

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Regulatory Committee

**Date of Committee** 16th March 2006

**Report Title** Ling Hall Quarry - Asphalt Plant

**Summary** The application proposes the construction and operation of an asphalt plant at Ling Hall Quarry, Coalpit Lane, Lawford Heath, Rugby.

**For further information please contact** Thomas Cox  
Planning Officer  
Tel. (01926) 412247  
thomascox@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** Planning application, received 10/11/2005.  
Letter from Highways Agency dated 28/11/05.  
Email from Environmental Health Officer dated 29/11/05.  
Letter from County Museum dated 29/11/05.  
Letter from Wolston Parish Council dated 7/12/05.  
Letter from Rugby Borough Council dated 7/12/05.  
Three representations

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

- Other Committees  .....
- Local Member(s)  Councillor B Levy – No comments received.  
(With brief comments, if appropriate) Councillor Mrs H Timms – No comments received.
- Other Elected Members
- Cabinet Member  .....  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive  .....
- Legal  I Marriott – comments incorporated.

- Finance  .....
- Other Chief Officers  .....
- District Councils  Rugby Borough Council – objects (see paragraph 2.1).
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  Church Lawford Parish Council, Wolston Parish Council, Long Lawford Parish Council, Environment Agency

**FINAL DECISION**                      **YES/NO**      *(If 'No' complete Suggested Next Steps)*

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

**Regulatory Committee - 16th March 2006**

**Ling Hall Quarry – Asphalt Plant**

**Report of the Strategic Director of  
Environment and Economy**

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the construction and operation of an asphalt plant on land within Ling Hall Quarry, Coalpit Lane, Lawford Heath, Rugby, subject to the signing of a Section 106 Agreement covering traffic routing and subject to the conditions and for the reasons contained in **Appendix B** of the report of the Strategic Director of Environment and Economy.

APPLICATION NO: R16/05CM035

RECEIVED BY COUNTY: 10/11/2005

ADVERTISED DATE: 17/11/2005

APPLICANT: Ennstone Breedon Ltd, Breedon On The Hill, Derbyshire DE73 1AP.

AGENT: Simon Heaton Planning Consultants, 6 Byron Road, West Bridgford, Nottingham. NG2 6DX.

THE PROPOSAL: The construction and operation of an asphalt plant.

SITE & LOCATION: Land adjacent to Ling Hall Quarry, Coalpit Lane, Lawford Heath, Rugby.  
[Grid Ref: 445.730].

See plan in **Appendix A**

## 1. Application Details

- 1.1 The application proposes the construction and operation of an asphalt plant to produce bituminous road stone materials on land within Ling Hall Quarry to serve the local markets of Rugby and Coventry.
- 1.2 The development would consist of:-
- (i) A 'cold aggregate feed' system made up of 12 storage hoppers 4 metres above ground level.
  - (ii) Rotating Dryer measuring 10.2 metres in length and 2.5 metres in diameter.
  - (iii) Six compartment storage hopper for dry aggregates.
  - (iv) Twin shaft paddle mixer.
  - (v) Two – 6000 litre electrically heated bitumen tanks.
  - (vi) Three mixed materials storage silos with a combined capacity of 150 tonnes.
  - (vii) Control cabin.
- The storage silos would be the highest element of the plant at 14.5 metres high.
- 1.3 The asphalt plant would be supplied with raw materials from the quarry as much as possible, but importation of Bitumen, Hard stone, Gravel/Limestone and Filler would be necessary to meet product specification, and to supplement the supplies of coarse aggregates from the quarry.
- 1.4 Once operational the asphalt plant would have an output of 75,000 tonnes per annum. It is estimated that 85% of the asphalt would be dispatched in vehicles owned or controlled by the company and the remaining 15% by local contractors. The average number of vehicle movements would be 32 per day.
- 1.5 HGV's associated with the asphalt plant would access the site via the existing quarry entrance off Coalpit Lane and internal haul road.
- 1.6 The applicant has stated that they are prepared to implement measures to ensure, with the exception of local deliveries, that asphalt deliveries are routed to and from the A45/A4071 junction and are willing to enter into a Section 106 Agreement to agree a set of appropriate measures concerning routing of vehicles.

1.7 The proposed hours of operation of the facility are:-

- |      |                 |             |
|------|-----------------|-------------|
| (i)  | Monday – Friday | 0600 – 1800 |
| (ii) | Saturdays       | 0600 – 1300 |

No dispatch of coated materials by lorry would take place prior to 0630, and all other lorry movements would be restricted to the existing approved times.

1.8 It is intended to operate the asphalt plant occasionally during evenings, Saturday afternoons and Sundays, on no more than 12 weekends within a 12 month period due to contract requirements imposed by highways authorities where road works have to be undertaken during periods of low traffic.

1.9 Extended operating hours would be subject to prior notification to the County Council. It has been proposed that the extended operating periods be restricted in the first instance for a trial period of 12 months.

1.10 The development would create up to six new jobs.

## 2. Consultations

2.1 **Rugby Borough Council** – Object to the asphalt plant and the proposed extended operating hours which includes weekends as it is considered to significantly harm the amenities of local residents. However no objections would be raised to the asphalt plant if the operating hours would be the same as the mineral extraction and that HGV's enter the site using Coalpit Lane and not Lawford Heath Road.

2.2 **Councillor Mrs H Timms** – No comments received as of 2/3/06.

2.3 **Councillor B Levy** – No comments received as of 2/3/06.

2.4 **Environmental Health Officer** – No objection provided a further noise assessment is carried out to determine night time and weekend noise from the proposed asphalt plant for hours when the landfill is not operating.

2.5 **Long Lawford Parish Council** – No comments received.

2.6 **Church Lawford Parish Council** – No comments received.

2.7 **Wolston Parish Council** – No objection although would be grateful if extra planting could take place, especially when being viewed from the bend in Coalpit Lane/Lawford Heath.

2.8 **Highways Agency** – Satisfied that the proposal is unlikely to result in a significant material increase in traffic movements upon the A45 Trunk Road and its associated junctions to the detriment of the safe and efficient movement of highway users subject to the imposition of operating restrictions that influence traffic generation and the need to travel. Therefore, no objection subject to condition.

- 2.9 **Environment Agency** – No comments received.
- 2.10 **County Museum** – No objection subject to a condition requiring further archaeological investigation.

### **3. Representations**

- 3.1 Three letters of representation have been received from nearby residents. Concerns include:-
- (i) Increased traffic/routing.
  - (ii) Noise.
  - (iii) Visual impact of building.
  - (iv) Proposed hours of operation.
  - (v) Air quality/dust/pollution.
  - (vi) Odour.
  - (vii) Impact on Green Belt/destroy countryside.
  - (viii) Damage/pollution to local road network.
  - (ix) Close proximity to residents.

### **4. Observations**

- 4.1 Ling Hall Quarry is a large sand and gravel quarry/landfill operation situated to the south-west of Rugby, located to the north of the A45 and is accessed off Coalpit Lane.
- 4.2 It is proposed to construct the asphalt plant on a strip of land to the north of the weighbridge offices located between two restored landfill areas and adjacent to the quarry and landfill haul road. The restored areas have been backfilled to levels substantially above original ground level, and therefore the proposed development is generally enclosed and screened from beyond the quarry site.
- 4.3 The nearest sensitive properties to the site are residences along, and off, Lawford Heath Lane to the south and south-east. Blue Boar Farm lies approximately 300 metres to the south, and dwellings in The Crescent are more distant at approximately 330 metres and greater. The main areas of residential properties are located at The Crescent and The Rylands, off Lawford Heath Lane.

#### **Policy**

- 4.4 The application site is located within the Green Belt as defined by the Rugby Borough Local Plan. Policy R/E10 of the Local Plan states that within the Green Belt the rural character of the area will be retained, protected and whenever possible enhanced by safeguarding areas of mainly open countryside.
- 4.5 Planning Policy Guidance Note (PPG) 2 (Green Belts) sets out the purposes of the Green Belt that include preventing urban sprawl and safeguarding the countryside from encroachment and maintaining openness.

- 4.6 The application site is contained and screened by restored landfill, whereby one side adjoins the existing quarry processing plant and would therefore have no greater impact on Green Belt than the existing plant. The proposal would not detract from the openness of the locality or prejudice the purpose of Green Belt. In the circumstances, the proposed development is therefore considered to accord to Policy R/E10.
- 4.7 Paragraph 3.12 of P.P.6.2 "Green Belts" advises that engineering operations such as the installation of plant, as now proposed, may be inappropriate development in the Green Belt if they harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. As this plant is inconspicuously sited on a working quarry and will only be seen in the context of existing quarry plant and equipment, it is considered that the development will not compromise the openness of the Green belt. Furthermore the development will not conflict with the purposes of including land in the Green Belt as defined by paragraph 1.5 of P.P.6.2. The development is therefore considered to be appropriate development in the Green Belt as defined by P.P.6.2.
- 4.8 Policy M7 of the Minerals Local Plan for Warwickshire seeks to ensure that any adverse effects and implications for residents are mitigated. The policy makes it clear that proposals for operations ancillary or secondary to mineral extraction will normally be expected to be sited adjacent to primary plant. The use of plant, machinery and building will be restricted to processes using minerals produced from the site. Where appropriate, conditions may be imposed or agreements sought to control the life-span of operations ancillary or secondary to mineral extraction.
- 4.9 The application site is located immediately adjacent to the existing plant site at the quarry and would use some of the mineral extracted at the site. It is therefore considered that the proposal accords with Minerals Local Plan Policy.

### **Visual**

- 4.10 The application site is currently unoccupied land adjacent to the quarry and is screened by tipped areas to the east and west. The site is adjacent to the existing processing plant which can only be partially viewed from off site. Immediately south is a relatively flat area mainly comprising of arable fields with low, well-trimmed hedgerows and trees. Following initial consultation with the residents liaison group a low level plant has been chosen which would limit visual impact of the structure. The existing enclosed nature of the site would result in minimal additional visual impact.

### **Noise**

- 4.11 The applicant states that due to the distance from residential properties, the physical screening and the prevailing noise levels, the operation of the plant has been assessed to have no material impact on the local noise climate. The Environmental Health Officer (EHO) considered the noise assessment to be of a high standard and acceptable but requested a further noise assessment to be submitted showing the effects of night time and weekend working from the plant for hours when the landfill is not operating. On receipt of the additional noise

assessment, the EHO has stated the report is acceptable but considers a noise mitigation scheme with accompanying assessment of likely noise reduction is required. This could be attached as a pre-commencement condition if permission were granted in relation to evening and weekend working.

### **Dust**

- 4.12 The asphalt plant would be subject to primary and secondary dust extraction and filtration, whereby collected dust is discharged into the filler silo. A dust assessment concludes that the dust control measures proposed and incorporated into the plant would minimise the production of dust, and prevent dispersal beyond the site boundary. The Environmental Health Officer concludes that the above process will adequately control emissions to air from the asphalt plant.

### **Access and Traffic**

- 4.13 HGV traffic would access the batching plant via the existing quarry entrance. The siting of the asphalt plant adjacent to the quarry weighbridge and access allows for the constituent minerals to be supplied from the existing quarry processing plant into the new development.
- 4.14 Concern has been raised regarding the routing of vehicles away from the site. The applicant acknowledges concerns regarding vehicle routing and is prepared to implement measures to ensure that, with the exception of local deliveries, asphalt vehicles and deliveries are routed to and from the A45/A4071 junction.
- 4.15 The applicant is prepared to enter a Section 106 Agreement with the County Council to agree a set of appropriate measures concerning routing of traffic. Existing quarry and landfill traffic would remain outside the control of a formal routing agreement.

### **Hours of Operation**

- 4.16 The existing quarry/landfill operations are primarily restricted to: 0700 – 1800 hours Monday to Friday and 0700 – 1300 hours Saturdays with no operations or uses permitted on Sundays, Bank or Public Holidays. Subsequent to the original planning permission being granted a number of applications have been submitted proposing variation of the hours of operation. Permission was granted in April 1996 (R16/96CM004) to allow the sale and processing of material on Good Friday and permission was granted on appeal in March 1997 (R16/96CM005) permitting the maintenance and repair of plant and equipment in the area of the existing processing plant on Saturdays between 1300 hours and 1600 hours.
- 4.17 Planning permission was granted in November 2003 for the installation of a concrete batching plant on land adjacent to the quarry/landfill. The application sought permission for the facility to operate beyond the permitted hours of operation of the quarry/landfill. In approving the application Committee resolved to grant permission to allow the plant to operate from 0600 hours for an initial trial period of six months. However, this permission was never implemented as



a batching plant was developed within the landfill under permitted development rights.

- 4.18 The proposed working hours for the asphalt plant are 0600 to 1800 Monday to Friday and 0600 to 1300 on Saturday. No dispatch of coated materials by lorry would take place prior to 0630 and all other lorry movements would be restricted to the existing approved times.
- 4.19 Permission is also sought to allow the asphalt plant to operate occasionally during evenings, Saturday afternoons and Sundays to supply the contract requirements where road works have to be undertaken during periods of low traffic (e.g. night time and weekends). The applicant proposes that the extended operating hours would be subject to prior notification to, and the approval of, the County Council. It has been proposed that the extended operating periods be restricted in the first instance for a trial period of 12 months.
- 4.20 Operation of an asphalt plant is similar to that of a concrete batching plant and as a permission was approved to allow the concrete batching plant to operate over extended hours for a trial period, it would seem reasonable to allow the same for the asphalt plant now proposed. A suitably worded condition is proposed. For reasons of practicality and consistency it is recommended that prior notification is required from the applicant but not prior approval from the MPA. This would make the proposal consistent with the permission granted by the Secretary of State for Mancetter Quarry.
- 4.21 Rugby Borough Council object to the asphalt plant and the proposed extended operating hours which includes weekends as it is considered to significantly harm the amenities of local residents. However no objections would be raised to the asphalt plant if the operating hours would be the same as the mineral extraction and that HGV's enter the site using Coalpit Lane and not Lawford Heath Road.
- 4.22 A recent appeal decision at Mancetter Quarry permitted out of hours weekend working to take place on 25 occasions per annum for a trial period of two years, subject to prior notification of the County Council. This trial is currently on going. Given this recent appeal decision it is considered that evening and weekend working should be permitted on a similar basis. Appropriately worded conditions are suggested.

## **5. Other Issues**

- 5.1 Wolston Parish Council have requested planting in an attempt to further screen the development. However, the land in question is not in the ownership of the applicant or the County Council. County Museum requested a condition to carry out archaeological works, although the land has been previously disturbed and is surrounded by other development. It is therefore felt inappropriate to request a programme of archaeological work.

## **6. Conclusion**

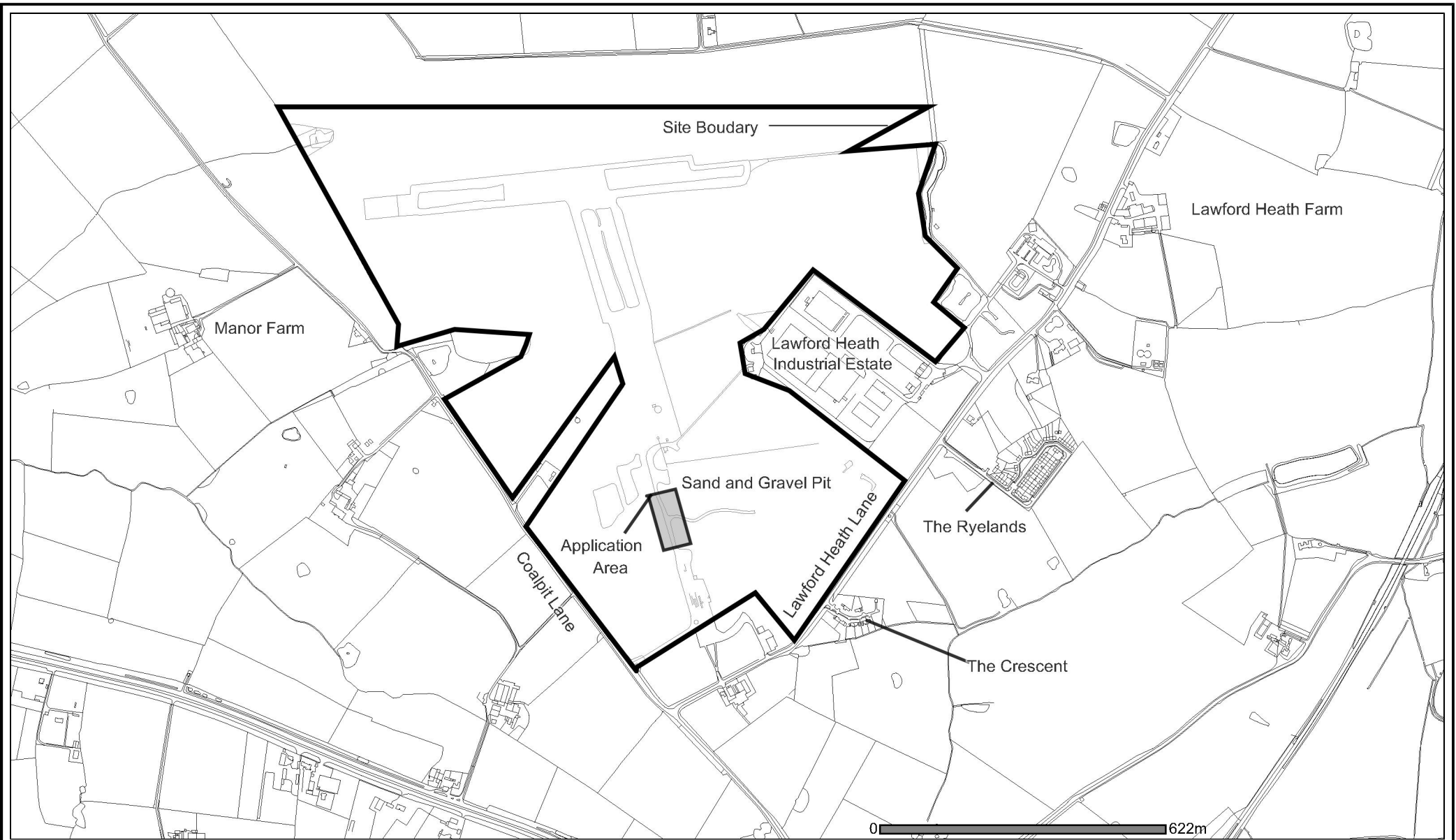
- 6.1 The application site is located on a strip of land to the north of the weighbridge offices located between two restored landfill areas and adjacent to the quarry and landfill haul road. It is considered that with the use of good working practises and strict compliance with conditions and a vehicle routing agreement the development is unlikely to have an adverse impact upon local amenities.

## **7. Environmental Implications**

- 7.1 The proposed development would have no adverse environmental implications.

JOHN DEEGAN  
Strategic Director of Environment and Economy  
Shire Hall  
Warwick

1st March 2006



Scale 1: 11514

Ref No. R16/05CM035

Drawn Thomas Cox

Regulatory Committee - 16th March 2006

Subject

**Asphalt Plant -Ling Hall Quarry, Rugby.**

Reproduced from the Ordnance Survey map. With the permission of the HMSO Controller Licence No. 100018285. (c) Crown Copyright.



John Deegan  
 Director of Planning, Transport  
 and Economic Strategy  
 Shire Hall, Warwick, CV34 4SX

**Regulatory Committee – 16th March 2006**

**Ling Hall Quarry - Asphalt Plant**

**Application No: R16/05CM035**

**Commencement Date**

1. The development hereby permitted shall not be commenced later than 3 years from the date of this permission.

**Pre-commencement**

2. Following approval, evening and weekend working shall not be commenced until a scheme of mitigation to reduce noise levels below existing background levels is submitted to and approved by the County Council. Once approved the scheme shall be installed in the approved form prior to the operation of the plant during evenings and weekends. Any physical works required by the approved scheme shall be carried out before operations commence during the hours permitted by Condition 5 and following commencement such works shall be maintained in good working order at all times and any other measures required by the scheme shall be taken whenever the plant is being used during such hours.

**General Operations**

3. The development hereby permitted shall not be carried out other than in accordance with the submitted application ref: R16/05CM035 submitted plans ref: SR41364/1/LA and LHQ/02, and any details or samples approved in accordance with these conditions.

4. None of the operations hereby permitted shall be undertaken except between the following hours unless otherwise agreed in writing by the Mineral Planning Authority:

0700 – 1800 hours Monday to Friday  
0700 – 1300 hours Saturdays

No operations or uses shall take place on Sundays, bank or public holidays.

5. Notwithstanding the provisions of Condition 4 above operations may commence at 0600 hours Monday to Saturday for a trial period of 12 months following commissioning of the facility. No vehicles shall leave the site before 0630 hours.

Subject to prior notification of the Mineral Planning Authority (MPA), on 12 occasions for a trial period of 12 months following commissioning the coating

plant may operate outside of the specified permitted hours of operation (each day being a separate occasion).

Upon expiry of the 12 month trial period hours of operation shall revert to those detailed in Condition 4 unless otherwise permitted by the Mineral Planning Authority.

6. For the period of 12 months from the date of this decision, the operators shall provide written notification to the MPA specifying the dates of the Saturdays, Sundays or evenings on which it is intended to operate the coating plant and allow coated stone lorries to enter and leave the site. Within 48 hours of each of the occasions of weekend and evening working so notified, the operators shall provide the MPA with written confirmation of the operations described above.
7. Except as may otherwise be agreed in writing by the Mineral Planning Authority in consultation with the Highways Agency the number of deliveries despatched from the site shall not exceed an average of 16 (2 way movements) in number, per day for the duration of any calendar month.
8. All buildings, plant, equipment and hardstanding hereby approved shall be removed from the site within six months of the completion of mineral extraction at Ling Hall Quarry and within one year of that removal the site shall be restored in accordance with a scheme submitted to and approved by the Mineral Planning Authority.
9. No mud or debris shall be carried onto the public highway.
10. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

## Reasons

1. To comply with the Town and Country Planning Act 1990.
2. To protect the amenities of local residents.
3. To secure a satisfactory development of the site.

4. To protect the amenities of local residents.
5. To ensure a satisfactory standard of development in the interest of the amenity of nearby residents.
6. In order for the MPA to monitor the impact of the planning consent.
7. To restrict the size and scale of the Asphalt operation and hence the ability to generate traffic movements in order to ensure that the A45 and associated junction arrangements continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption resulting from motorised traffic entering and emerging from the application site and in the interests of road safety.
8. To ensure satisfactory restoration of the site.
9. In the interests of highway safety.
10. To protect the water environment.
11. To protect the water environment.

### **Development Plan Policies and Proposals relevant to the Decision to Grant Permission**

#### Warwickshire Structure Plan 1996 – 2011

GD1	Overriding Purpose
GD2	Regional and National Role
GD3	Overall Development Strategy
GD4	Strategic Constraints
GD5	Development Location Priorities
GD6	Green Belt
RA1	Development in Rural Areas

#### Rugby Borough Local Plan Adopted June 1997

R/G1	General Standards of Development
R/E9	Extent of Green Belt
R/E10	Development within the Green Belt

#### Minerals Local Plan for Warwickshire Adopted 1995

M6  
M7

## Reasons for the Decision to Grant Permission

The development accords to Policy M7 of the Minerals Local Plan for Warwickshire adopted in February 1995 in that the development is ancillary to mineral extraction authorised at the site and involves the processing of materials generated from the site. This development constitutes appropriate development in the Green Belt as defined by PP62 "Green Belts".

**Note:** The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the committee report.