

**THREE RIVERS DISTRICT**

**APPLICATION FOR VARIATION OF CONDITION 3 (TIME LIMIT) OF  
PLANNING PERMISSION 8/0735-96 AT LAND TO SOUTH OF FIR TREE  
HILL, CHANDLERS CROSS, SARRATT**

Report of the Director of Environment

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Local Member: E M Clarke

**1. Purpose of Report**

To consider planning application ref. 8/1398-03 for Variation of Condition 3 (time limit) of Planning Permission 8/0735-96 at land to south of Fir Tree Hill, Chandlers Cross.

**2. Summary**

- 2.1 The application seeks permission for a time extension until October 31<sup>st</sup> 2004 for extraction and restoration of land to south of Fir Tree Hill, Chandlers Cross. Operational problems at the end of 2002/beginning of 2003 caused the agreed programme of working and restoration to fall behind schedule, necessitating the current application for an extension of time. No other alterations to the agreed working scheme are proposed.
- 2.2 The site is relatively small and is located across the road (Fir Tree Hill) from Great Westwood Quarry. Quarried material is taken under the road by conveyor for processing at the main Great Westwood site, minimising the traffic movements associated with the peripheral site. The site is within the Green Belt and adjoins woodland, parts of which are designated as local wildlife sites. Two sides of the site are bounded by roads, from which it is screened by bunds.
- 2.3 Local residents who object to the ongoing inconvenience and detriment that the proposal will afford them have opposed the proposal. Their objections relate to traffic, pollution, dust and dirt generation and the visual amenity of the site, with particular regard to its location in the Green Belt.

### **3. Conclusion**

Given the need to restore the site, which can only be completed during the drier months, the report concludes the Director of Environment should be authorised to grant permission, subject to all the relevant extant conditions currently imposed on the site and a condition requiring restoration to be completed by 31<sup>st</sup> October 2004.

## 1. Description of the site and proposed development

- 1.1 This planning application seeks an extension of time for the completion of extraction and restoration on land to the south of Fir Tree Hill, Chandlers Cross. Permission 8/0735-96 requires that all such work be completed within 3 years of the date of commencement, i.e. by 31<sup>st</sup> October 2003. The applicant, RMC, has stated that major plant failures during the last quarter of 2002 and first quarter of 2003, compounded by excavation of a seam of ballast with a high clay content, reduced throughput of the plant by around 50% for a 6 month period. This necessitated the submission of this application for an extension to the time limit by one year, i.e. until October 31<sup>st</sup> 2004. RMC states that they have undertaken maintenance work that should ensure that no further periods of plant unavailability occur. No other changes to the existing planning permission are proposed.
- 1.2 The application area is an 8.26Ha field opposite the access to the main Great Westwood Quarry. Excavated material is transported from this peripheral site to the main Great Westwood quarry site by a conveyor that passes under Fir Tree Hill. Both sites lie to the east of Chandler's Cross, from which they are separated by belts of woodland.
- 1.3 The application site is bounded in the north and east by Fir Tree Hill and Grove Mill Lane respectively. It is screened from both roads by soil bunds. The western and southern site boundaries abut Lees Wood, parts of which, including the area immediately south of the application site, are designated as local wildlife sites in the Three Rivers Local Plan. Lees Wood joins with Whippendell Wood in the south, and includes a Site of Special Scientific Interest (SSSI) just over 200m south of the extraction area. No other architectural or ecological designations are affected.
- 1.4 One residential property is located 15m to the south of the site within Lees Wood. The next nearest properties are 150m away.

## 2. Consultations

- 2.1 **Three Rivers District Council** raise no objection to the development provided that all the relevant planning conditions imposed on the existing permission, particularly those regarding operation times and vehicle movements, are applied to the new permission.
- 2.2 **Sarrat Parish Council** has no objection to the proposals but stipulate that no further extensions of time should be allowed.
- 2.3 **Hertfordshire County Council as Highways Authority** does not wish to restrict the grant of permission.
- 2.4 **The Environment Agency** has no comments to make on the proposal.

- 2.5 **Thames Water** has no objections.
- 2.6 **Transco** have no objections.
- 2.7 **Chandlers Cross, Bucks Hill and Penmans Green Residents' Association** object in the strongest terms to any extension of the time limit for extraction.
- 2.8 One property was consulted and 4 responses have been received. The main issues of concern can be summarised as:
- traffic generation and pollution;
  - dirt and dust generation;
  - visual amenity of the site with particular regard to its designation as Green Belt land.

### **3. Planning Considerations**

- 3.1 The relevant development plan policies are set out in Appendix 1.
- 3.2 The principal issues to be taken into account in determining this application are:
- the impact of the site on local residential amenity,
  - the impact of the site on the Green Belt.

#### Impact on residential amenity

- 3.3 The representations that were received from local residents and the local residents' associations were very vehement in their objections to the application, in that it would prolong the inconvenience and detriment that they already experience. Concern was also raised regarding the delay between operational problems being experienced at the site and this application being submitted. However, while the delay is unsatisfactory, it cannot be considered as a material consideration. The planning application was submitted prior to the date when restoration was to have been completed.
- 3.4 Extending the period of time for completion of restoration would perpetuate noise, traffic, dust and visual impact associated with the operations. As required by the present permission, the site is well screened from the road by soil bunds that reduce the visual and noise impact of the site. Since all the aggregate is taken for processing by conveyor to the main Great Westwood site, the only vehicle movements directly associated with this peripheral site are for access for plant such as earth moving equipment. The number of vehicle movements from the main Great Westwood site associated with aggregate extraction from the peripheral site is limited by the extant permission. The location of the application site also means that it is well separated from most nearby houses. Planning conditions relating to noise, vehicle movements, dirt and dust minimisation and screening

are already in place for both the application site and the main Great Westwood Quarry, such that any adverse impact of the site on the amenity of local residents should be minimised. All these restrictions would continue.

- 3.5 The working of the land to the south of Fir Tree Hill makes a relatively minor contribution to the overall impact of the main Great Westwood site on the local population. If this application for an extension of time were to be refused, the land to the south of Fir Tree Hill would still have to be restored. Since this can only be done during the summer months the land would simply lie dormant in the intervening period, with no improvement being made to the visual impact. Because of the proximity of this site to the main Great Westwood quarry it is likely that there would be minimal discernible improvement for local residents in terms of noise, dust and traffic during this short time.

#### Green Belt

- 3.6 Policy 5 of the Hertfordshire Structure Plan Review draws on PPG2 for guidance in prohibiting "inappropriate development" within the Green Belt. PPG2 Section 3.11 specifically recognises that mineral extraction need not be inappropriate and this is echoed in Policy GB1 of the Three Rivers Local Plan. The question of whether, given its Green Belt location, extraction should be permitted on the application site, was fully explored when application 8/0735-96 was determined. It was concluded that: "Given the scale of the proposal, and its limited duration, it is not considered that the development would compromise the purposes of the Green Belt." (*Committee Report for application 8/0735-96, 14<sup>th</sup> March 2000*).
- 3.7 The issue, therefore, is whether the proposed extension of time would have led to a different conclusion had it been known at the time of considering the original application. Given that there needs to be degree of flexibility to allow for uncertainties such as weather conditions when considering any application, together with the relatively limited extension of time that is being sought, it is considered unlikely that that the conclusion would have been different.

#### Other policy considerations

- 3.8 The policies contained within the Hertfordshire Structure Plan Review and Hertfordshire Minerals Local Plan, and the Three Rivers Local Plan, give detailed requirements for constraints on new areas of mineral working, but as such are less relevant to an application for extension of time such as this. For example, measures such as a detailed restoration plan and scheme of working are already in existence for this site and would continue to be adhered to. The Minerals Local Plan does however recognise that Great Westwood Quarry, including the land to the south of Fir Tree Hill, represents an asset for Hertfordshire in terms of meeting the county's targets for aggregate production, albeit limited to the remaining reserves.

#### **4. Conclusions**

- 4.1 Given the fact that minerals can only be worked where they are found and the pressures that this places on locating extraction sites, sterilising this permitted resource by requiring the land to be restored without completing extraction would seem to achieve little in terms of minimising any impact on amenity, given that restoration should only take place in the summer months. It is therefore recommended that the application be approved.
- 4.2 To mitigate the impacts of the permission, all the extant conditions from permission 8/0735-96, updated and amended as necessary to take account of details that have been approved in the intervening time period, should be attached to this permission. This includes conditions relating to working, restoration and aftercare schemes for the site, and restrictions on noise and dust emissions, vehicle movements, and soil handling. A condition should be attached requiring restoration to be completed by 31<sup>st</sup> October 2004.

#### **5. Financial implications**

- 5.1 Planning applications should be determined on the basis of material planning considerations, and not on the basis of their financial implications for the County Council. However, it is a requirement of the County Council to advise all Committees of the financial implications that may arise from their decisions.
- 5.2 If a planning application is refused or is not determined within a specific period, the applicant has a right of appeal. Any appeal would result in additional costs, which in part can be met from existing budget provisions. However, a major public inquiry may give rise to significant costs for which there is no specific budget provision. If the County Council refuses an application without reasonable planning grounds on which to base its decision, it may be liable to pay the costs of the applicant in contesting the appeal.

#### **Background information used by the author in compiling this report**

Planning application 8/1398-03  
Consultation responses and representations received in response to planning application ref. 8/1398-03  
Hertfordshire County Structure Plan Review 1991-2011  
Three Rivers Local Plan 1996-2011 (Adopted)  
Review pre-deposit consultation  
Hertfordshire Minerals Local Plan 1991 –2006 Adopted July 1998  
Hertfordshire Minerals Local Plan Review 2002-2016, Second Deposit Draft 2003  
Planning Policy Guidance Note 2

### **Hertfordshire Structure Plan Review 1991-2011 (Adopted April 1998)**

Policy 5 (Green Belt) - In the Green Belt there is a presumption against inappropriate development, except in very special circumstances, for purposes other than those detailed in PPG2. PPG2 recognises that mineral working need not necessarily be inappropriate development, provided that high environmental standards are maintained and that the site is well restored.

Policy 45 (Restoration of Damaged Land) - Requires that mineral extraction proposals must include an adequate restoration plan.

Policy 53 (Mineral Extraction) - Permits mineral extraction proposals subject to the other policies of the plan, in particular those relating to environmental damage and pollution. Gives prime consideration to restoration schemes when considering proposals.

### **Hertfordshire Minerals Local Plan 1991-2006 (Adopted July 1998)**

Policy 1 (Minerals Supply) - states that permissions will be granted, subject to the other policies of the plan, to ensure the continued maintenance of the county's landbank of mineral reserves;

Policy 2 (Sites for Mineral Working) - identifies the land south of Fir Tree Hill as a specific site for mineral working;

Policy 3 (Mineral Sterilisation and the Working of Preferred Areas) - states that extraction will be encouraged prior to development taking place that would otherwise sterilise the reserve, or where despoiled land could be improved as a result of mineral working and restoration;

Policy 4 (Need for Mineral Working) - lists the planning considerations for assessing extraction proposals and states that permission will normally be granted where sterilisation of resources may otherwise occur, subject to the other policies of the plan;

Policy 5 (Scheme of Working) - requires a detailed scheme of working to be submitted as part of any planning application;

Policy 6 (Cumulative Impact) - takes into account the cumulative impacts of development in the light of other existing land uses;

Policy 8 (Landscape - general) - sets out standards of restoration required;

Policy 9 (Landscaping Works) - requires consideration and mitigation of visual intrusion of mineral workings during their working lifetime;

Policy 28 (Speed and Standard of Restoration) - requires that, normally, conditions be applied to permissions to ensure that restoration is carried out progressively behind mineral working. When assessing applications the County Council will pay particular regard to the standard of restoration that can be achieved and, where appropriate, the past restoration record of the operator.

Policy 47 (West of Watford - Area 13) - requires that proposals in this area form part of a large-scale scheme of extraction and restoration.

**Hertfordshire Minerals Local Plan Review 2002-2016, Second Deposit Draft 2003**

Policy 4 (Applications Outside Preferred Areas) - states that these will normally be refused unless (among other things) sterilisation of resources would otherwise occur;

Policy 10 (Cumulative Impact) - consideration will be given to the capability of the area to absorb the proposed additional activity, over and above the existing and planned land uses.

**Three Rivers Local Plan 1996-2011 (Adopted)**

Policy N14 (Noise Pollution) - Discourages permission for noise-generating proposals where they will significantly impact on noise-sensitive uses or relatively undisturbed open countryside. In the event of permission being granted in these areas, the permission will include measures to mitigate noise;

Policy N23(2) (Landscape Regions) - The setting, siting, design and external appearance of development permitted within the Chilterns Landscape Area will be expected to "make a positive contribution to the protection and enhancement of the (...) landscape";

Policy GB1 (Development Within the Green Belt) - Includes provision for mineral working and subsequent restoration in the Green Belt.