



Town and Country Planning Act 1990 - Section 78 Town and County  
Planning (Development Management Procedure) (England) Order 2015  
Town and Country Planning (Inquiries Procedure) (England) Rules 2002

Application Reference: 19/000053/CM

Appeal Reference: APP/E1855/W/22/3310099

on behalf of NRS Aggregates Ltd.

Summary Proof of Evidence

January 2023



# 1. Summary

## Green Belt Considerations (Reason for Refusal No. 2)

### *Background*

Mr Toland sets out why the Appellant considers that the Proposed Development would be appropriate development in the Green Belt and this opinion

Progressive restoration would be contained by the use of existing topography, existing woodland, proposed temporary screen bunds and new planting.

In terms of the Wyre Forest Green Belt Review, the Appeal Site would remain in the Green Belt and is located within a land parcel that has been assessed by Wyre Forest to be of comparable sensitivity to potential release from the Green Belt as other parcels nearby. The parcels that the appeal site comprises part of have been assessed to be less sensitive than the majority of land to the west, northwest and southwest of Kidderminster. In this context I strongly disagree with the WCC assertion that the Lea Castle mixed use development to the east of the Site "*heightens the functional requirements of the Appeal Site to protect the Green Belt from encroachment and sprawl*".

Lord Carnwarth stated in Judgment, R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] " *...as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land.*"

### *Spatial Component of Openness*

The area of land where mineral is being extracted at any one time within the operational phase would be less than 10 hectares. The western half of the Site (comprising Phases 1-3) and over half of the extraction footprint, would be extracted and fully restored within 5 years.

The temporary plant site area, as the only part of the Appeal Site containing built development, is approximately 3.8 hectares in size and requires a short haul road of less than 100m in length between Wolverley Road and the ramp that connects to the plant site at a lower level. The temporary access road and plant site

Views of increased vehicle movements turning into and out of the Appeal Site would be confined to a localised geographic area on the Wolverley Road. Views of traffic turning into and out of the Site from the east would be restricted by landform characteristics, the perimeter wall along Wolverley Road, and planting within the curtilage of Broom Cottage. It is acknowledged that views of dump trucks would be noticeable from a short section of Wolverley Road to the east of the access, however the Transport Assessment concludes there would not be a material increase in traffic as a result of the Proposed Development.

Predicted publicly accessible views of the Proposed Development components that comprise the perimeter screen bunds and mineral extraction has been assessed from representative viewpoints in the landscape surrounding the Appeal Site.

In summary, the effects upon visual amenity from locations to the east and south would be Slight to Minimal Adverse, principally from the partial visibility of temporary screen bunds associated with Phases 4 and 5







effects with other developments recently constructed, permitted or in the planning system. Where very limited cumulative visibility of both schemes is available, I agree with the conclusions of the ES that the resulting level of cumulative effect on landscape character and visual amenity would be Neutral i.e., not discernibly greater than for the Proposed Development or other scheme/s individually.

### *Residential Visual Amenity Considerations (Reason for Refusal No. 3)*

The Planning Officer in his Committee Report did not specifically consider residential visual amenity. The effects of the closest screen bunds upon residential visual outlook, first appeared at paragraph 5.7 in WCC's Statement of Case.

Screen bunds are employed as an embedded mitigation measure in most

development to have a significant effect on visual amenity and in itself this does not necessarily cause planning concern.

Based on past experience and the guidance contained in TGN 2/19 I can see no justification for a separate Residential Visual Amenity Assessment.

Notwithstanding this conclusion, I provide further analysis in light of WCC's reason for refusal 3 and paragraph 5.7 of their Statement of Case.

In my professional experience it is not unusual for temporary screen bunds to be employed as part of quarry schemes at the heights and separation distances from dwellings that are proposed at the Appeal Site.

Consideration of acceptable separation distances between built form/engineered structures and nearby residents can be informed by the approach commonly adopted in housing developments. Typical separation distances between back-to-back housing is 20-23m. This separation is adopted to ensure that adequate daylight, sunlight, outlook, and privacy is achieved for all residents.

I consider that screen bunds of equivalent height and separation distance to permanent buildings e.g., a row of terraced houses, would have a reduced effect upon visual amenity of nearby dwellings because they are temporary structures, and they do not have windows that impact privacy.

In terms of this Appeal, the separation distances between the closest dwellings and the screen bunds have been designed to be over three times

greater than the minimum separation distances typically adopted for back-to-back housing.

I have considered the views of the Proposed Development, including the screen bunds, that would be experienced by residents close to the Site comprising the Equestrian Centre Bungalow, Keeper's Cottage, North Lodges, Castle Barns/White House, Four Winds, Broom Cottage, South Lodges and Brown Westhead Park. I describe how effects upon visual amenity would typically range from Slight to Moderate adverse and would not be Significant. I conclude there would be no potential for the RVAT to be breached at any dwelling.

In conclusion, I assess that the spatial and visual openness of the Green Belt would be preserved and there would be no unacceptable impact on the outlook experienced by residents living close to the Appeal Site.