

Somerset County Council
Regulation Committee –
Report by Paul Hickson
Strategic Commissioning Manager

Application Number: 16/05418/CPO
Date Registered: 21 November 2016
Parish: Charlton Mackrell
District: South Somerset District Council
Member Division: Somerton
Local Member: Councillor Dean Ruddle
Case Officer: Sue Penaluna
Contact Details: planningcontrol@somerset.gov.uk (01392 383000)

Description of Application: **RETROSPECTIVE APPLICATION TO RE-CONTOUR AN EXISTING SCREEN BUND TO ACHIEVE A UNIFORM HEIGHT AND CONFIGURATION AND PLANTING WITH TREES AND SHRUBS.**

Grid Reference: 353922 - 128298

Applicant: B Perry, Tout Quarry, Charlton Adam, Somerton TA11 7AN

Location: Tout Lane, Charlton Adam, Somerton, TA11 7AN

1. Summary of Key Issues and Recommendation

1.1 This is a retrospective application which has been before this Authority since 2016. The key issues for members to consider are:

- Amenity considerations (noise and dust)
- Landscape and visual impact
- Biodiversity and green infrastructure

1.2 It is recommended that planning permission is GRANTED subject to the condition set out in section 10 of this report and that the authority to undertake any minor non-material editing which may be necessary to the wording of this condition be delegated to the Strategic Commissioning Manager – Economy and Planning.

2. Description of the Site

2.1 The application site is the top part of an existing planted bund which forms the northern boundary of the stone yard operated by the Ham and Doultling Stone Company on the floor of the previously worked-out Blue Lias quarry. The stone yard and the adjacent large blockworks to the south are already screened by similar large planted bunds along the full extent of Chessells Lane to the west and the bund along the northern boundary of the stone yard which is the subject of this application is of similar dimension and planting type.

3. The Proposal/Background

3.1 Tout Quarry has a long history of quarrying and stone related uses but has not itself operated as a quarry for some years since it became worked out. An application has been submitted to the County Council for an extension of the site to the east provide a new Blue Lias quarry, but this is as yet undetermined.

3.2 The stone yard manufactures walling and architectural stones from a number of local and regional stone types imported into the site such as Bath stone, Ham stone, Portland stone and Blue Lias from other sources.

3.3 This is a retrospective application to extend and raise the height of a bund that substantially existed in this location before the application was made in 2016. The bund had originally been constructed to screen the old Blue Lias quarry from the village of Charlton Adam, and its retention had been a part of the conditions of a planning appeal allowed in 1993.

3.4 Its main purpose is to provide an acoustic and visual screen between the stone processing area and blockworks and the houses on the southern boundary of the village of Charlton Adam, the nearest of which is some 10m from the foot of the original slope and 25m from the edge of the works. The crest of the bund is approximately 10m in height from the level of the stone yard.

- 3.5 It appears that the lower part of this bund has been in place since at least the early 1990s, which is borne out by the maturity of the vegetation at its foot on the northern (village) side. The application relates to a heightening and extension of the bund to provide a uniform boundary and an improvement to the acoustic screening of the sites to the south. The planting has already been carried out and has been growing for 2-3 planting seasons and is protected by tree tubes. Weeds are being managed and the face is now greened up. The applicant states that a strip of Leylandii along the top only provides a temporary screen until the broadleaved species attain more coverage after which it will be removed.

4. The Application

- 4.1 Plans and documents submitted with the application are set out below:

- Application forms and notices
- Documents:
 - Planning Supporting Statement (15th July 2016)
 - Drawing 16 219/035_0 Rev 1 (Site Survey) 18.03.2016
 - Drawing 16 219/036_0 (Cross Section A-A)

5. Environmental Impact Assessment (EIA)

- 5.1 The proposal did not fall within the description or thresholds for EIA development in either Schedule 1 or 2 of the 2011 EIA Regulations. The scale and impact of the development would not have significant effects on the environment by virtue of its nature, size or location within the meaning set out in the 2011 Regulations.

6. Consultation Responses Received

External Consultees

- 6.1 South Somerset District Council – No objection (South Somerset did not include the landscape officer's comments referenced by the objector as set out below)
- 6.2 The Charltons Parish Council – Recommend approval.

Public Consultation

- 6.3 An objection was received from a neighbour in Chessels Lane who considers that the bank is very large and the planting should be improved to make it less visible to villagers. This objector states that the landscape officer for the District Council has queried the planting mix which should include native shrub species rather than short lived small tree species. The bank should be pushed further back into the site and planted with more appropriate tree species. There should be a condition requiring the replacement of any trees that fail with more appropriate planting.

7. The Development Plan

7.1 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development Plan consists of the following documents, with the main policies of relevance to this proposal being set out in Section 11 below:

- The Somerset Minerals Plan (Adopted February 2015)
Policies: DM1 (Landscape and Visual Amenity); DM8 (Mineral Operations and the protection of local amenity).
- South Somerset Local Plan (Adopted March 2016)
Policy EQ4 (Biodiversity); Policy EQ5 (Green Infrastructure); Policy EQ7 (Pollution Control).

8. Material Considerations:

8.1 Other material considerations to be given due weight in the determination of the application include the following:

- The National Planning Policy Framework (NPPF) (February 2019)
- Planning Practice Guidance (Minerals)

Landscape and Visual Impact

8.2 The bund provides a visual barrier between an established industrial estate and the small rural settlement of Charlton Adam. The bund is of a similar height and configuration to the other bunds screening the industrial site from views from Chessels Lane to the west and, although it “reads” as an artificial structure, the visual impact on the village and from distant views of the uses within the site are likely to be high without it.

8.3 The only objection to the height came from the nearest resident but, although the existing bund was made higher by this application, the highest part of the bund is some 25m from the facade of the dwelling. As the vegetation is growing and the face of the bund is greening up, the impact is likely to have reduced from when this application was originally submitted.

8.4 If the bund were to be removed, or re-sited, the short-term impact on the landscape is likely to be significant.

Amenity considerations (Noise and Dust)

8.5 The bund was raised in height and extended in part to provide an acoustic barrier for the operations from the stone yard and blockworks. The EHO and Somerset Scientific Services have confirmed (with relation to a subsequent application adjacent to this site) that they have received no noise complaints about operations to the south since this bund was raised in height.

Biodiversity and green infrastructure

- 8.6 The objector references comments made by the South Somerset Landscape Officer about the planting mix and whether it is appropriate for the site. The District Council did not pass on these specific comments and raised no objection to the application. The planting that has been carried out has had two years' growth and is starting to thicken out, but the objector did raise a reasonable point about the mix containing only short-lived and slender specimens. This matter may be resolved by applying a planning condition which requires the planting to be reviewed and maintained for a period of 5 years, during which the coverage can be reviewed and additional planting undertaken if necessary.
- 8.7 The operator has also planted a row of *Leylandii* just below the crest of the bund, and it is his view that this was done to provide a rapid "green" coverage to hide the crest of the bund and that this could be removed. It is recommended that this is removed as soon as possible and replaced with a line of native hedgerow species for landscape and biodiversity value; this will enable the bund to provide a linear habitat, linked to the other bunds and the hedgerows and banks to the east along the public footpath.

9. Conclusion

- 9.1 The bund is visible from the north and from some properties along Chessells Lane, but the height of the bund also plays a significant role in mitigating the impact of noise from the site, both from the stone cutting in the stone yard and from the very large blockworks to the south. If the bund was removed, lowered or replaced the noise from these operations would be more apparent in the village and would be likely to lead to additional noise complaints.
- 9.2 Any proposals to draw the bank south away from the adjacent residence would create considerable new disturbance, would be likely to damage the planting at the foot of the slope which has attained some maturity and lead to the loss of two years growth for the new planting on the remodelled face of the bund. It is not considered that the proximity of the bank to the neighbouring property is of sufficient detrimental impact to warrant this.

10. Recommendation

- 10.1 It is recommended that planning permission be GRANTED subject to the following condition and that the authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager – Economy and Planning.

Condition 1: Within four months of the date of this permission, the applicant shall submit to the Mineral Planning Authority and have approved in writing a scheme for the maintenance of the planting.

The scheme shall set out proposals for the management of the existing trees and shrubs, their protection and proposals for management including weed suppression.

The scheme shall also set out proposals for the replacement of any specimen that dies, becomes diseased or is removed for a period of 5 years following the approval of the scheme.

Reason: To enable the Mineral Planning Authority to ensure that the planting provides the landscape and ecological benefits required by Policies DM1, DM2 and DM8 of the Somerset Minerals Plan.

11. Relevant Development Plan Policies

- 11.1 The following is a summary of the reasons for the County Council's decision to grant planning permission.
- 11.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:-

Somerset Minerals Plan (Adopted February 2015)

The policies in the development plan particularly relevant to the proposed development are:

SMP9 (Safeguarding)

The area of the application site is within a safeguarded area for the production of building stone. The stone yard processes stones from across the County and so the retention of the bund will support its continued use whilst meeting the requirements of Policy DM8.

DM1 (Landscape and visual amenity)

There were no objections to the proposal from the landscape advisers at either the District or the County Council. The bunds around the site whilst visible in themselves seek to screen the large blockworks and stoneworks from wider views and the tree cover will lessen its impact.

DM2 (Biodiversity and geodiversity)

The planted bunds provide a linear habitat for species and foraging. In any review of planting the opportunity can be taken to include species with better ground cover and forage (berries etc)

DM8 (Mineral operations and protection of local amenity)

These bunds were originally constructed to provide a landscape and acoustic barrier between the operations at Tout Quarry and the village. Without these bunds it is acknowledged that noise levels would be higher in Charlton Adam.

It is considered that the retention of the bund will have no significant adverse effects on the local community or environment.

South Somerset Local Plan (adopted March 2015)

EQ2 (General Development)

The bund would not have any significant impact on the local landscape character as it is an alteration to a previously existing structure which reflects the other landscape/noise bunds around the site. It is considered that without this bund there would be greater landscape impact from views into the industrial site from the north.

EQ4 (Biodiversity)

The provision of this planted structure provides a linear structure which can be used as foraging and nesting habitat. It will, when the planting is more mature provide a link between the bunds around the site and the new bunds to the east which have been constructed to screen views into the blockworks and the existing hedgerow network. The condition requiring review of planting will enable consideration to be given to more appropriate ground cover species. If planning permission were not to be granted, there is likely to be damage to any habitats that have already established.

EQ7 (Pollution control)

The bunds around the site were originally required through a planning appeal decision and it is clear that the intent was to manage noise and dust from the site. If permission were not to be granted, the lowering of the bund is likely to increase noise emissions north to the village and will provide less of a barrier to fugitive dust.

- 11.3 The County Planning Authority has also had regard to all other material considerations.
- 11.4 Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015
- 11.5 In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, Minerals Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.