

PLANNING APPLICATION NUMBER:P11/1026

Type of approval sought	Full Planning Permission
Ward	KINGSWINFORD SOUTH
Applicant	Simon Winner, WCL Quarries Ltd
Location:	KETLEY QUARRY, DUDLEY ROAD, KINGSWINFORD SOUTH, DUDLEY, WEST MIDLANDS
Proposal	IMPROVE AND UPGRADE SITE ACCESS (A4101), COMPOUND, SITE OFFICES, WEIGHBRIDGE, ANCILLARY FACILITIES, NEW SECURITY FENCING AND ASSOCIATED CAR PARKING (PART RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. Ketley Quarry is situated immediately behind The Kingswinford hotel and adjoining BP petrol station fronting the A4101 between Pensnett and Kingswinford. It extends over 19.4 hectares and has been worked for Etruria marl and sandstone since the 1800s with the first planning permission being granted by Staffordshire County Council in 1952. Access to the quarry is gained from two access points in Ketley Road and from the A4101Dudley Road just to the east of the petrol station.
2. The quarry is adjoined by inter-war residential development in Ketley Road to the west and south and 1960s residential development on the Crestwood Park estate to the south-east. The Dawley Brook runs alongside the western boundary beyond which is the Sandpipers estate.
3. Across the A4101 is the Pensnett (Industrial) Estate and to the west of the Sandpipers estate is the Gibbons Industrial Park. Accordingly, the surrounding area is mixed in character. The brick and tile works of the owners of the quarry is situated nearby in Dreadnought Road.

PROPOSAL

4. It is proposed to improve and upgrade the access to the quarry adjacent to the petrol station in Dudley Road and provide new site infrastructure comprising a weighbridge, site office, toilet building and a plant maintenance and parking area within a fenced compound. With the exception of the access improvement works, the application is retrospective.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/48/138	Surface working of clay and marl in Site A (Ketley Quarry) and tipping of waste material in Site B (adjacent the brick and tile works in Dreadnought Road)	Approved	21.12.50
97/50322	Determination of conditions for a Mineral Site – Environment Act 1995	Approved	19.6.97
P11/0920	Variation of condition 6b to allow lorries to enter and leave the site from 0700 rather than 0730/0800	Refused	12.12.11

PUBLIC CONSULTATION

5. Twenty-five objections have been received from local residents and the three Ward members. The objections relate to highway safety, mud and debris on Dudley Road, insufficient lorry parking, additional noise and dust and a deterioration in air quality leading to health problems. Some refer to the fact that, when the Schedule of Conditions controlling the operation of the quarry was approved in 1997, the Dudley Road access was only used on a small number of occasions. The use of this

access by up to 100 lorries a day as proposed would significantly increase highway hazards for drivers and pedestrians because of high vehicle speeds on the A4101, slow lorries turning in and out, the proximity of the petrol station access and the Ploverdale Crescent junction as well as the existence of several other accesses along this stretch of the road.

6. Many objectors refer to increased noise and dust from the increased activity since the applicants moved onto the site. Some refer to pollution from diesel fumes and possible structural damage to their properties as well as devaluation, adverse effect upon the quarry's wildlife and loss of trees.

OTHER CONSULTATION

Group Engineer (Development):

7. The application seeks to provide onsite infrastructure to support the existing quarrying operations, hard surfacing for plant, fencing, stores and a small office. As these facilities will not attract an increase in trips and are associated with the existing operation we have no objection to this element of the application.
8. The application also provides a new access. Although this application is not associated with works that could result in an increased number of trips, the following comments regarding the access are made, mindful of other applications recently submitted that seek approval for recycling and infilling operations which will increase the number of trips at the site and therefore are material in considering the adequacy of the access.

Parking

9. The application form states that the number of employees will increase from 4 to 6 and the number of parking spaces will increase from 4 to 13. Therefore this parking provision is acceptable.

Traffic Flow

10. The transport assessment identified that the Dudley Road access currently has 120 HGV movements per day. As a result of recycling and infilling operations this will increase to 200 HGV movements per day. There is also 120 HGV movements every Wednesday from the Ketley Road access which could potentially be diverted onto the Dudley Road Access.
11. These figures are based on the expectations of the quarry operator, however, these traffic flow figures could be considerably higher if a number of construction/demolition sites require removal of material at the same time.

Access Dudley Road A4101

12. The transport assessment provided HGV tracking of a 10 m tipper truck in and out of the access. The assessment clearly showed that the access is not adequate to cater for all the movements of this type of vehicle that would normally be expected to use the access and therefore should be modified.
13. Since these comments were made, the Transport Consultants have submitted a revised design for the access. The revised design addresses the Group Engineer's concerns and no objection is raised to the access subject to the modifications being carried out. The works, including provision of the required visibility splays, can be achieved within the existing highway boundary or land in the control of the applicants.

Ketley Road Access

14. Restricting access movements at Dudley Road may result in an increase in movements at the Ketley Road access points. This would be undesirable given the road width and residential nature of Ketley Road.

Accident Record

15. The transport consultant provided a transport assessment which investigated HGV accidents along the A4101 from its junction with the A491 to its junction

with the A461. This is an extensive area and records were assessed over the previous 5 years.

16. There were a total of 148 accidents during the 5 year study period. Only 5 or 3% of these accidents involved HGV's. Given that HGV traffic comprises approximately 10% of all traffic during the working day, accidents involving HGV's would not appear to be an issue in comparison with the total accidents on this section of Highway.
17. The transport assessment identified that there were no accidents involving HGVs or medium sized goods vehicles that were obviously related to the Quarry and the operator is not aware of incidents involving their vehicles and no accidents were identified at the access to the junction.
18. In the last five years there have been 7 road incidents in the stretch of Highway between the Dudley Road access and Ketley Road. Some 14 people were injured in these accidents. None of the accidents involved a HGV. One of the accidents involved a medium sized goods vehicle which could not avoid a car as the car pulled out in front of the MGW emerging from a DIY store. One accident did involve skidding on ice, however, the causation was due to weather and the vehicle being driven too fast for the road conditions.
19. Therefore, it can be concluded that there is no evidence of a road safety issue concerning existing lorry movements connected with the Quarry.

Objections

20. There have been a number of objections from residents concerning the quarrying operation at Ketley Road. These include, mud or detritus on the road and around the central reservations, the risk of skidding, build up of ice from road sweeping operations and risk of accidents from the lorry movements.

Cleaning and Prevention of Mud / Detritus on the Road

21. There is concern as to the possibility of detritus being deposited onto the Highway from the quarrying operation. Clearly such deposits have serious road safety implications.
22. There have been no reported accidents from the current operation as a result of deposits on the road. The site has been regularly inspected by Dudley MBC maintenance staff since June who noted vehicle tracking on the Highway which when wet shows up as staining on the Highway. However, at no time did they see anything that gave cause for concern or constitutes an offence under the Highways Act.
23. The applicants operate a road sweeper that has powerful jets on the front of the vehicle that lifts dust and detritus off the surface allowing the sweeper to clean the road surface more effectively.
24. There were objections regarding the possible build up of ice as a result of the jetting operations during periods of cold weather. An accident was identified due to skidding on ice near the Dudley Road access. There is no evidence suggesting this was in any way connected with the quarry, however, it does raise concerns during cold periods. It is suggested that the road sweeper uses an appropriate saline solution during periods when icing could occur.
25. The highway inspectors have noted the build up of material around the pedestrian refuges but conclude this is likely due from a build up of material primarily from Dudley MBC winter maintenance, de-icing / salting operations rather than from the quarry.
26. Based on recent inspections it appears the current operators are taking adequate efforts to keep the road surface clear of any mud or detritus. However, is a condition requiring the operator to provide an operational

management procedure for the cleaning of mud or detritus from the Highway and agreed in writing by the planning authority is recommended.

27. A further condition requiring the applicant to provide appropriate signing on the A4101 that warns drivers in advance of the access of slow lorries turning is also recommended subject to the consent of the landowner if outside the highway.

Head of Environmental Health and Trading Standards:

28. The upgrading to the area is likely to reduce the occurrence of airborne dust in this area as a more readily cleansable surface has been provided. The issue of dust emissions from the site is controlled by existing decision notice 97/50322 (Condition 13) and therefore it is not thought necessary to duplicate this requirement. The issue of mud on the highway is covered by condition 10 of the same decision notice and is outside of Environmental Protections remit.
29. Paragraph 2.2.3 discussed the presence of wheel washing and vehicle washing operations, however, there was no evidence during site visits that these are in place. There are however two overhead spray points which I understand are in place to suppress ground level dust. Therefore, no objection is raised to the proposals, subject to any time restrictions detailed on decision notice 97/50322 being retained as conditions.

RELEVANT PLANNING POLICY

- National Planning Guidance
 - PPS1 - Delivering Sustainable Development
 - PPS4 - Planning for Sustainable Economic Growth
 - PPS9 - Biodiversity and Geological Conservation
 - PPS10 - Planning for Sustainable Waste Management
 - PPG13 - Transport
 - PPS23 - Planning and Pollution Control
 - PPG24 - Planning and Noise

MPS1 - Planning and Minerals

MPG7- Reclamation of mineral workings

MPG14 - Environment Act 1995 - review of mineral planning permissions

- Draft National Planning Policy Framework

The Draft NPPF was published for consultation on 25th July 2011. Whilst regard has been had for this document it is still at a draft stage and therefore too early to attract significant weight as a material planning consideration.

- Regional Planning Guidance

The High Court Decision on 10th November 2010 in respect of the challenge by Cala Homes (South) Ltd (2010 EWHC 2866) quashed the Government's decision on 6th July 2010 to revoke the Regional Strategies. As a consequence the West Midlands Regional Spatial Strategy forms an ongoing part of the development plan.

The Chief Planner at the Department for Communities and Local Government wrote to all local authorities setting out that the Secretary of State expected them, and the Planning Inspectorate, to have regard to his letter of 27th May 2010, announcing his intention to abolish the Regional Strategies through the introduction of the emerging Localism Bill, as a material consideration in planning decisions.

The Localism Bill received Royal Assent on the 16th November 2011 becoming law; and confirmed the Governments intention to revoke Regional Strategies. In the coming months the measures in the Localism Act will begin to come into effect but the abolition of the RSS will not happen until the end of January at the earliest as the Government is currently consulting on the environmental impact of the abolition. Therefore the RSS policies still form part of the development plan until such point, and the following policies are considered relevant to the material consideration of this planning application:

- QE3 – creating high quality built environments for all.

- Black Country Joint Core Strategy
 - CSP5 Transport Strategy
 - TRAN2 Managing Transport Impacts of New Development
 - TRAN3 The Efficient Movement of Freight
 - ENV 1 Nature Conservation
 - ENV 8 Air Quality
 - WM1 Sustainable Waste and Resource Management
 - MIN2 Production of Aggregate Minerals

- Unitary Development Plan
 - DD4 Development in Residential Areas
 - DD10 Nature Conservation and Development
 - NC1 Biodiversity
 - NC6 Wildlife Species
 - NC7 Geological Resource
 - EP1 Incompatible Land Uses
 - EP7 Noise Pollution

- Supplementary Planning Guidance/Documents
 - Nature Conservation Supplementary Planning Document
 - Parking Standards and Travel Plans Supplementary Planning Document

ASSESSMENT

30. The key issues are:
- Background
 - Access, Parking and Highway Safety
 - Impact on Local Residents and Visual Amenity
 - Other Matters

Background

31. The operation of Ketley Quarry is controlled by a Schedule of Conditions approved by the Council in 1997 under application no. 97/50322. It is requirement of the Environment Act 1995 that all quarry workings are subject to such a Schedule and that these conditions are reviewed every fifteen years. Ketley Quarry's Schedule of Conditions must be reviewed by June 2012.
32. Condition 30 of the Schedule covers the restoration of the quarry and the Head of Law, Property and Human Resources has confirmed that the wording of the condition does permit the infilling of the quarry. In fact, the Schedule requires the land to be restored to its former level under the terms of the original planning permission granted by Staffordshire County Council in 1950. Condition 30 requires a scheme of restoration to be submitted for approval by the Council as Mineral Planning Authority. An application for this has been submitted (ref. 97/50322/C1) and will be reported to a future meeting of the Committee.
33. All the works the subject of the application have already been provided with the exception of the further modifications to the access shown on the Transport Consultants' revised plan. The facilities are necessary for an infilling operation of this nature if it is to be operated efficiently and safely.

Access, Parking and Highway Safety

34. The Group Engineer has considered the Transport Assessment and is of the opinion that an access suitable for approximately 200 lorry movements a day can be provided adjacent to the petrol station which would be safe and would not prejudice the free flow of traffic on the A4101. The fact that the Dudley Road access has only been frequently used in the past does not mean that it cannot provide a main access for the infilling operation at the same time that Ketley Road remains as the primary access for the import and removal of clay for the nearby brickworks. The applicants have stated that they would not use Ketley Road in

connection with the infilling operations and the Group Engineer would not wish to see any further lorry traffic on this narrow, essentially residential road. He does not consider that the access directly onto Dudley Road needs to be limited in terms of HGV movements, and, therefore, there would be no adverse effect upon Ketley Road.

35. Adequate parking has been provided for the operatives and visitors and there is adequate pull-off and parking space for lorries to prevent queuing on the A4101.
36. The issue of mud on the highway has been monitored since local residents started to complain about it. The Group Engineer and the highway inspectors are satisfied that the applicants arrangements for preventing mud and stones being brought onto the highway are satisfactory and that there is no highway safety issue. The potential for cleaning water to form ice on the road in winter can be controlled by additives which can be covered adequately by a condition.
37. Accordingly, notwithstanding the objections from residents, it would be difficult to substantiate a refusal of permission based on highway safety.

Impact on Local Residents and Visual Amenity

38. Since the applicants commenced their operations, many local residents have complained about increased noise and dust from the quarry. Separate applications have been submitted by the applicants for the infilling and recycling operations which appear to be the source of the complaints but the current application relates only to the compound.
39. The compound is only really visible from that stretch of the A4101 immediately in front of the site. The enclosing palisade fencing and gates are set sufficiently far back from the road and close to trees not to appear prominent in the street scene. The applicants have constructed bunds (linear mounds) around part of the compound to screen it from the Kingswinford hotel. These bunds will be seeded and planted to eventually form a dense screen. The compound is not visible from

any residential property and the wooded sides to the Dawley Brook add further visual protection to the Sandpipers estate.

40. Lorries approach the weighbridge along a recently-constructed concrete road which is hard surfaced along its entire length from Dudley Road. Because the compound area is predominantly hard surfaced and the applicants use a road sweeper with high jets to prevent the build up of mud and dampen the surface to suppress dust, the Head of Environmental Health and Trading Standards, who has been investigating residents' complaints, does not consider there to be any evidence that noise or dust is related to the compound. Accordingly, he has raised no objection to the proposals.

Other Issues

41. As the works the subject of the application have already been carried out, it is not possible to assess the extent of any vegetation or habitat removal. However, the compound is only a small part of the quarry site and was previously used for bringing heavy equipment onto the site. Accordingly, it is not considered that the works have had a significant effect upon the vegetation or the wildlife at the quarry.
42. The compound is well away from residential properties and lorries access it directly from the A4101 which is part of the strategic highway network and already carries a high volume of traffic. Accordingly, it would be highly unlikely that the movement of lorries into and out of the compound would affect the structural stability of any dwellings.
43. The possible devaluation of property is not a material planning consideration.

CONCLUSION

44. Operations at Ketley Quarry are controlled through a Schedule of Conditions approved in 1997. Condition 30 of this Schedule permits the deposit of waste materials and, under the terms of the original 1950 planning permission, the land is

to be restored to its former levels before quarrying began. The owners of the quarry have entered into an agreement (understood to be for up to 15 years) with the applicants to infill the worked out parts of the quarry. The applicants have established a compound accessed from a previously infrequently used access to the quarry off Dudley Road adjacent to the petrol station. It is intended that the infilling will take place from this access with up to 200 lorry movements per day. A Transport Assessment has been submitted which has been considered by the Group Engineer. Subject to further modifications being undertaken to the access, the Group Engineer has raised no objection to the use of the access and does not consider that it would be prejudicial to highway safety or traffic flow on the A4101. He is also satisfied with the applicants' arrangements for preventing mud and detritus from the site being brought onto the public highway. The Head of Environmental Health and Trading Standards, who has been investigating complaints from residents about noise and dust from the quarry since the applicants commenced operations, also raises no objections to the proposals. The compound is situated some distance from the nearest residential properties and is not visible from them. Accordingly, despite the objections received from local residents, it is not considered that a refusal of planning permission would be justified.

RECOMMENDATION

It is recommended that the application is approved subject to the following conditions:

Reason for the grant of planning permission

Operations at Ketley Quarry are controlled through a Schedule of Conditions approved in 1997. Condition 30 of this Schedule permits the deposit of waste materials and, under the terms of the original 1950 planning permission, the land is to be restored to its former levels before quarrying began. The owners of the quarry have entered into an agreement (understood to be for up to 15 years) with the applicants to infill the worked out parts of the quarry. The applicants have established a compound accessed from a previously infrequently used access to the quarry off Dudley Road adjacent to the petrol station. It is intended that the infilling will take place from this access with up to 200 lorry movements per day. A Transport Assessment has been submitted which has been considered by the Group Engineer. Subject to further modifications being undertaken to the access, the

Group Engineer has raised no objection to the use of the access and does not consider that it would be prejudicial to highway safety or traffic flow on the A4101. He is also satisfied with the applicants' arrangements for preventing mud and detritus from the site being brought onto the public highway. The Head of Environmental Health and Trading Standards, who has been investigating complaints from residents about noise and dust from the quarry since the applicants' commenced operations, also raises no objections to the proposals. The compound is situated some distance from the nearest residential properties and is not visible from them. Accordingly, despite the objections received from local residents, it is not considered that a refusal of planning permission would be justified.

The decision to grant planning permission has been taken with regard to the policies and proposals in the saved Dudley UDP (2005), the Black Country Joint Core Strategy (2011) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

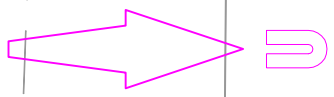
Conditions and/or reasons:

1. Within one month of the date of this permission, an operational management procedure for the cleaning of mud or detritus from the highway shall be submitted to and agreed in writing by the local planning authority. Such procedure shall be implemented for the duration of infilling operations at the Ketley Quarry.
2. Within one month of the date of this permission, appropriate signing on the A4101 that warns drivers in advance of the access of slow lorries turning shall be provided in accordance with details to be agreed in writing by the local planning authority. Such signs shall be retained for the duration of the use of the access.
3. Visibility splays of 2.4m X 59m shall be provided at the access with the A4101 within one month of the date of this permission and shall be maintained for the duration of the use of the access.
4. Within one month of the date of this permission, the existing access shall be modified in accordance with the layout design shown on Mayer Brown drawings numbered NW/EAL/KETLEY.1/03 Rev D and NW/EAL/KETLEY.1/02 Rev D and shall be maintained in accordance with those drawings for the duration of the use of the access

5. No lorries associated with the deposition of waste materials or the movement of recycled materials from the site shall enter or exit the quarry site from Ketley Road

KETLEY QUARRY SITE LOCATION





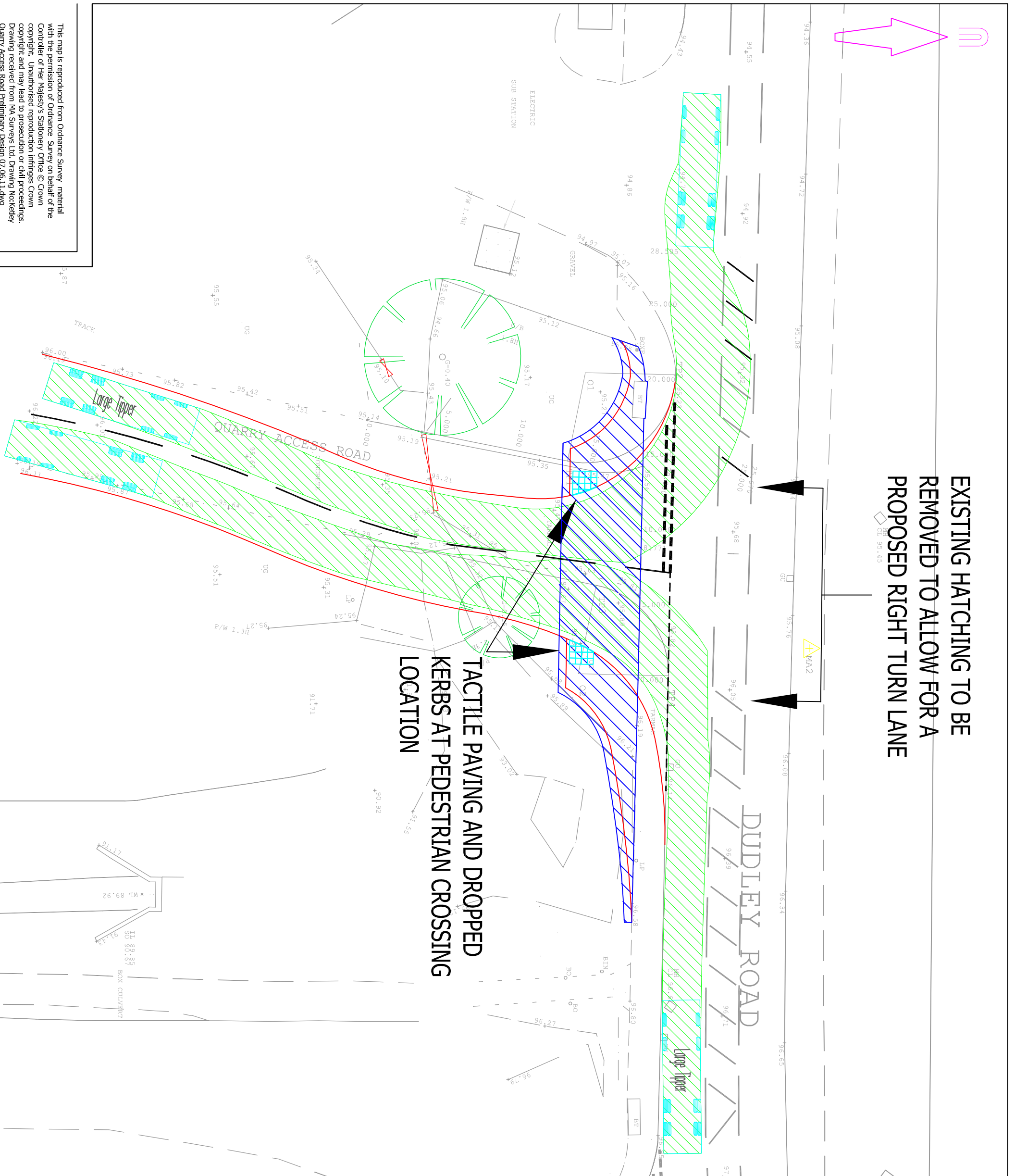
**EXISTING HATCHING TO BE
REMOVED TO ALLOW FOR A
PROPOSED RIGHT TURN LANE**

OS 95.45

W/A2

DUDLEY ROAD

**TACTILE PAVING AND DROPPED
KERBS AT PEDESTRIAN CROSSING
LOCATION**



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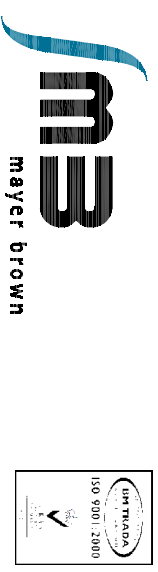
KEY

- EXISTING WHITE LINING
- PROPOSED WHITE LINING
- PROPOSED KERB LINE
- PROPOSED ADOPTED HIGHWAY LAND

All measurements have been based on OS mapping. The accuracy of OS mapping data should be checked prior to detailed design and construction.

DRAFT FOR CONSULTATION

rev.	amendment	checked	date
D	CHANGE TO FOOTWAY WIDTH	HI	19/12/2011
C	PEDESTRIAN FOOTWAY ADDED	MB	24/11/2011
B	CHANGES TO THE SITE ACCESS	MB	25/10/2011
A	CHANGES TO THE SITE ACCESS	MB	20/10/2011

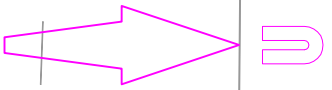


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client: ENVIROARM LTD
project: KETLEY QUARRY, KINGSWINFORD

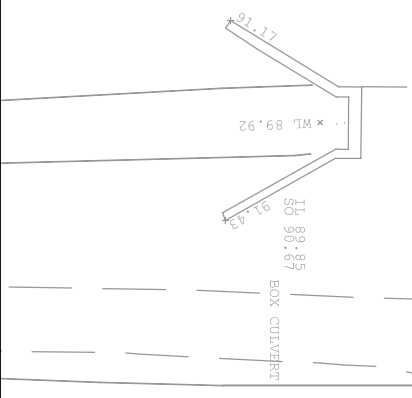
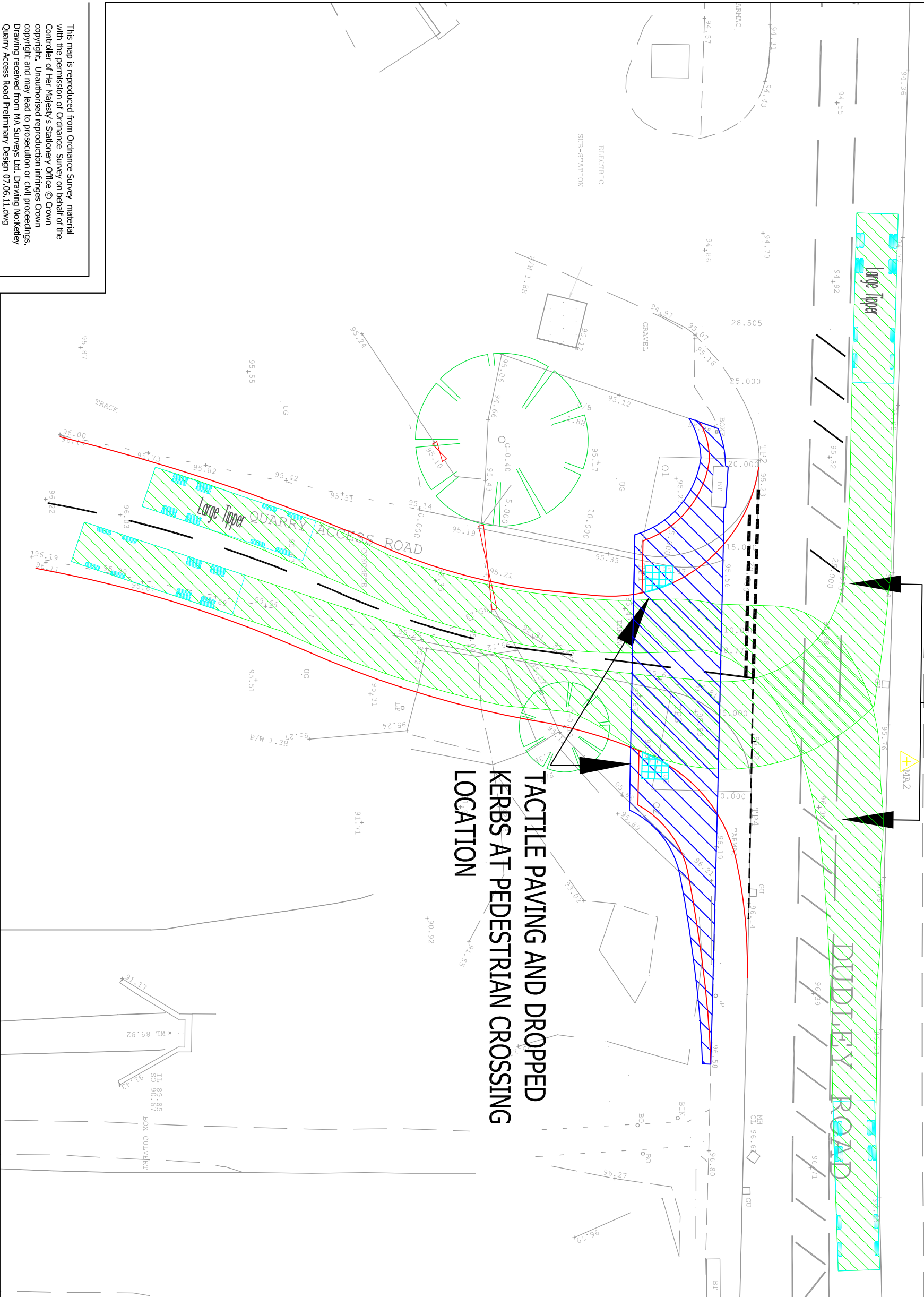
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date	10/06/2011	cad file	NW-EAL-KETLEY.1-02.REV.D.DWG		
title	TRACK RUN OF A 10M TIPPER TRUCK TURNING LEFT INTO THE SITE AND LEFT OUT OF THE SITE				

drawing number: NW/EAL/KETLEY.1/02
rev.: D



**EXISTING HATCHING TO BE
REMOVED TO ALLOW FOR A
PROPOSED RIGHT TURN LANE**

CU 95.45



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client	ENVIROARM LTD
project	KETLEY QUARRY, KINGSWINFORD
scale	1:250 @ A3
date	10/06/2011
drawn by	JF
checked by	MB
cad file	NW-EAL-KETLEY.1-03.REV.D.DWG
title	TRACK RUN OF A 10M TIPPER TRUCK TURNING RIGHT INTO THE SITE AND RIGHT OUT OF THE SITE

Drawing number: **NW/EAL/KETLEY.1/03**

rev. **D**

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