make

HISTORIC ENVIRONMENT (ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS) – No comments to make as any damage to below ground archaeological remains will already have been done.

STANWAY PARISH COUNCIL – Object on the grounds that the development is located outside of the consented area for the quarry, the land was excluded from the quarry due to its possible archaeological interest, and consent for this development would set a precedent for works associated with the quarry to take place outside of the consented site.

LOCAL MEMBER – COLCHESTER – Stanway & Pyefleet – Any comments received shall be reported

6. REPRESENTATIONS

Three properties were directly notified of the application. One letter of representation has been received from the Ward Councillor for Stanway relating to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Objects to the application as the site is not within the area of land already consented for the quarry operations and is on land excluded due to its possible archaeological interest.	See appraisal
Considers that the development would set a precedent for future quarry works to take place outside of the consented area.	See appraisal
It is a visual blight on the landscape.	See appraisal

7. APPRAISAL

The key issues for consideration are:

- A. Impact on amenity and the immediate area
- B. Development outside of permitted quarry limits

A IMPACT ON AMENITY AND THE IMMEDIATE AREA

CBLP Policy DC1 (Development Control) states that development will only be permitted if it does not cause unacceptable harm through pollution to land, air, water, people or natural resources.

MLP Policy MLP13 (Development Control) requires refusal of development related to mineral extraction where it has an unacceptable effect on the visual and aural environment, local residents' amenity, landscape and countryside, the highway network, water resources and nature conservation.

The two pipelines are required by the applicant in connection with the quarrying operations to the north and east of the application site. The pipelines lie on the surface of the field, except for where they are buried underground in order to pass beneath the public highway, but cannot be seen from Warren Lane. The field which the pipelines lie within is very well screened by a hedgerow along Warren Lane and by trees on the western boundary.

The pipelines do not emit noise and, due to the nature of the development, there is no risk of pollution to air.

The application site lies within a Countryside Conservation Area and Areas for Informal Recreation as defined by the Review Colchester Borough Local Plan 2004. CBLP Policy CO3 (Countryside Conservation Area) states that these areas will be given special protection from development likely to be prejudicial to their natural, social or cultural resources. The Plan states that archaeological remains are included in these resources.

It is considered that as the majority of the pipelines lie on the surface of the field, they have not caused significant damage to the overall area in terms of archaeology. The application site is not in an area of known archaeology and It is noted that the County Council's archaeological expert has not objected to the development. It is therefore considered that the development does not conflict with the requirements of CBLP Policy CO3 (Countryside Conservation Area).

CBLP Policy STA3 (Areas for Informal Recreation) designates the application area as an area for informal and formal outdoor leisure uses. The installation of temporary pipelines does not prevent the use of the land for informal or formal outdoor leisure uses as they are proposed to be removed by the end of the year 2010. This could be required by an appropriately worded condition should planning permission be granted. It is therefore considered that the development complies with CBLP Policy STA3 (Areas for Informal Recreation).

The application area lies adjacent to a Site of Importance for Nature Conservation. CBLP Policy CO5 (Nature Conservation – Habitats) protects such areas by stating that development likely to have an adverse effect on these sites will not be approved unless it can be clearly demonstrated that reasons for the proposal outweigh the need to safeguard the site.

The application site does not intrude into the Site of Importance for Nature Conservation and, owing to the nature of the pipelines they are extremely unlikely to have any effect at all on the designated area. Therefore the development is considered to comply with CBLP Policy CO5 (Nature Conservation – Habitats).

Taking all of the above factors into account, the development is considered to comply with CBLP Policy DC1 (Development Control) and MLP Policy MLP13 (Development Control).

B DEVELOPMENT OUTSIDE OF PERMITTED QUARRY LIMITS

The installation of pipelines within the limits of the permitted quarry may be considered to be permitted development under Part 19 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and therefore would be unlikely to require express planning permission.

The installation of pipelines outside of the quarry limits cannot be considered to be permitted development, even though in this case the development is on land owned by the applicant.

Consultees have raised the issue that the pipelines should be moved to within the permitted quarry area and that the grant of permission for these pipelines would set a precedent for future development outside of the permitted quarry area.

The current location of the pipelines presents the shortest distance between the source and receptor, thereby reducing the amount of pipe necessary for the job and also reducing the amount of power required for the pumping of water over a shorter distance.

A thrust bore hole was created under Warren Lane in order to insert the pipelines under the highway. The area chosen for this is the narrowest part of Warren Lane and therefore the applicant considered that this would present the least disruption to highway users during construction.

A precedent would not be set for development outside of the permitted quarry limits if planning permission is granted for this development as every planning application is determined on its own merits.

If the pipelines were to be located within the existing quarry limits, much more pipeline and power would be required. Whilst this in itself is not a reason to allow the installation of pipelines elsewhere, in conjunction with the factors discussed above it is considered that there are no significant planning reasons to refuse the grant of planning permission. Therefore, on balance, the pipelines are considered to comply with planning policy and approval of planning permission is recommended.

RECOMMENDED

That planning permission be **granted** subject to conditions covering the following matters:

1. C2 – Development in accordance with plans and details
2. Cess1 - Removal by 31 December 2010.

BACKGROUND PAPERS

Consultation replies

Representations

Ref: P/DC/Shelley Birch/ESS/09/09/COL

LOCAL MEMBER NOTIFICATION

COLCHESTER – Stanway and Pyefleet