

**ITEM: 10**

**Application Number:** 09/01787/FUL

**Applicant:** Aggregate Industries UK Limited

**Description of Application:** Variation of conditions imposed upon existing planning permissions to retain plant & equipment for the manufacture & distribution of ready mixed concrete until December 2010 (a 12 month extension)

**Type of Application:** Full Application

**Site Address:** HAYE QUARRY, STAG LANE PLYMOUTH

**Ward:** Plymstock Dunstone

**Valid Date of Application:** 03/12/2009

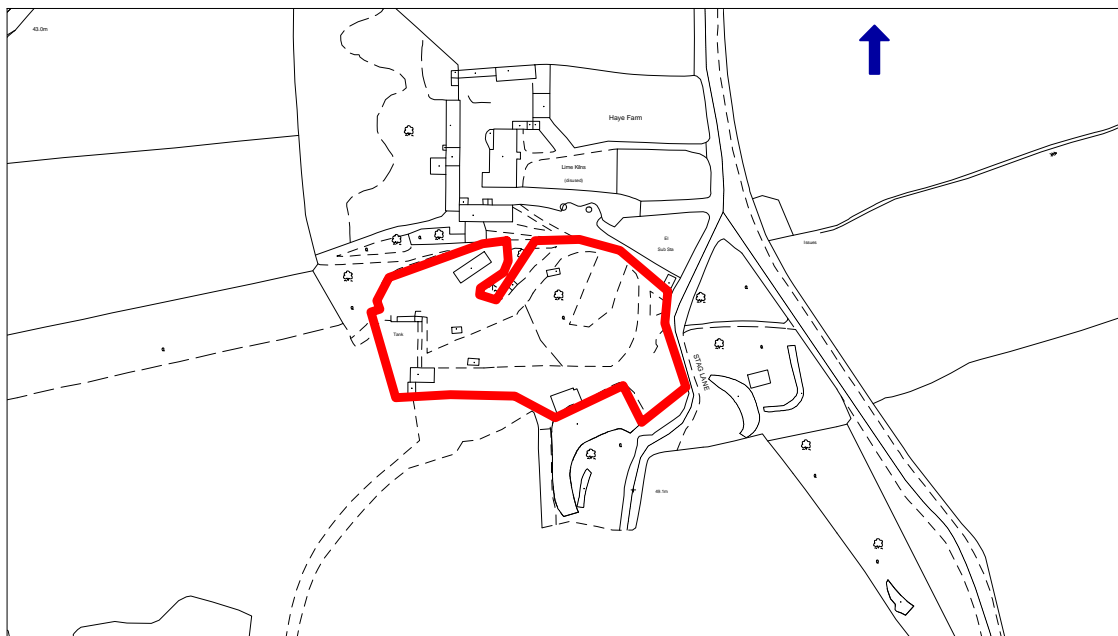
**8/13 Week Date:** **04/03/2010**

**Decision Category:** Major Application

**Case Officer :** Alan Hartridge

**Recommendation:** Grant Conditionally

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## OFFICERS REPORT

### Site Description

This is an area of disturbed tipped land (Approx 2 ha ) within the northern extremity of the large Moorcroft Quarry complex, with un-surfaced haul-road access from the south from within the quarry complex and with surfaced access from the highway cul-de-sac that is the remnant Stag Lane off Haye Road to the east through a high security gate.

This piece of elevated tipped ground houses sheds and plant associated with a concrete batching plant, and some areas are partly colonised by shrubs, with established tree belts to the north and east.

The site lies south of a complex of converted Listed barns/lime kilns mainly with access from the former Haye Farm farmstead access with Haye Road, but the batching plant is screened from this residential 'enclave' by a fence and tree planting and a storage building. The access route to one of the converted barn dwellings runs for a short length within the northern boundary of the application site from Stag Lane (see site planning history).

### Proposal Description

Temporary planning permissions have been given by the relevant local planning authorities over more than 30 years at regular intervals for the retention of plant and equipment and business operations here associated with the manufacture and distribution of ready-mix concrete.

During the last 12 months the applicants secured planning permission for relocating to a suitable location within the complex. That would enable them to provide a new purpose built concrete batch plant on a site with better access to the Moorcroft Quarry main entrance and exit. It is envisaged that once relocated the Stag Lane access to Haye Road would be an emergency only access and the land comprising the current application site would be restored in accordance with the approved restoration scheme. However, the applicants state that the relocation programme has had to be rescheduled due to constraints resulting from the recent economic downturn and this proposal is a request to continue operations and extend the temporary planning permission.

### Relevant Planning History

7203/264/48 -- Planning permission, subject to conditions, for quarrying operations at Haye Quarry August 1949 (area subsequently absorbed into Moorcroft Quarry complex). Remodelling and landscaping to be to the satisfaction of the local planning authority.

6398 -- Planning application refused December 1960 for concrete block works because increased volume of traffic using Stag Lane would create traffic hazards in the locality.

215/65 -- Temporary planning permission for Haye Quarry plant.

1671/69 and 50/80 and 3859/88 -- Temporary permissions to retain plant and equipment for the manufacture and distribution of ready-mix concrete.

98/0535 -- Temporary permissions to retain plant and equipment for the manufacture and distribution of ready-mix concrete – with condition requiring the use to be discontinued and works removed no later than 30<sup>th</sup> June 2008 – the subject of the current application.

02/00369 and 370 – Planning permission and listed building consent for conversion and extension of a group of barns and listed lime kilns to form 5 dwellings set around the farm courtyard at Hays Farm, north of the application site, with a separate access to serve one of the dwellings (a Listed barn) off Stag Lane and with part of the access route within the northern boundary of the application site.

08/0481/FUL – planning permission for the variation of condition 1 imposed upon the last planning permission (ref 98/0535) to extend the time limit by which the use shall cease and the works shall be removed from 30<sup>th</sup> June 2008 to the suggested date of 31<sup>st</sup> December 2009.

## **Consultation Responses**

### **Highway Authority**

There is no objection to the continued, temporary operations at the site as proposed although it is suggested that the access onto Stag Lane be closed and used only as an emergency access once the batching plant has closed and planning permission has expired.

A condition is suggested.

### **Representations**

None

### **Analysis**

Condition 1 of Application 08/00481/FUL permitted the continued use of this site for ready-mixed concrete operations and plant for a temporary period expiring 31<sup>st</sup> December 2009 as it was envisaged that the activity would have moved by then to a more suitable and permanent site within the complex. The period was an additional 18 months time to enable the applicants to complete a site survey for a suitable location for a new purpose built concrete batch plant; complete any ground works required; order and construct the new plant and commission the new operation. However, although planning permission has been obtained for the new site, relocation has stalled. The current economic downturn was not envisaged. The applicants point out that in order to maintain continuity of ready mixed concrete supplies into the Plymouth market it is essential that the Hays Quarry plant is permitted to operate for a further 12 month period.

The main planning issue is whether a further extension of time is warranted on a site where the local planning authority has acknowledged that business activity has been warranted on successive limited period permissions only. The access for the batching plant is on Stag Lane which is public highway and leads to a junction with Hays Road which is an unlit 40mph road with limited visibility on some of the bends along it. The junction is also used as an access for a number of dwellings at Hays Farm (previous permission 02/00369/FUL

and 04/00045/FUL). For any significant new development proposal it would be necessary to provide some junction improvement at this location particularly to facilitate right turning movements however in this instance the use is already established and permission is sought only for a further 12 months of use. The traffic generation for this particular use is also very low generating around 5 deliveries per day and 15 members of staff.

In considering this sort of application (Section 73 of the 1990 Planning Act) a local planning authority may only consider the question of the condition, and mindful of case law, a local planning authority should also not consider imposing other conditions dealing with different subjects.

The application site was originally used to support mineral extraction for a quarry now incorporated within the Moorcroft quarry complex. The plant and equipment on the site could be cleared and the site landscaped in accordance with conditions originally envisaged in 1949 --condition (c) imposed upon that consent requires remodelling to the satisfaction of the lpa, and condition (e) requires tree and shrub screen planting to the satisfaction of the lpa, "to ensure that the amenities of the locality are safeguarded". With the recent provision of 5 new dwellings to the north (in accordance with the 2002 planning permission for conversions at Haye Farm) relocation and landscaping would be in the interests of the amenities of the area (in accordance with CS22 and CS34).

The original condition for a temporary retention of use was granted 11 years ago but modifications have been allowed to the permission as there have not been significant highway safety issues or serious disturbance issues for nearby residents or a sterilisation of much needed valuable mineral reserves (Policy CS23). Furthermore, the batching plant is well screened by existing tree cover and is not a prominent visual eyesore.

The North Plymstock Area Action Plan (NPAAP) recognises that Moorcroft Quarry mineral activities are ceasing and that the quarry area with its aggregate processing/storage activities and related activities will be used to support long term quarrying now focussed in Hazeldene. Proposal NP15 states that land which is no longer required to support mineral extraction should be safeguarded for waste management uses. However it is suggested that once relocation has taken place it is in the community interest that this particular area should be cleared of industrial plant and activities and landscaped -- as originally envisaged when the condition for Haye Quarry mineral extraction was imposed.

The present operation currently employs 15 staff and the proposal would be a step towards helping to safeguard this employment. The site has been in use for many years for mineral related employment uses but is not an ideal permanent employment site (in accordance with CS05). Concrete batching operations have been carried out on this site for many years with the importation of minerals and the distribution of concrete but the site is not an ideal site principally because of the tight Haye Road junction with the remnant Stag Lane, and it is considered to be in the interests of highway safety (and policy CS34) to agree to reduce vehicular activity on Stag lane and relocate the operation to purpose built premises site elsewhere within the quarry

complex where there is better access to the main entrance/exit with its extensive wheel cleaning facilities (in accordance with CS28).

The application appears to be a reasonable request for an amendment to a condition to enable the applicants to have an additional 12 months time to order and construct the new plant and commission the new operation. The applicants intention is that this would occur in the second half of 2010. The existing concrete batching plant would be dismantled and removed in this time period.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Conclusion**

Variation of the condition to allow continued use for a further temporary 12 month period is warranted in the interests of employment use, highway safety, pollution control, visual amenities and long term retention of ready mixed concrete business use.

### **Recommendation**

In respect of the application dated **03/12/2009** and the submitted drawings, **6460/5(i); 6460/5** , it is recommended to: **Grant Conditionally**

### **Conditions**

#### **TEMPORARY PLANNING PERMISSION**

(1) The use hereby authorised to be continued with access off Stag Lane shall cease and the works, buildings and plant hereby authorised to be retained shall be removed , and the site shall be secured from vehicular access off Stag Lane and shall be remodelled and planted with trees and shrubs to the satisfaction of the local planning authority by not later than 31st December 2010.

Reason: The site is within an area which is required to be remodelled and landscaped to ensure that the amenities of the site are safeguarded and in the interests of highway safety, visual amenities and pollution control.

### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: Highways, Safety, visual impact and pollution, the proposal is not considered to be demonstrably harmful. In the absence of any other

overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

- PPS1 - Delivering Sustainable Development
- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- NP15 - Moorcroft Quarry
- CS23 - Safeguard Mineral Resources