

Local Members' Interest	
Mrs. K. Perry and Mr. B. Williams	Cheslyn Hay, Essington and Great Wyrley

PLANNING COMMITTEE – 7 June 2018

MINERAL COUNTY MATTER

District: Application No. [SS.17/11/602 MW](#) (South Staffordshire)

Date Received: 15 November 2017

Date Revised/Further Details Received:

- 6 February 2018 – description amended (to allow vehicles to enter site on Saturdays)
- 07 May 2018 – description amended (extension to temporary time period up until 31 August 2018)

NRS Waste Care Ltd for variation of condition no. 23(e) of planning permission SS.16/10/602 MW to allow additional two concrete mixer lorries to enter and leave the site outside of normal operation hours with departures (loaded) daily at 19:00 (Monday to Friday) and single inward journeys (returning unloaded) at 06:00 daily (Tuesday to Saturday) between 15 November 2017 and 31 August 2018 at Saredon Hill Quarry, Great Saredon Road, Little Saredon.

Background/Introduction

1. Saredon Hill Quarry has been extracting sand and gravel on and off since 1962 and now operates under planning permission ref: [SS.16/10/602 MW](#) granted 11 November 2016. This permission allows mineral extraction up to 31 December 2028 in accordance with an agreed working scheme which is subject to review. The application seeks to vary this permission. More specifically, the planning application seeks to temporarily vary condition 23(e) of the extant planning permission SS.16/10/602 MW which states that:
 - e) No HCVs shall enter or leave the Site other than between the following hours:
 - 07:00 to 18:00 Monday to Friday; and,
 - 07:00 to 13:00 on Saturdays
2. Temporary permission is sought to accommodate a contract to supply concrete to an overnight Network Rail project in Manchester between 15 November 2017 and 15 May 2018. The applicant has since amended the application to accommodate the return trips on a Saturday morning and to extend the temporary period to 31 August 2018.

The Site and Surroundings

3. Saredon Hill Quarry is located approximately 4 kilometres southwest of Cannock town centre and approximately 500 metres to the north of the hamlet of Little Saredon. The quarry is within the Green Belt in the district of South Staffordshire and is adjacent to the M6 motorway along its north-eastern boundary.
4. Access to the quarry is via the Great Saredon Road which links to Saredon Road and then onto the A4601 / A460 roads. A Routing Agreement requiring all quarry traffic to use these roads is included within a Section 106 legal agreement attached to the permission. The two concrete mixer vehicles use this route to access the M6 motorway junction. The route is shown on the plan attached to this report.
5. The nearest residential properties affected by the proposals consisting of a group of converted farm buildings (Saredon Hall Farm) are located on Saredon Road which lies on the route to and from the M6 motorway junction.

Summary of Proposals

6. The proposal seeks to temporarily vary condition 23(e) of the extant planning permission SS.16/10/602 MW to allow two concrete mixer vehicles (volumetric concrete mixer type) to enter and leave the site outside of normal permitted operating hours (4 movements – 2 in and 2 out).
7. The temporary period is from 15 November 2017 to 31 August 2018.
8. The two concrete mixer vehicles are owned and operated by one of the applicant's subsidiary companies (Midland Mix Concrete). The vehicles are stationed and being operated from Saredon Hill Quarry for the term of the contract. The vehicles are generally otherwise based at another site owned by the applicant.
9. The extended vehicle movement times are sought as the contract requires concrete to be delivered to the project site during the hours of 22:00 to 04:00.
10. The two concrete mixer vehicles are stationed at Saredon Hill Quarry at weekends. The mixer vehicles are loaded by quarry staff during normal working hours on Mondays. Drivers who have keys to the main gates enter the site by car after normal quarry working hours on Mondays (19:00). Drivers then collect loaded vehicles and lock gates when leaving the quarry. The loaded vehicles are then driven to the contract site in Manchester. When returning from the contract site with empty vehicles (or loaded if load not used), the drivers again unlock the main gates and enter the quarry site at 06:00 Tuesdays to Saturdays. The vehicles are then deposited within the quarry alongside the maintenance building (next to the concrete plant) ready for loading by quarry staff the next day; the drivers then leave the quarry by car locking the gates as they leave. The process is then repeated on a daily basis throughout the week with the vehicles finally returning to the quarry on Saturdays (06:00) to be left over the weekend in readiness for the following week.

The Applicant's Case

11. The applicant supports the application in that contracts of the nature of the Network Rail project are an important part of quarry activities to provide stability and

continuity for both the supply of materials and for the vehicle drivers who are locally based.

Relevant Planning History

12. [SS.12/15/602 MW](#) granted 16 December 2015, to continue the existing mining permission at Saredon Hill Quarry; to extend the quarry and extract sand and gravel; and, restore the quarry by infilling with inert waste or inert material. A Section 106 Legal Agreement dated 15 December 2015 accompanied the permission and revoked the former Scheme of Conditions [SS.EA/7](#) approved in July 1997. A number of detailed submissions were approved to this permission.
13. [SS.16/03/602 MW](#) granted 18 August 2016, to not comply with (to vary) Condition 1 (the approved documents and plans) and Condition 17 (the height of stockpiled material) of planning permission SS.12/15/602 MW in order to relocate existing washing and grading operations and formation of hardstanding area for the washing and grading plant and storage of washed and graded sand and gravel.
14. [SS.16/10/602 MW](#) granted 11 November 2016 to vary condition no.3 of planning permission SS.12/15/602 MW to allow the importation of limestone to produce higher strength concrete. This is now the extant permission and the application to vary condition 23(e) relates to this permission.

Note: A Section 106 legal agreement attached to this permission includes a number of schedules relating to traffic matters the most relevant of which are summarised as follows:

- *Schedule 2 'Traffic Routing' requires all HGVs leaving the site to use a prescribed route to the A460 Wolverhampton Road at Middle Hill, via the M6 motorway overbridge.*
 - *Schedule 3 'Driver Behaviour' requires all drivers leaving the quarry to act in a considerate manner towards other road users in respect of speed restrictions, to avoid running over the roadside verges on local roads and to sheet or otherwise cover or contain all loads before entering or leaving the quarry.*
 - *Schedule 10 'Highway Maintenance' requires the submission of condition surveys for Saredon Road and Great Saredon Road every five years and to carry out approved repairs or to make a financial contribution as deemed necessary by the County Council.*
 - *Schedule 11 'requires the installation and maintenance of advisory speed signs in the public highway either side of the highway near the settlement on Saredon Road.*
15. [SS.16/08/602 MW](#) granted 23 November 2016 for the development of an aggregates recycling facility including associated plant and storage areas.
 16. [SS.17/10/602 MW](#) is a current application to deepen parts of the permitted quarry extraction area and to confirm the working scheme details. This application is also being reported to this committee meeting.

Environmental Impact Assessment (EIA)

Screening Opinion: NO Environmental Statement: NO

17. As the proposed development does not fall within the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has not issued a "Screening Opinion".

Findings of Consultations

Internal

18. Highways Development Control (on behalf of the Highways Authority) no objections.
19. Staffordshire County Council's Noise Engineer no objections. The Noise engineer advises that outside of normal daytime hours, any potential noise impact is often assessed in terms of the likelihood of sleep disturbance. As this application is for a maximum of 2 vehicle movements into the quarry at 6.00 am, this would mean a maximum of 2 discrete events during the so called night time period (2300-0700). Although noise data is not available, a typical level of noise from an HGV at a distance of 10 metres is 81 dB LAFMax. [source BS5228]. Therefore the Noise Engineer does not consider that this is likely to cause sleep disturbance.
20. Staffordshire County Council's Planning Regulation Team advised that there have been 2 complaints about vehicles movements outside of permitted operating hours. These complaints relate to the temporary activities/operations that are being applied for and the Team investigated the complaints through the quarry manager. The Team further advised that the quarry manager had instructed the drivers of the times that the concrete mixer vehicles should enter and leave the site. The Team has also advised that since 01 April 2017 the only other complaints received have included 2 about the state of the road, 1 about noise, 1 about dust, 1 about blasting and 1 about tyres on the site.

District/Parish Council

21. South Staffordshire District Council (Planning and Environmental Health) – no objections.
22. Saredon Parish Council - no objections.

Publicity and Representations

23. Site notice: YES – 28/11/17 Press notice: YES – 30/11/17
24. 69 neighbour notification letters were sent out initially on 23 November 2017 and 7 representations were received. A re-consultation and re-notification was carried out on 23 February 2018 in relation to the amended information that was received on 06 February 2018 (concrete mixer lorries entering the site on Saturdays). The re-consultation and re-notifications resulted in updated comments and representations being received. As the further change to the application was simply to extend the temporary period applied for (to 31 August), and as the operations have already commenced, it was decided not to carry out further publicity as this would have only

delayed to the determination of the application.. The representations raised the following concerns:

- a) Early start is already happening with quarry staff entering the site in readiness for 7am start, and quarry vehicles wait to enter quarry from 6:15 am on the M6 motorway bridge;
- b) Early start and late return of vehicles will adversely impact on amenity, causing loss of sleep, additional noise, vibration, and danger for other road users;
- c) If drivers open gates at 6 am, quarry vehicles will enter quarry earlier than permitted. Complaint was received that concrete mixer vehicles have entered the site at 5.40 am on one occasion (the complaint was passed to the Planning Regulation Team);
- d) Any permission granted will erode existing planning conditions and is a move toward extending the quarry operations and hours of working;
- e) No need for application, as vehicles could park on motorway services and enter quarry at normal time (7am). By the time the application is determined the associated contract will be completed.
- f) Past record of management is questioned in terms of impacts from vehicles speeding and standard of driving, debris on local roads, and damage to verges.
- g) Blasting at the quarry was also raised as a concern (this concern was passed to the Planning Regulation Team);
- h) General comments about amenity that had been made with regard to the previous planning application (ref. SS.12/15/602 MW) granted in November 2016, and the promises made for improvements through the imposition of planning conditions.

The development plan policies and proposals relevant to this decision

25. The relevant development plan policies are listed below:

- a) [Staffordshire and Stoke on Trent Minerals Local Plan](#) (2015 - 2030) (adopted 16 February 2017):
 - Policy 4: Minimising the impact of mineral development
- b) [South Staffordshire Core Strategy](#) (adopted 11 December 2012)
 - Policy GB1: Development in the Green Belt
 - Policy EQ9 – Protecting Residential Amenity

The other material planning considerations

26. The other material considerations include the following:

- a) [National Planning Policy Framework](#) (NPPF*) (published on 27 March 2012)
 - Section 1: Building a strong, competitive economy
 - Section 4: Transport
 - Section 9: Protecting Green Belt land
 - Section 13 - Minerals
 - Paragraphs 14 (Presumption in favour of sustainable development); 17 (Core planning principles); 91 (Green Belt); are important considerations

[* Note: a [review of the NPPF](#) has taking place. The consultation period started on 5 March and ended on 10 May 2018. Having regard to the sections referred to above, the changes in the revised document are not considered to be significant in the determination of this application.]

- b) [Planning Practice Guidance](#) including: [Health and wellbeing](#); [Minerals](#); [Neighbourhood planning](#); [Noise](#); [Travel Plans, Transport Assessments and Statements](#); [Use of planning conditions](#).

Observations

27. This is an application to temporarily vary condition no. 23(e) of planning permission SS.16/10/602 MW to allow additional two concrete mixer lorries to enter and leave the site outside of normal operation hours with departures (loaded) daily at 19:00 (Monday to Friday) and single inward journeys (returning unloaded) at 06:00 daily (Tuesday to Saturday) between 15 November 2017 and 31 August 2018 at Saredon Hill Quarry, Great Saredon Road, Little Saredon.
28. Having given careful consideration to the application and supporting information, including the information subsequently received, the consultation responses and the representations received, the relevant development plan policies and the other material considerations, all referred to above, the key issues are considered to be:
- The mineral planning policy considerations
 - The effects on the highway network or local amenity
 - The effects on the Green Belt
 - The need to review and update the planning conditions

The mineral planning policy considerations – effects on the highway network or local amenity

29. The [Minerals Local Plan](#) (policy 4), the [South Staffordshire Core Strategy](#) (policy EQ9), the [NPPF](#) ([section 4](#) and [section 11](#)), and [Planning Practice Guidance](#) ([Minerals](#)) seek to minimise the effects of minerals development and advises when determining planning applications, planning authorities should ensure that there are no unacceptable adverse impacts on the highway network or local amenity, and to take into account cumulative effects. The [NPPF](#) (paragraph 33) advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
30. The representations received raise concerns about the additional traffic movements and the cumulative impact on the local road network and local amenity.
31. The two additional concrete mixer movements are retrospective and the contract to which they were associated is expected to be completed on 31 August 2018. During the process of dealing with the planning application, two complaints have been received, one concerning a concrete mixer vehicle entering the quarry at 05.40am and, one concerning a vehicle entering the quarry on Sunday. These complaints were investigated by the Planning Regulation Team. The Team has advised that the

quarry manager responded to enquiries to the effect that the drivers of the vehicles had been advised of the times when vehicles could enter the quarry. Other than these instances, the Planning Regulation Team has confirmed that no other complaints had been received prior to the application being reported to the Planning Committee about the proposed vehicle movements whilst the temporary contract has been carried out.

32. When the planning application (ref. [SS.12/15/602 MW](#)) was considered in 2015, the operating hours of the quarry and vehicle movements had been a cause for concern to nearby residents. Although that application had sought to allow quarry operations from 06.00 on weekdays, it was not considered reasonable by your officers to accept that a starting time of 06:00 was appropriate as it would not be consistent with conditions imposed within similar mineral permissions in Staffordshire; i.e. which generally operate from 07:00. It was also considered appropriate to control the number of vehicle movements to and from the quarry. In addition, the amended Section 106 legal agreement includes updated schedules for vehicle routing, rules for drivers, the erection of advisory speed signs and for highway maintenance. These measures and conditional controls were imposed in the interests of highways safety and in order to protect the surrounding environment from unacceptable adverse impacts and to protect the amenity of local residents.
33. The application does not seek to permanently increase vehicle movements or permanently extend operating hours. The application seeks only to temporarily extend the hours to allow two concrete mixer vehicle movements associated with a Network Rail contract. Although these vehicle movements had resulted in two complaints about the times of entering the quarry, overall, they have not resulted in unacceptable adverse impacts. Furthermore, no objections have been received from consultees on highways or amenity grounds.
34. *Conclusion:* Having regard to the policies, guidance, the other material considerations, the consultee comments and representations referred to above, it is reasonable to conclude that the proposed temporary traffic movements have not had an unacceptable adverse impact upon the highway network or local amenity.

Green Belt

35. The site lies in the South Staffordshire Green Belt. It is therefore necessary to assess the proposals against the [South Staffordshire Core Strategy](#) (policy GB1), the [Minerals Local Plan](#) (Policy 4.1 (g)), and, the National Planning Policy Framework (the NPPF)(section 9), which all aim to protect the Green Belt from inappropriate development and aim to preserve its openness.
36. The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
37. The NPPF ([section 9](#)) states that:

‘As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’ (paragraph 87).

‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’ (paragraph 88)

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. [subject to a number of exceptions] (paragraph 89)

Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These [include]:

- *mineral extraction.... (paragraph 90)*

38. The [Minerals Local Plan](#) (policy 4.1) and paragraph 7.33 seek to protect the Green Belt from adverse impacts from minerals development. It acknowledges that mineral extraction need not be inappropriate in the Green Belt. However in this case it is considered that the proposed extension to the operating hours for the ancillary operations may be regarded as inappropriate development, however, it is reasonable to conclude that very special circumstances exist for the following reasons:
- very special circumstances were previously accepted when the ancillary operations to which the proposed traffic movements relate were accepted (ref. [SS.16/08/602 MW](#) granted 23 November 2016 for the development of an aggregates recycling facility including associated plant and storage areas); and,
 - the proposed traffic movements are limited in scale and duration.
39. When considering inappropriate development in the Green Belt it is necessary to have regard to the [Town and Country Planning \(Consultation\) \(England\) Direction 2009](#). The Direction requires the Mineral Planning Authority to consult the Secretary of State for Housing, Communities and Local Government where it intends to approve major development where the site area is 1 hectare or more which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. In this case, as the proposed development would relate to additional traffic movements outside of the current permitted operating hours associated with a permitted ancillary operation at an existing quarry, it is reasonable to conclude that due to the limited scale and duration, it is not necessary to refer the decision to the Secretary of State.
40. *Conclusion:* Having regard to policies, guidance and other material considerations referred to above, it is reasonable to conclude that the proposals do constitute inappropriate development in the Green Belt and that ‘very special circumstances’ exist that outweigh the harm to the openness of the Green Belt. Also, due to the limited scale and duration, it is not necessary to refer the decision to the Secretary of State.

The need to review and update the planning conditions

Condition 23(e) of planning permission SS.16/10/602 MW

41. To accommodate the temporary operating hours it is recommended that condition 23(e) be updated as follows:

e) *No HCVs shall enter or leave the Site other than between the following hours:*

- *07:00 to 18:00 Monday to Friday; and,*
- *07:00 to 13:00 Saturdays.*

except for two concrete mixer vehicles which shall only enter or leave the Site from 15 November 2017 to 31 August 2018 between the following hours:

- *06:00 to 19:00 Monday to Friday; and,*
- *06:00 to 13:00 Saturdays,*

Review and update of the other conditions attached to planning permission SS.16/10/602 MW

42. The NPPF ([paragraph 203](#)) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. While the permitted mineral operations are not unacceptable and conditions are relatively up to date, it is appropriate when varying a planning permission to review and where reasonable and necessary, update other planning conditions.
43. The extant planning permission (ref. SS.16/10/602 MW) was granted in November 2016. It is therefore necessary to update any other conditions that are impacted by the proposals. In this case, it would be necessary to update Condition 2 in order to define the date of commencement of the development commensurate with the date of the new permission
44. As stated previously, another application which seeks to vary the extant permission (ref. [SS.17/10/602 MW](#)) is also being reported to this Planning Committee meeting. It should therefore be noted that if the Planning Committee accept the recommendation to permit that application, then it would be necessary to make further updates to the conditions to accommodate that decision and vice versa.

Overall Conclusion

45. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to application, the supporting information including the information subsequently received, the consultation responses, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposals should be permitted, subject to the amended conditions recommended above and below.

RECOMMENDATION

PERMIT the application to temporarily vary condition no. 23(e) of planning permission SS.16/10/602 MW to allow an additional two concrete mixer lorries to enter and leave the site outside of normal operation hours with departures (loaded) daily at 19:00 (Monday to Friday) and single inward journeys (returning unloaded) at 06:00 daily (Tuesday to Saturday) between 15 November 2017 and 31 August 2018 at Saredon Hill Quarry, Great Saredon Road, Little Saredon, subject to the amended planning conditions listed below.

The planning conditions of the new planning permission to include the conditions of the extant planning permission ref. SS.16/10/602 MW; the updates in the event that application ref. [SS.17/10/602 MW](#) is approved; and, as follows (the changes highlighted in **bold**):

- 1) To define the permission in accordance with the approved **documents, plans** and details.
- 2) To define commencement as being the **date of the permission**.
- 23) To require the hours of operation **other than for temporary operations to allow two concrete mixer vehicles outside of normal operation hours between 15 November 2017 and 31 August 2018** to be:
 - e) HCVs entering and leaving the Site

No HCVs shall enter or leave the Site other than between the following hours:

- *07:00 to 18:00 Monday to Friday; and,*
- *07:00 to 13:00 Saturdays.*

except for two concrete mixer vehicles which shall only enter or leave the Site from 15 November 2017 to 31 August 2018 between the following hours:

- ***06:00 to 19:00 Monday to Friday; and,***
- ***06:00 to 13:00 Saturdays.***

Case Officer: Graham Allen - Tel: (01785) 277299 email: graham.allen@staffordshire.gov.uk

<i>A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).</i>
