

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	Wednesday 9 December 2015
Application Number	15/00712/WCM
Site Address	Bradford Road Corsham Wiltshire
Proposal	Construction of an inclined mine entrance from the surface into existing permitted mine workings construction of ancillary surface facilities including access onto highway offices car park workshop covered storage open storage landscaping and restoration
Applicant	Hanson UK
Town/Parish Council	CORSHAM
Electoral Division	CORSHAM WITHOUT AND BOX HILL – Cllr. Dick Tonge
Grid Ref	385474 170283
Type of application	County Matter
Case Officer	Greg Lester

Reason for the application being considered by Committee

Cllr. Dick Tonge has requested this application be called-in for determination by the Strategic Planning Committee for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance

1. Purpose of Report

To consider the above report and to recommend that planning permission is granted.

2. Main Issues

The main issues in respect of the proposals are considered to be:

Minerals Policy

Landscape/Visual impact

Ecological Impact

Highways Impact

Noise, Dust and Vibration

3. Site Description

The site of the proposed new mine access and surface facilities is located on a portion of agricultural land owned by the applicant located between Corsham to the east and Rudloe to the west. Access to the site would be derived from the B3109 Bradford Road. Properties fronting the A4 Bath Road are located to the north of the site, with further residential properties being located to the south west. The site slopes upwards towards the north, with land to the south beyond Bradford Road falling

4. Planning History

14/05146/PREAPP New adit to gain access to the existing dimension stone mine at Hartham Park.

14/05155/SCR EIA Screening opinion for a development comprising the provision of a new mine portal, storage shed, workshop and associated offices, infrastructure and storage yard.

5. The Proposal

The proposal seeks planning permission for the construction of a new inclined mine access to existing underground working in the applicant's ownership, along with surface development comprising offices, workshop, covered storage area, open storage area, hard surfacing and a highway access.

The new mine access will be cut through overburden and rock at a gradient of approximately 1 in 10 in the north west portion of the surface area, to intersect with the existing permitted underground mine area within the applicant's ownership. Mineral from the mine will be brought to the surface from the base of the inclined shaft.

The proposed above ground facilities will comprise the following buildings and structures:

Workshop, measuring 30 metres x 10 metres x 5 metres to eaves height

Storage shed, measuring 30 metres x 10 metres x 6 metres to eaves height

Office, measuring 20 metres x 10 metres x 3 metres to eaves height

In addition, it is proposed to erect two ancillary outbuildings between the workshop and storage shed, provide a tarmac hard surfaced parking and turning area with additional stone hardstanding for outdoor stone storage, erect a 2.4 high perimeter fence to the north west and east frontages, with 2m high close board to the southern frontage with Bradford Road.

No additional underground works are sought or proposed as part of the current planning application.

It is proposed that the surface workings will be operational between 0700-1700 Monday to Friday and 0700-1300 on Saturdays with no working on Sundays or Bank or public holidays.

Environmental Impact Assessment Regulations

A Screening Opinion was issued by the Council taking into account the selection criteria in Schedule 3 to the 2011 Regulations, the proposal would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and EIA is therefore not necessary.

6. Local Planning Policy

The following development plan policies are considered relevant to the determination of this application:

Wiltshire and Swindon Minerals Core Strategy

MCS4 – The Supply of Building Stones

Wiltshire and Swindon Minerals Development Control Policies Development Plan Document

MDC1 – Key Criteria for Sustainable Minerals Development

MDC2 – Managing the Impact of Minerals Development

MDC3 – Managing the Impact on Surface Water and Groundwater Resources

MDC5 – Protection and Enhancement of Wiltshire and Swindon's Landscape Character

MDC6 – Biodiversity and Geological Interest

MDC8 – Sustainable Transport and Minerals Development

MDC9 – Restoration, Aftercare and After-use Management of Minerals Development

7. Summary of consultation responses

Corsham Town Council – Support the application but would like to see building stone clad with pitched roofs. Planting should be delivered at the same time as the buildings and must be to a high standard.

Environment Agency – No objection subject to conditions and informatives being added to cover: surface water management and an informative to cover pollution during construction.

Historic England – Applications should be determined in accordance with National and Local guidance

Wessex Water - The applicant has had pre application discussions with Wessex Water and appears to have addressed issues identified which can be further assessed and agreed should approval be granted.

Local Highway Authority – No objection subject to the imposition of conditions for visibility splays and on-site wheel washing facilities.

Wiltshire Council Landscape Officer – Support application subject to imposition of conditions to secure a detailed scheme of planting and replacement planting in the event of failures and a requirement to remove all redundant buildings, fencing and surfaces when the access is no longer required.

Wiltshire Council Ecologist – Comments awaited

Wiltshire Council Environmental Health Officer – No objection subject to conditions to restrict working hours on site, installation of a close boarded fence to reduce noise emissions and measures to control noise and dust resulting from construction of the adit.

Wiltshire Council Archaeology – No comment

Wiltshire Council Arborist – No objection

Wiltshire Council Rights of Way – No objection

8. Publicity

The application was advertised in accordance with Schedule 3, Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended). This involved the erection of site notices on land located at and around the application site, an advertisement in the local newspaper and the issue of neighbour notification letters.

21 letters of objection have been received, raising the following concerns:

- Proposal will result in the creation of a new mine
- Concern over safety of workers in neighbouring mine workings
- Health and Safety at Work Act not properly considered
- Concern over flood risk management within the mine
- Areas worked by Hanson will be sealed off from the independent workings
- Concern over groundwater 'inrush' to the workings
- In combination effects with other proposed development in and around Corsham and how this may impact on Bat Species
- Approving the application will remove an important green space and buffer between Rudloe and Corsham and alter the rural nature of the area
- The purpose of the space being to 'ensure that a green open space between Corsham and surrounding villages is retained'
- It represents industrial development between two residential areas
- More modern extraction system could be adopted at existing access
- Extra air shafts could be added/old ones opened up
- Electric vehicles could be used underground
- Disused quarry entrances exist locally, why not utilise those
- Applicants lose lease to existing shaft in 2016
- Quality of stone is deteriorating; if the site is abandoned prior to end date of extraction, will it actually be restored

- With two shafts in use, will add to both production and traffic in the area
- Unconvinced swale is sufficient to deal with run-off from the site
- Application form, is not completed correctly – it states 0 tonnes for extraction
- No benefit to the local community
- Is there sufficient mineral to justify a new shaft
- Proposed planting will screen all views, not just those of the site
- In combination effect of the proposed development and others on bat populations need to be assessed
- Views across open fields have been enjoyed by residents, walkers, cyclists and others for decades
- Impact on countryside will be 'high' due to the nature and scale of buildings
- Increased noise impact
- Application is not required to secure the continued supply of building stone
- Will the existing access to the mine be closed permanently
- Increase of windblown dust from storage areas and mining activity
- No details of amount of construction traffic to use the site
- Increased pollution
- Devaluation of properties
- Mining under residential properties

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Minerals Policy

The proposal seeks planning permission to create a new access into an existing underground stone mine at Hartham Park, Corsham, along with various surface works, including the erection of a work shop, storage building and office and some ancillary outbuildings.

It has been raised within a majority of the consultation responses that the proposal being presented for consideration is not merely for a new access to an existing mine, but for an

entirely new mine. By way of clarification, the present application would create a new access to enter an existing permitted mine, as approved by planning permission N/98/01945/WCM. All conditions and provisions attached to that permission will continue to apply to the entire extent of the underground workings whether the new access under consideration is permitted or not. If conditions attached to the permission for the underground workings are incompatible with the new access, this in itself is not a reason to refuse planning permission for the new access, as no new underground working (with the exception of the excavation of the adit) would be authorised by this application. Therefore, for the purposes of this report, no further consideration is given to objections relating to matters that solely relate to the underground workings or to land/mineral ownership issues.

Policy MDC1 requires the applicant to that a need exists for the development proposed and that adverse impacts that may be associated with that development can be adequately mitigated. The applicant has stated that allowing a new access will assist in improving ventilation, and aid access to the working face for employees, but also provide a safer and easier point of access/egress in the event of an emergency. Further benefits would be reducing the length of time taken to bring cut stone to the surface and reducing costs associated with double handling stone at the existing access.

The application is supported by assessments related to Landscape, Noise and Vibration, Ecology, Archaeology and Cultural Heritage and Flood Risk. In addition a mitigation proposals management plan has also been submitted. The details of these assessments will be discussed in following sections.

Landscape and Visual Impact

Policy MDC5 requires proposals for minerals development to include an assessment of the adverse impacts upon Wiltshire and Swindon's landscape character, including any designated areas. The proposed development is not located within a designated area, although the Cotswold Area of Outstanding Natural Beauty lies to the west of Rudloe.

Such proposals should include appropriate provision to protect and where possible enhance the quality and character of the landscape.

The proposal is accompanied by a landscape and visual impact assessment (LVIA) that describes the existing features of the site and considers how the development proposed may

impact upon the existing landscape and views to the site and how mitigation could be used to alleviate any negative impacts that may be experienced.

The LVIA identifies the site as forming part of a belt of agricultural land between Corsham and Rudloe. The open land extends to the north to countryside and south to parkland. A copse of deciduous woodland is located in the southwest corner of the field. Section 5 of the LVIA identifies potential effects of the development on landscape character and the scale of those effects. Overall the LVIA concludes that the landscape character has a medium sensitivity to the type of development proposed and the magnitude of change would be low (medium) resulting slight to moderate effects on the landscape. It further states that both impacts are adverse due to the loss of agricultural land and the introduction of development between settlements, but also beneficial due to the reinforcement and strengthening of field boundaries and introduction of woodland and hedgerow planting.

Mitigation is proposed in the form of additional landscape planting and low planted earth banks to assist in screening the development to help 'breakup' the built form of the development. Whilst details of the landscape planting have been included, this does not provide specific details on locations for planting, the type of tree/hedge/shrub or planting centres. These details can be required by way of a suitably worded planning condition. Furthermore, following concerns raised regarding building materials and the location and orientation of the buildings, the buildings have now been rearranged on site to reduce their visual bulk and also incorporate bath stone cladding on some elevations to provide a softer appearance.

Whilst the LVIA does identify some negative aspects it is proposed that once the surface workings and mine adit are no longer in use, either as a result of exhaustion of the mineral reserve, or through cessation of works, that the site will be restored. Buildings and hard surfaces would be removed, and the adit infilled. Trees introduced to the site would be retained.

The Council's Landscape Officer has raised no objection to the scheme on the basis of landscape and visual impact. Details of the restoration are provided and can be secured by a suitably worded planning condition.

Ecological Impact

The application is also accompanied by a preliminary ecological appraisal which included a survey broadly followed the structure of an 'extended phase 1' survey. The survey results demonstrated that the site was within 2km of four statutory designated sites. Of these, Box Mine SSSI and a further 59.11 hectares of broadleaf woodland is also designated as Bath and Bradford-on-Avon Bats SAC. The former underground working and tunnels of Box Mine are used by bats for hibernation and mating prior to dispersal and has primarily been designated due to the presence of Greater Horseshoe Bats and Bechstein's bats, both of which are annex II protected species.

Whilst the initial assessment did not consider that these designations were of any constraint, concern regarding the lack of detailed bat survey work, and as a result the applicant undertook extensive bat survey to establish whether the proposed development would have a detrimental impact on the SAC. Notwithstanding the lack of initially submitted bat survey, the assessment concluded that whilst there were some potential habitats that could be damaged by the works, most would be retained and/or enhanced.

The survey also found that no evidence of protected species was found on site. The recommendations of the survey can be secured by suitably worded planning condition.

Following a request to undertake additional bat surveys, the applicant subsequently submitted a final bat survey report that concluded that whilst Bat activity was generally low with most activity focused in the northern corner of the field in proximity to mature trees, and the southern corner adjacent to the small patch of broadleaved woodland. June however was a particularly active month with much activity being observed along Bradford Road, adjacent to the site.

Common and soprano pipistrelle were the most common species identified during the surveys. Neither greater nor lesser horseshoe bats were observed during the activity surveys however, single calls of both horseshoe species were picked up from the automated detector in August and September.

Myotis species were also recorded, including 41 passes from the September automated detector survey. *Myotis* calls are difficult to separate due to the amount of overlap between species and the different parameters that can be measured in their echolocation, therefore it is inconclusive whether the *Myotis* sp. identified are Bechstein's. Bechstein's bats however forage in areas of closed canopy woodland close to water, along overgrown hedgerows and near tree-lines, therefore the habitats on site are not considered to be key foraging areas for

this species. It is therefore considered that the likelihood of the *Myotis* species being Bechstein's bat is low.

The 41 calls are unlikely to suggest swarming activity as they are spread out over a three night period and calls were spread out suggesting individual / low numbers of bats commuting through the site, rather than clumped together suggesting numerous bats and potential swarming. The calls were also all echolocation (i.e. foraging / commuting) calls and not social calls, which would be expected for a swarming site. The report concluded that habitats on site were not considered to have the potential for supporting bat roosts, although there is a potential impact on foraging and commuting routes through the severing of linear features and lighting. The boundary features are to largely be retained, with the exception of a 20m gap in the boundary wall for the site access. Additional habitat will be created through the planting scheme.

Lighting is proposed at the main building and in front of the proposed inclined entrance, however minimal lighting will be required as part of the development as most operations take place underground. Loading of stone at the surface will generally not take place after 4pm. Lighting is therefore highly unlikely to impact on foraging or commuting bats.

The Council's ecologist has been provided with the additional details submitted in the bat survey, and whilst no comments had been received at the time of writing the report, the survey was carried out in accordance with details that had previously been agreed with the Council's ecologist. An update will be provided orally at the committee meeting.

It is therefore concluded that the development is unlikely to have significant adverse effects on protected species or the adjacent SAC designated for its bat habitats.

Impact on Highway Safety and capacity

The proposals is likely to generate approximately 8 HGV movements per day, which will enter and exit the site via the B3109 Bath Road before joining the A4 to the west of Corsham. Revised drawings show that the site access can accommodated visibility splays of 2.4m x 160 metres.

No objection has been raised to the scheme by the local highway authority subject to conditions to secure visibility splays and wheel washing facilities. It is considered that the volume of traffic likely to be generated is low and can safely be accommodated on the

existing network and would be unlikely to have a significant impact on either highway safety or capacity.

Impact on Residential Amenity

Policy MDC2 seeks to ensure that the potential adverse impacts associated with minerals development are managed in order to protect the environment and amenity.

Due to the nature of the operations to be undertaken on site there is potential for disturbance to residential occupiers both during the construction and operational phases of development through noise, dust and vibration.

The application has been accompanied by assessments covering noise, vibration and dust in to demonstrate that there is unlikely to be demonstrable harm to residential amenity.

With regard to noise and vibration, the submitted assessment work concludes that due to the distance from the nearest sensitive receptors, the likelihood of an adverse impact being experienced as a result of noise or vibration is unlikely.

Noise modelling has been carried out to determine if the level of noise likely to be experienced at residential properties during the operation of the mine entrance facility would be such that a nuisance could exist. The report considers that the noise from the operations of the mine access development will be of less than marginal significance, in accordance with BS4142:2014, for all sensitive receptors. The new mine entrance will not impact on the direction or method of working for the underground workings.

It is therefore unlikely that demonstrable harm would be caused as a result of noise or vibration.

With regard to dust, the application is supported by a construction dust assessment which was undertaken in accordance with guidelines issued by the Institute of Air Quality Management.

The dust management scheme carried out a construction phase assessment to screen whether there was a requirement for a more detailed assessment. Further assessment will usually be required where sensitive human receptors are located within 350 metres of the site boundary and/or within 50 metres of the routes used by construction vehicles on the

public highway within 500 metres of the site entrance. As there are sensitive receptors within 350 metres of the site boundary, further assessment was required.

Stage 2 of the assessment looks at the details of the activities to be undertaken on site, duration, size of the site, meteorological conditions, proximity to the activity, adequacy of mitigation and sensitivity of receptors to dust.

The construction phase is predicted to last for approximately 6 months, with hours between 0700-1700 weekdays. In the absence of mitigation the assessment considers that dust emissions would be likely to occur from earthworks, construction and trackout. The report identifies that adequate mitigation measures can substantially reduce the potential for nuisance from dust or particulate matter and sets out a number of areas in a non-exhaustive list, where dust could arise.

No detailed mitigation measures have been presented, although it is considered these can be secured by way of a suitably worded planning condition.

10. Conclusion (The Planning Balance)

The proposal would deliver a number of operational benefits associated with the existing underground building stone mine. The development will be in place for the duration of the underground works and is not considered to represent an unacceptable form of development. The level of traffic proposed can safely be accommodated on the local highway network. It is also considered unlikely that there would be any demonstrable harm caused to residential amenity.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: In accordance with Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development authorised by this permission shall be for a limited period, expiring on 21 February 2042 or at such time as extraction of stone from the underground stone mine permitted by planning permission N/98/01945/WCM ceases (whichever is the earlier). At such time the site shall be restored within a period of 12 months in

accordance with the details shown on drawing ST13466-111 – Restoration Proposals.

Reason: To secure what was applied for the avoidance of doubt.

3. The development hereby permitted shall be carried out in accordance with the following approved plans, unless modified by conditions contained within this schedule:

Plan ref: ST13466-113 – Site Plan, dated 06/11/14

Plan ref: ST13466-115 Revision B – Site Layout, dated 01/12/14

Plan ref: ST13466-116 Revision B – Indicative Surface Water Strategy, dated 03/12/14

Plan ref: ST13466-117 Revision B – Elevation on Proposed Site, dated 11/12/14

Plan ref: ST13466-018 Revision C – General Adit Roof Support Layout, dated 05/11/13

Plan ref: ST13466-021 Revision B – Proposed Elevation on Office Building, dated 29/10/14

Plan ref: ST13466-022 Revision B – Proposed Elevations on Workshop, dated 29/10/14

Plan ref: ST13466-023 Revision B – Proposed Elevations on Storage Shed, dated 29/10/14

Plan ref: ST13466-C3D024 Revision B – Visibility Splays at Site Access off Bradford Road, dated 31/10/14

Plan ref: ST13466-118 – Indicative Sections Through Bradford Road Boundary, dated 08/07/15

Plan ref: ST13466-110 Revision B – Landscape Plan, dated 20/02/14

Reason: For the avoidance of doubt and in the interests of proper planning.

4. No development shall be undertaken onsite unless a detailed scheme for the suppression of dust has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of dust mitigation measures to be adopted during the construction and operational phases of the development. The scheme shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

5. Notwithstanding the approved landscaping scheme, within 3 months of the date of this permission, a detailed planting layout and specification shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include

details of planting locations, planting centres and type of tree/plant/shrub to be used. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of landscape character and to preserve the amenity of the area.

6. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Waste Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

7. The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Ecological Appraisal, undertaken by Wardell Armstrong and dated November 2013.

Reason: In the interests of safeguarding protected species and enhancing the existing habitat

8. The development hereby permitted shall be carried out in accordance with the details contained within the Mitigation Proposals Management Plan, prepared by Wardell Armstrong and dated November 2014.

Reason: In the interests of safeguarding the amenities of the area.

9. The development hereby permitted shall be carried out in accordance with the details for surface water management contained within the submitted Flood Risk Assessment, dated November 2014.

Reason: In the interests of protecting the water environment and highway safety.

10. No vehicle shall access the site for the purposes of loading or transportation of stone except between the hours of 0700 – 1700 hours Mondays to Fridays and 0700 – 1300 hours Saturdays. No such activity shall take place on Sundays or Bank or Public Holidays.

Reason: In the interests of amenity.

11. The total number of HGV vehicle movements associated with the development hereby permitted shall not exceed the following limits:

8 movements [4 in and 4 out] per day Monday to Friday

6 movements [3 in and 3 out] per day Saturdays

No HGV movements shall take place outside the hours of operation stated in condition 10 of this permission.

Reason: In the interests of highway safety and residential amenity.

12. A written record shall be maintained at the site office of all movements in and out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Local Planning Authority on request and retained for a duration of not less than three months.

Reason: To enable the Local Planning Authority to monitor the operations and ensure vehicle movements do not exceed that stated in condition 11.

13. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of preventing material, dust or detritus from affecting public highway safety.

14. No stone originating from sites other than the existing underground working shall be brought to the site.

Reason: In the interests of highway safety.

15. No stockpile of stone within the storage yard/stacking area shall exceed 2 metres in height.

Reason: To safeguard the visual amenities of the local area.