

Planning and Regulatory Committee

Tuesday, 3 December 2019, County Hall, Worcester - 10.00 am

Present:

Minutes

Mr R C Adams (Chairman), Ms P Agar, Mr R M Bennett, Mr P Denham, Mr A Fry, Mr I D Hardiman, Mr P B Harrison, Mrs A T Hingley, Dr C Hotham and Mrs J A Potter

Also attended:

Mrs S Webb attended as a local councillor for items 5, 6 and 7.

Available papers

The members had before them:

- A. The Agenda papers (previously circulated);
- B. A copy of the summary presentations from the public participants invited to speak (previously circulated);
- C. A copy of the presentations by the local councillor for Agenda items 5 and 6 (previously circulated); and
- D. The Minutes of the meeting held on 22 October 2019 (previously circulated).

1033 Named Substitutes (Agenda item 1)

None.

1034 Apologies/ Declarations of Interest (Agenda item 2)

Apologies were received from Mr G R Brookes, Prof J W Raine and Mr P A Tuthill.

1035 Public Participation (Agenda item 3)

Those presentations made are recorded at the minute to which they relate.

1036 Confirmation of Minutes (Agenda item 4)

RESOLVED that the Minutes of the meeting held on 22 October 2019 be confirmed as a correct record and signed by the Chairman.

1037 Part-retrospective application for a proposed processing, stocking and bagging area at Wildmoor Quarry, Sandy Lane, Wildmoor, near Bromsgrove, Worcestershire (Agenda item 5)

The Committee considered a part-retrospective application for a proposed processing, stocking and bagging area at Wildmoor Quarry, Sandy Lane, Wildmoor, near Bromsgrove, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to Green Belt, Landscape character and visual impacts, Residential amenity (air quality, noise, dust, vibration and lighting), Traffic, highway safety and impact on Public Rights of Way, Water environment, Ecology and biodiversity, and Other matters – Economic impact, Heritage impacts, Infrastructure assets, and Monitoring and enforcement.

The Head of Strategic Infrastructure and Economy concluded that this application was part-retrospective as the hardstanding had been constructed, the new replacement site office, car parking, and relocated weighbridge had been installed and the existing stocking and bagging area and plant had been relocated. The mineral processing plant had not been erected at the site.

The proposed development would be located wholly within the West Midlands Green Belt. It was considered that the development as a whole would constitute inappropriate development within the Green Belt. Inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The Head of Strategic Infrastructure and Economy considered that the mineral processing plant would be ancillary plant and equipment to the existing and long established Wildmoor Quarry helping to maximise and improve the processing of sand, and enabling more of the sand from the quarry to be used for the production of mortar, either on site, should planning permission be granted for a mortar batching plant or off site, thereby improving the efficiency of the processing operations. The applicant had confirmed that the processing plant needed to be approximately 16 metres high, as that was the functional height of the plant in order for it to clean / process the sand. Furthermore, the bagging of minerals on site was an existing and lawful operation, relocated from elsewhere within the quarry, and was considered to represent an ancillary and 'added value' activity to the

wider extraction operations at Wildmoor Quarry to the benefit of the local economy. The relocated weighbridge, replacement offices and new hardstanding were considered to be essential site infrastructure associated with the extraction of minerals on site, providing improved facilities and working environment for site personnel, and the fallback position was that the site office would be permitted development (falling under Part 17, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)), and the weighbridge was existing lawful plant and equipment relocated from elsewhere in the quarry.

Consequently, the Head of Strategic Infrastructure and Economy considered that, on balance, the other considerations in this case outweighed the harm to the Green Belt. Considering the case as a whole, it was considered that very special circumstances existed which justified the development. The Head of Strategic Infrastructure and Economy considered that should planning permission be granted, conditions should be imposed requiring the removal of the development within 12 months of cessation of extraction at Wildmoor Quarry; and given the Green Belt location, restrict the permitted development rights for the installation of fixed plant and equipment above 10 metres in height on site.

With regard to visual impacts and landscape character, the Head of Strategic Infrastructure and Economy considered that given the location of the development, set back within the quarry void and being well screened by mature trees and hedgerows along the northern and eastern boundaries, and intervening structures and plant associated with the Top Yard from views from Sandy Lane (A491), the proposal would not have an unacceptable adverse impact upon the character and appearance of the local area. Whilst localised views into the site were visible from land and farmsteads to the south and south-west of the proposal and along the Public Rights of Way (Footpaths BB-675 and BB-676), it was considered that these were distant views and seen in the context of an operational quarry. Furthermore, views from the Public Rights of Way would be transient as the receptors pass through the landscape. Localised views from along Footpath BB-684 were considered to have a greater adverse visual impact, but such views were also considered to be transient and seen in the context of the existing site.

The County Landscape Officer had been consulted and raised no objections to the proposal. In view of this, the

Head of Strategic Infrastructure and Economy considered that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse or detrimental impact upon the character and appearance of the local area.

Worcestershire Regulatory Services had been consulted and had raised no objections to the proposal, in terms of air quality, noise, vibration, dust impacts. Based on this advice, and due to the location of the application within the void of Wildmoor Quarry, it was considered that, subject to the imposition of appropriate conditions that there would be no adverse air quality, noise, vibration, dust or lighting impacts on residential amenity.

The applicant stated that the proposal would not generate additional HGV movements. The County Highways Officer and County Footpath Officer both raised no objections to the proposal. In view of this, the Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or users of the Public Right of Way, subject to the imposition of appropriate conditions.

Based on the advice of the Environment Agency, North Worcestershire Water Management and Severn Trent Water Limited, it was considered that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions.

Natural England and the County Ecologist had both raised no objections to the proposal. In view of this, it was considered that subject to the imposition of appropriate conditions, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Taking into account the provisions of the Development Plan and in particular Policies BDP1, BDP4, BDP13, BDP15, BDP16, BDP19, BDP20, BDP21, BDP22 and BDP23 of the Adopted Bromsgrove District Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Economy introduced the report and commented that members had visited the site observing the location of the nearby local quarries, the adjacent public footpath, the existing site access and the nearest properties to the

site. Members were also shown a photograph of the view of the site from the Public Rights of Way adjacent to Orchard Farm.

Mr Danks, representing the Wildmoor Residents' Association, an objector to the application addressed the Committee. He commented that the developer intentionally commenced construction of the processing plant without permission but was stopped on site by the Council's Enforcement Officer in December 2018. The proposed plant would have a finished height of 16 metres and an overall length of 104 metres – a considerable fixed structure in the landscape equivalent to more than the height of three double decker buses.

He added that paragraph 133 of the National Planning Policy Framework (NPPF) identified that openness of the Green Belt was one of the essential characteristics of Green Belts, along with permanence. Paragraph 146 of the NPPF also stated that other forms of development were not inappropriate in the Green Belt provided they preserved its openness. Mineral extraction was listed as a permissible development. However, this application was not centred on mineral extraction but the operation of a commercial mortar production plant. The existing plant and equipment so far constructed included the very large elevated concrete hardstanding area. The A491 main highway running past the site was at a level of approximately 170 metres A.O.D. Consequently, the proposed plant tower would project 6 metres above the adjacent highway and with lighting for operational and safety requirements would have the appearance of an illuminated 'oil rig' in the landscape.

He stated further that the applicant argued that the proposal generated economic benefit in terms of supporting an existing business and enabling the business to maximise efficiency and potential. The applicant suggested that the plant, whilst not in conformity with Section BDP 4.4, was necessary for the expansion of the existing use – a use that had not yet been granted planning approval. It was questioned how large the expansion would become. The applicant also stated that – 'The plant would be set below the surrounding ground level and would therefore be less conspicuous in its location' but then acknowledged that the structures would be 'visible from viewpoints around the site'.

He indicated that the applicant also stated that the wash plant would allow more Wildmoor Quarry sand to be used

in the production of mortar but failed to add that he would be required to make an application for an abstraction licence and a new bore hole into the aquifer to supplement the washing process. The applicant's reasoning for the existence of very special circumstances was unsubstantiated and flawed. The proposed development was inappropriate development and would result in significant harm to the openness of the Green Belt and be in conflict with the fundamental aim of preserving the openness of it. These proposals would exacerbate the number and frequency of HGVs arriving and departing from this site. The applicant's transport policy had not been assessed, examined in detail and was flawed. This approach demonstrated a complacent and irresponsible attitude to residents near and far and to the impacts on the environment, public safety, noise, vibration and air pollution as a result of its combined vehicle movements.

He concluded that given the size of the development so far constructed and the 'intended potential' referred to, it was considered that this development would not be an ancillary operation to the extraction of sand but would be the dominant industrial operation on this site, and one that would be expanded commercially to meet demand.

In response to Mr Danks' presentation, the following issues were raised:

- In response to a query about his reference in his presentation to a local borehole, Mr Danks indicated that the FRA report included in the application documents indicated that the use of a borehole would be necessary to supplement the washing process on the site. This was in the context the protection zone for the local aquifer which supplied water to 19,000 homes in Bromsgrove
- Had the residents group established any lines of communication with the applicant? Mr Danks responded that the applicant had not made any overt overtures to the group although he had requested more land from the parish council which had been refused
- What was the basis for the contention that transport movements would increase, contrary to the views of the applicant? Mr Danks argued that the applicant was pinning his arguments on the basis that he would not be importing sand for the mortar batching process, however the quantity of sand at the site was diminishing and therefore this

was a false premise as sand extraction at the site could not be sustained in the long term.

Mr Parton (applicant) and Mr Hume (agent) did not address the Committee but were available to answer questions. The following queries were raised with them:

- The objector had stated that the mortar facility was not ancillary to the works on site and the supply of sand would run out in the short term. Mr Parton responded that the plan was to supply building sand to building sites in Worcestershire and the wider area either in a loose or bagged form. However, there was a greater call in the building industry to provide ready to use, quality assured processed sand. Therefore, the company was required to blend materials from other quarries to ensure that the mortar was of the required quality. This application would allow more of the sand from the site to be used without the need to blend with other materials. He hoped that further sand reserves would become available from extensions at this site or at Chadwich Lane Quarry. It was considered appropriate to submit this application in before proceeding with the quarry extension applications
- Why was the application part-retrospective and not submitted in a timely manner? Mr Parton responded that negotiations were taking place as to whether there was General Permitted Development Order (GPDO) rights for the processing plant. In his other quarries it had not been necessary to ask for planning permission to move machinery within a site. In wet conditions, this site became a quagmire and hardstanding was necessary for the operations to continue on the site. It was therefore decided to construct the hardstanding before requesting permission to move the processing plant. The representative of the Head of Strategic Infrastructure and Economy added that although the processing plant required planning permission, the hardstanding did not. The application was part retrospective because the applicant had framed his application as a consolidation application (including the hardstanding which had already been built together with the existing stocking and bagging operations),
- Did the applicant have a licence to abstract the water from the borehole and if water was abstracted would it impact on the hardstanding

which was already cracked on its edge? Mr Parton indicated that there was no need to use a borehole because rainfall was collected on site and recycled during the process. The crack in the hardstanding was not as a result of water extraction and he gave an assurance that the rest of the hardstanding was structurally stable

- Would the applicant be prepared to accept a condition on the permission restricting the number of vehicle movements at the site? Mr Parton responded that observing the vehicles movements at the site over a limited period could give a false impression of overall vehicle movements. Overall vehicle movements averaged at 2 movements per hour. This was consistent for quarry sites across the country, even for much bigger quarries than this site. The County Highways Officer had indicated that the local transport network could cope with the proposed level of vehicle movements and he did not believe a further restriction was necessary
- Local residents had expressed concerns about lighting proposals for the site. Would it be possible to position the lighting half way down the building rather than at the top? Mr Parton commented that the lights were not at the top of the building but on separate satellite towers on the ground. There was a condition proposed which would require further permission for any new lighting on site
- In response to a concern about contamination of the local aquifer, Mr Parton commented that there was nothing in the processing of sand that could contaminate the land. There were also a number of regulatory restrictions to operations on site and furthermore the EA had not objected to this application
- In response to a query about lines of communication with local residents, Mr Parton stated that he would welcome improved communications with the Wildmoor Residents Association and other local residents.

The local councillor commented that although she remained supportive of local businesses in Bromsgrove, she strongly objected to this planning application, due to the undoubtable damage it would cause to the local residents standard of living – both those in close proximity to the application and to those further afield.

She considered that this area was within the Green Belt, and as such should be protected. Paragraph 143 of the

NPPF stated that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF stated that when considering any planning application local planning authorities should ensure that substantial weight was given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal was clearly outweighed by other considerations. It was also noted that Bromsgrove District Council objected to the application and recommended the imposition of a condition requiring a Landscape and Ecological Management Plan as recommended by the County Ecologist should planning permission be granted.

She added that the proposal would increase the number of HGVs using the already busy A491 Sandy Lane. She was concerned about the construction of additional buildings to replace the existing plant, built without planning permission for the mortar production plant. It was noted that the operating hours were 7am until 7pm but there was no mention of lighting requirements during the winter months. If it was flood lit, it would cause the surrounding areas to be illuminated, impacting on the local residents visibility in the surrounding areas.

She commented that this proposed development site was located directly within the Level 2 Water Protection Zone serving the Wildmoor Aquifer, which in turn supplied the Wildmoor Pumping Station being less than a 1,000 metres away on its southern boundary. The Pumping Station supplied fresh water to some 19,000 homes in Bromsgrove. The proposed treatments and washed residues from mortar production, already in operation, discharged to the 'Fresh Water Lagoon' on the quarries southern boundary at a depth of approximately 150 metres above ordnance datum, existing waste discharge pipe could be viewed from this southern quarry boundary. Mortar production on a large scale required the use of additives and retardants to improve plasticity and reduce the setting times whilst mortar was in transit. There was concern that these washed out residues (depending on the chemical composition of those applied) could eventually directly enter the ground water supply.

She indicated that Veolia Landfill site across the road from the Wildmoor Quarry had only recently been restored. This had taken the best part of twenty years to bring about with a high volume of transport movements throughout that time. Residents of this area were hoping that the final stage of sand extraction at Wildmoor Quarry

would not be too long in coming and restoration of the site would follow. This mortar processing plant would cause the final restoration of this site to be pushed well into the next twenty years. These proposed fixed structures would be an alien feature on this Green Belt site and would cause harm to it and be 'inappropriate development'.

In the ensuing debate, the following points were raised:

- Although the application site was in the Green Belt, it was considered that very special circumstances had been demonstrated due to the tremendous demand for sand in the building industry and the limited number of suitable quarry sites. This application would make little difference to the already limited number of vehicle movements at the site. In addition, the County Highways Officer had not objected to the application
- At the site visit, an indication was given that the bagging plant would double production levels and therefore, it was difficult to understand how this application would not impact on the number of vehicle movements. The representative of the Head of Strategic Infrastructure and Economy responded that it was difficult to add a condition restricting vehicle movements because the importation of materials to the site from Chadwich Lane was lawful and it was difficult to fetter a lawful use of the site. The bagging plant was merely being relocated at the site. It was the minerals processing plant that would be increasing capacity. The representative of the County Highways Officer added that this application clearly stated that the processes that currently took place would be moved elsewhere on the site and therefore there would be no additional vehicle movements for this particular application
- The public footpath running alongside the access track was in a terrible condition and the applicant should be required to improve its condition. The representative of the Head of Strategic Infrastructure and Economy responded that such a condition would fail the test of planning conditions as it was not necessary or relevant to the consideration of this application. It would be better controlled through a ROMP whereby every so often the conditions associated with a minerals site would be reviewed. It might also be

appropriate for the applicant to voluntarily improve its condition

- The representative of the Head of Strategic Infrastructure and Economy explained that the applicant was entitled to submit a retrospective application and the local planning authority would be able to consider it where it was felt appropriate to regularise activities on site. Although the local planning authority could invite such applications, it could not assume they would be granted and could not fetter its discretion prior to consideration. In relation to the weight that could be given to such applications, in 2015 the relevant Government Minister established that intentional authorised development could be a material planning consideration. However, officers had received advice from a barrister which indicated that this premise had not been included in the NPPF and therefore, the local planning authority needed to be careful about the amount of weight given to it. His advice was to give limited weight to the retrospective nature of this application
- The local councillor indicated that from observing the site recently, there were more than 2 vehicle movements per hour at the site
- The relevant water regulatory authorities had not expressed any concerns about water contamination at the site. The local councillor responded that this remained a concern for local residents
- This application could have been approved under Permitted Development Regulations but for condition 14 of the existing planning permission. Although development in the Green Belt was a concern especially with so many SSSI in the local vicinity, quarrying operations were already taking place on site and this proposal to make operations more efficient was welcomed. It also kept jobs in the local rural area. Therefore, on balance the application should be approved.

RESOLVED that planning permission be granted for a proposed processing, stocking and bagging area (part-retrospective) at Wildmoor Quarry, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire, subject to the following conditions:

Approved Plans

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings Numbered:

M11.119(g).D.002, M11.119(g).D.003, M11.119(g).D.004, and M11.119(g).D.004, except where otherwise stipulated by conditions attached to this permission;

Cessation

- b) Within 12 months of cessation of mineral extraction at Wildmoor Quarry, planning permissions ref: 107104 and 407219, the development hereby approved shall be removed from the site including all associated materials, infrastructure, plant and machinery and the land reinstated to the satisfaction of the County Planning Authority;

Hours of Working

- c) Except in emergencies, no operations, including any repair and maintenance of vehicles, plant and equipment within the development hereby approved, shall take place outside the hours of 07:00 hours and 19:00 hours Mondays to Fridays inclusive, and between 07:00 to 13:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays. No machinery or equipment shall operate on the site outside these hours;

Construction Hours

- d) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Bank or Public Holidays;

Noise

- e) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use fully operational silencers;
- f) The best practical means shall be employed to minimise the emission of noise beyond the boundary of the site;

Dust

- g) Within 3 months of the date of this permission, a Dust Management Plan shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be

carried out in accordance with the approved details;

Lighting

- h) Details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:
- i. Height of the lighting posts;
 - ii. Intensity of the lights;
 - iii. Spread of light (in metres);
 - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
 - v. Any measures to minimise the impact of lighting upon protected species and habitats, in particular the adjacent woodland; and
 - vi. Times when the lighting would be illuminated;

Thereafter, the development shall be carried out in accordance with the approved details;

Storage Heights

- i) The height of any bagged aggregates shall not exceed 3 metres and a scheme for the setting up of a permanent marker that allows operatives and officers from the County Planning Authority a means of visually checking this height shall be submitted to the County Planning Authority for approval in writing within 3 months of the date of this permission. The agreed height marker shall be erected and maintained on site for the duration of the development hereby approved;

Design and Location

- j) Notwithstanding the submitted details, prior to the erection of the minerals processing plant hereby approved, drawings of the detailed design of the plant shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;
- k) Notwithstanding the submitted details, within 3 months of the date of this permission, a scheme shall be submitted to the County

Planning Authority for approval in writing, showing the position of the mineral processing and bagging plants. Thereafter, the development shall be carried out in accordance with the approved details;

Pollution

- i) 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 site 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;**
- m) No materials shall be burnt on the site;**

Ecology

- n) Notwithstanding the submitted details, within 6 months of the date of this permission, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing. Thereafter, the LEMP shall be implemented in accordance with the approved details for the duration of the development hereby approved;**

Highways

- o) Notwithstanding the submitted details, within 3 months of the date of this permission, an updated scheme to prevent the deposit of mud, sand and debris on the public highway, shall be submitted to the County Planning Authority for approval in writing. Thereafter, the approved shall be implemented and maintained for the duration of the development hereby approved;**

- p) All access to and egress from the site shall be via the existing quarry entrance and exit off the A491 Sandy Lane;
- q) Signs shall be provided to the satisfaction of the County Planning Authority and erected on the applicant's own land, to ensure that drivers entering and leaving the site obey the west to east 'one way' system;
- r) All loaded vehicles entering and leaving the site shall be enclosed or covered to prevent dust emission and spillage of materials on to the public highway;
- s) The parking facilities shown on the drawing numbered: M11.119(g).D.002 shall be retained and kept available for staff, visitor and lorry parking at all times;

Drainage

- t) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water whether direct or via soakaways;

Permitted Development Rights

- u) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no fixed plant or equipment exceeding 10 metres in height, shall be erected, extended, installed or replaced on the site hereby permitted;

Ancillary

- v) The development hereby approved shall be ancillary to the mineral extraction at Wildmoor Quarry, planning permissions ref: 107104 and 407219;

Planning Permission

- w) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site; and

- x) **For the avoidance of doubt, this permission does not permit the storage or bagging of salt on the site.**

1038 Part-retrospective application for the operation of a Mortar Batching Plant, erection of associated Silo Storage Units and Aggregate Bins and Vehicle Repairs Workshop at Wildmoor Quarry, Sandy Lane, Wildmoor, near Bromsgrove, Worcestershire (Agenda item 6)

The Committee considered a part-retrospective County Matter planning application for the operation of a mortar batching plant, erection of associated silo storage units and aggregate bins and vehicle repairs workshop at Wildmoor Quarry, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to Green Belt, Landscape character and visual impacts, Residential amenity (air quality, noise, vibration, and dust), Traffic, highway safety and impact upon Public Rights of Way, Water environment, Ecology and biodiversity and Other Matters – Economic Impact, Heritage Impacts, Infrastructure Assets, Consultation and Monitoring and Enforcement.

The Head of Strategic Infrastructure and Economy concluded that the proposed development would be located wholly within the West Midlands Green Belt. It was considered that the development as a whole would constitute inappropriate development within the Green Belt. Inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

It was understood that a key market and use for the type of sand (solid sands deposits) at Wildmoor Quarry was for the production of mortar, and sand was the largest constituent material used in the production of mortar. The Head of Strategic Infrastructure and Economy considered that the mortar batching plant would be an ancillary operation to the existing and long-established Wildmoor Quarry, involving the processing of at least 55% of the sand arising on site, being co-located and providing 'added value' to the wider mineral extraction operations at the site. Furthermore, it was considered that the proposal would provide a small number of direct employment opportunities (approximately 23 employees), as well as substantially contributing to the wider growth aspirations for the county through the supply of local

mortar to the construction market.

Consequently, the Head of Strategic Infrastructure and Economy considered that, on balance, the other considerations in this case outweighed the harm to the Green Belt. Considering the case as a whole, it was considered that very special circumstances existed which justified the development. The Head of Strategic Infrastructure and Economy considered that should planning permission be granted, conditions should be imposed requiring the removal of the building and associated plant and machinery within 12 months of cessation of extraction at Wildmoor Quarry; a limit to the amount of imported sand for the production of mortar to a maximum of 33,750 tonnes per annum (45% of 75,000 tonnes); and given the Green Belt location, restrict the permitted development rights for the installation of fixed plant and equipment above 10 metres in height on site.

With regard to visual impacts and landscape character, the Head of Strategic Infrastructure and Economy considered that given the location of the development within the quarry void and being well screened by mature trees and hedgerows along the northern and eastern boundary, and intervening structures and plant associated with the Top Yard from views from Sandy Lane (A491), it was considered that the proposal would not have an adverse impact upon the character and appearance of the local area. Whilst views into the site were visible from along the Public Right of Way (Footpaths BB-675 and BB-676) and farmsteads located to the south and south-west of the quarry, it was considered that these were distant, transient and seen in the context of an operational quarry.

In view of this, the Head of Strategic Infrastructure and Economy considered that subject to the imposition of appropriate conditions, the proposed development would not have an adverse or detrimental impact upon the character and appearance of the local area.

Worcestershire Regulatory Services had been consulted and had raised no objections in respect of air quality, noise, vibration or dust impacts, and confirmed that the site benefited from an Environmental Permit regulated by them, which controlled emissions to air including dust emissions. Public Health England and the Environment Agency had also both raised no objections to the proposal. Based on this advice, and due to the location of the application within the void of Wildmoor Quarry, it was considered that, subject to the imposition of appropriate

conditions there would be no adverse air quality, noise, vibration or dust impacts on residential amenity or that of human health.

The applicant had confirmed that the proposal generated a total of approximately 80 HGV movements and 46 staff car movements per day (40 HGVs and 23 staff cars entering the site and 40 HGVs and 23 staff cars exiting the site). These HGV movements included mixer lorries, and mineral and cement imports to the site. In addition, 1 HGV load per month of admixtures was imported to the site. The applicant had confirmed that the vehicle repairs workshop did not in itself create vehicle movements. The County Highways Officer and County Footpath Officer both raised no objections to the proposal. In view of this, the Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or users of the Public Right of Way, subject to the imposition of appropriate conditions.

Based on the advice of the Environment Agency, North Worcestershire Water Management and Severn Trent Water Limited, it was considered that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions.

Natural England and the County Ecologist had both raised no objections to the proposal. In view of this, it was considered that subject to the imposition of appropriate conditions, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Taking into account the provisions of the Development Plan and in particular Policies BDP1, BDP4, BDP13, BDP15, BDP16, BDP19, BDP20, BDP21, BDP22 and BDP23 of the Adopted Bromsgrove District Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Economy introduced the report and commented that the batching plant would be 10 metres not 6.55 metres high as indicated in the report. In addition, the first highways condition referenced in the report should be listed as condition o) with the following conditions subsequently changed. Members had visited the site and observed the location of the development, the existing access, the nearest residential properties and the public

footpath. Members were also shown a photograph of the view of the site from the Public Rights of Way adjacent to Orchard Farm.

Mr Danks, an objector to the proposal addressed the Committee, he commented that this application was not centred on sand extraction but the commercial production of mortar – ‘a secondary process’. In addition to intentionally constructing a considerable concrete base area (1.2 hectares) to support his operations at an elevated level of 160 metres A.O.D, the applicant had constructed a range of buildings to house his plant and production facilities. Included in the retrospective application was an application for a previously constructed workshop extension for use with the mortar plant plus an additional ‘back up’ plant.

He added that paragraph 145 of the NPPF stated that ‘a local planning authority should regard the construction of new buildings as ‘inappropriate development in the Green Belt’. The list of exceptions given in the NPPF did not include the types of buildings erected at Wildmoor Quarry. The development was also not in accordance with Bromsgrove District Council’s Policy BDP4.

Wildmoor Residents’ Association considered that the ‘very special circumstances’ listed in the application were insufficient to justify the scale and extent of the development proposed. When taken altogether the erected buildings and concrete expanse at 160 metres A.O.D. directly affected the openness and permanence of the Green Belt and caused harm to it. The reasons put forward by the applicant regarding very special circumstances were flawed.

The mortar production plant and the mixing process required the importation of sand from other quarries to make it commercially viable. This could only increase given the dwindling reserves at Wildmoor Quarry. Currently 45% of the sands used (developer’s statement) were imported from Bridgwalton in Shropshire. This required each delivery HGV to do a round trip of over 50 miles to supply sand to Wildmoor. This importation of sand via the ‘A’ road network was at odds with the currently emerging Worcestershire Minerals Plan and its Transport Policy MLP 29. The applicant also intended to supply Wildmoor Quarry directly with sand from its nearby Chadwich Lane Quarry, should an existing application for permission be granted.

The developer stated that his plant produced 300 cubic

metres of mortar per day which then had to be transported via local roads and the transport network. This was in direct conflict with the Objectives MO2, MO3 and MO4 of the emerging Minerals Local Plan. Supply HGVs. brought materials into the quarry including bulk cement in tankers. The combined effect of all of these HGV movements had already had an adverse impact on local roads. The applicant's transport policy was not assessed, examined in detail or properly explained and was flawed.

The application had given no indication as to how long it was proposed that a mortar production plant would be operational on this site. Given the applicant's intention to progress the importation of sand from other sites, the inference was that mortar production would be continued indefinitely and grown in manufacturing output.

He concluded that given the scale and impact of the development so far constructed and proposed on this Green Belt site, it was considered that this mortar production plant would not be an ancillary operation to the extraction of sand but become the dominant industrial operation.

There were no subsequent questions raised by the Committee for Mr Danks.

Mr Parton (applicant) and Mr Hume (agent) did not address the Committee but were available to answer questions. The following queries were raised with them:

- Did the large-scale production of mortar necessitate the use of additives? Mr Parton responded that very small quantities of additives were necessary. The wash out facility was totally enclosed and would not result in any contamination of the aquifer
- How did the applicant propose to reduce the amount of debris deposited on the highway? Mr Parton indicated that the road was currently concreted from the bottom of the slope all the way round the mortar processing plant. All vehicles were washed off before they left the site. It was intended that all vehicles leaving the site would drive along the top of the site across concrete hardstanding. If that did not work then he would consider concreting the ramp access.

The local councillor commented that Wildmoor Quarry had been in existence as a sand quarry since before the

Second World War. In the mid 1960's, the quarry base had reached an excavated depth of approximately 150 metres A.O.D. The intervening period had seen the general quarry ground level raised by uncontrolled back filling. The current owner of the site purchased the Wildmoor Quarry site in 2016 and had constructed and operated a mortar production plant from there since 2017 without submitting any planning application until now. All the recent and current quarry owners had had a 'laissez-faire' attitude towards operating within legal business constraints and planning law requirements. The applicant had committed two planning breaches by commencing development and operation of his mortar production plant and processing plant without permission.

She added that paragraph 117 by the Head of Infrastructure and Economy states that – 'On the 31 August 2015 the then Department of Communities and Local Government Chief Planner sent a letter to Chief Planning Officers which enclosed a statement which set out revisions to National Planning Policy to make intentional unauthorised development a 'material consideration' when determining appeals and retrospective planning applications'. It was noted that Fairfield and Belbroughton, Bournheath and Hagley Parish Councils all objected to the retrospective and part retrospective planning applications. In addition, Bromsgrove District Council objected to the development due to the adverse impact on the Green Belt and being contrary to Policy BDP4 of the Bromsgrove District Plan and paragraphs 143, 144, 145 and 146 of the NPPF. The CPRE objected to the proposal on the grounds that of adverse impacts upon the Green Belt, open countryside and traffic.

She commented further that in addition to other objections – whilst the applicant argued that the effect of the development and that of a 16 metre high processing plant with six lighting columns – 'would be set below the surrounding ground level and be less conspicuous in its location' – it then acknowledged that the structures would be - 'visible from viewpoints around the site'. This argument did not outweigh the harm it would cause to the Green Belt and at 16 metres high and lit for operational needs, this plant would seriously compromise the openness of the Green Belt.

The Head of Strategic Infrastructure and Economy had concluded in his report that – 'Therefore it is considered that the proposal as a whole would not fall within the categories of development set out in Paragraph 145 of

the NPPF'. The Head of Strategic Infrastructure and Economy also stated that the – 'proposed development for a mortar batching plant for the utilization of minerals, which is an industrial process (secondary process), it is considered this is over and above what is necessary to facilitate the extraction of minerals from the site. Whilst the development includes the extension of the yard area, which is an engineering operation, it is noted that it also includes substantial external fixed structures and plant, increasing the built appearance of the quarry and impacting upon the openness of the Green Belt'. The Head of Strategic Infrastructure and Economy had concluded that – 'the development as a whole would also not fall within the categories of development set out in Paragraph 146 of the NPPF, and would constitute inappropriate development within the Green Belt'. Having visited the site and viewed the landscape and considered the impact that the existing development had upon the landscape, she disagreed with the conclusions of the Head of Strategic Infrastructure and Economy when he stated that – 'on balance the other considerations in this case outweigh the harm to the Green Belt', and that - 'it is considered that very special circumstances exist which justify the development'. His justification for these conclusions was that - a) 'The mortar production plant would be an ancillary operation to the existing and long established Wildmoor Quarry, involving 55% of the sand arising on site' and b) this mortar production 'being co-located and providing 'added value' to the wider mineral extraction operations at the site' Having viewed the site and seen the existing vehicle movements and site function in operation it would appear that the mortar production development was anything but ancillary and that with the proposed processing plant fully constructed it would be a considerable factory scale industrial development in the Green Belt with sand extraction being the lesser operation.

She also noted that the Head of Strategic Infrastructure and Economy had listed some 27 Conditions in his Recommendation, one of which was that – 'no fixed plant or equipment exceeding 10 metres in height, shall be erected, extended, installed or replaced on the site hereby permitted'. It seemed that he was appreciative that this industrial plant would cause harm to the Green Belt and its openness and should be required to be limited in height. In doing so he was partly, but not wholeheartedly, acknowledging the concerns expressed against this development being permitted.

Whilst mineral extraction in the Green Belt was not

inappropriate development in the Green Belt, it was however considered a 'temporary' form of development with a restoration of the mineral plan and land reinstatement once sand extraction and the ROMP completed. However, these retrospective applications were concerned with the continued importation of sand from other quarries (45% currently) and with the industrial 'secondary process' of mortar production. The timescale for this application was only quantified by the applicant saying that 'when sand extraction at the quarry is completed mortar production will cease'. This statement was disingenuous as it was also intended to continue the importation of sands from other sites. This contradiction implied that he would be able to maintain mortar production on this site indefinitely or to a timescale of the applicant's own choosing. Therefore, on behalf of the residents of Wildmoor and surrounding villages, she objected to the application.

In the ensuing debate, the following points were raised:

- The existing community liaison arrangements at this site were queried. The representative of the Head of Strategic Infrastructure and Economy responded that the extant wider permission for the quarry did not have a condition to establish such a group. Local residents had initiated an informal community liaison group with officers from Bromsgrove District Council and the County Council but the applicant had not been invited to those meetings. Approximately 3 meetings were held per annum. He would not object to more formal meetings being established and with the applicant invited. The Planning Inspectorate often did not consider the establishment of community liaison groups as appropriate conditions as they were unnecessary to make developments acceptable and would therefore fail the test of conditions. Such a condition had previously been imposed on larger scale mineral extraction or landfill applications and he would not object to such a condition in these circumstances
- Was there a precedent elsewhere whereby a quarry's primary activity was as a batching plant? The representative of the Head of Strategic Infrastructure and Economy responded that concrete batching plants were very common on quarry sites, for example at Clifton and Ryall House Farm quarries in the county
- The damage to the Green Belt had been done when the original permission for the quarry was

granted in the 1930s. The quarry was a blemish on the landscape but residents had moved to the locality in the knowledge that the quarry was in operation. This application made the appearance of the landscape marginally worse but on balance the marginal harm to the Green Belt was outweighed by the need to produce mortar for the expanding building industry

- Residents had expressed concerns that the applicant would not comply with planning restrictions but this was not a basis on which permission could be refused. The representative of the Head of Strategic Infrastructure and Economy added that the Monitoring and Enforcement Officer made regular chargeable and informal visits to this site. The number of chargeable visits was reviewed annually. It was intended to increase the number of visits to this site
- The proposed quarry at Chadwich Lane, approximately a mile from the application site, would enable sand to be delivered from a local source instead of being transported from Shropshire
- The local councillor requested that if permission was granted a condition be added to ensure that the A491 was cleaned. The representative of the Head of Strategic Infrastructure and Economy responded that arrangements were being considered whereby the County Council, under the Highways Act, would recharge the applicant for this work already carried out. In addition, a condition was proposed to prevent debris being deposited on the highway
- It was queried how both applications at this site were linked. The representative of the Head of Strategic Infrastructure and Economy indicated that both applicant companies were owned by Mr Parton
- Concern was expressed that the wording of condition b) would allow the applicant to extract sand at a minimal rate so that the other operations on the site would continue without a cessation date and thus preventing restoration taking place at the site. Would it be appropriate to reword this condition so that if sand extraction rates fell below a certain rate then the permission would automatically cease? The representative of the Head of Strategic Infrastructure and Economy stated that it was difficult to word an appropriate cessation condition. Normally this application

would be considered to be permitted development with a condition requiring removal of the plant within 24 months, not 12 months as proposed in the report. The mortar batching facility was considered to be ancillary, as referenced in condition aa) and therefore, if the site got to the point where it was only importing materials, it would no longer be considered ancillary

- The applicant had indicated on the site visit that sand reserves would run out in 2 years. The representative of the Head of Strategic Infrastructure and Economy considered that based on mineral aggregate survey returns that the site contained enough sand deposits for extraction for approximately a further 4 - 5 years at current levels of extraction.

RESOLVED that planning permission be granted for the operation of a mortar batching plant, erection of associated silo storage units and aggregate bins and vehicle repairs workshop (part-retrospective) at Wildmoor Quarry, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire, subject to the following conditions:-

Approved Plans

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings Numbered: M11.119(f).D.041, Rev B; M11.119(f).D.042; M11.119(f).D.044, Rev B; M11.119(f).D.045, Rev A; M11.119(f).D.046, Rev A; and M11.119(f).D.051, Rev A, except where otherwise stipulated by conditions attached to this permission;

Cessation

- b) Within 12 months of cessation of mineral extraction at Wildmoor Quarry, planning permissions ref: 107104 and 407219 the development hereby approved shall be removed from the site including all associated materials, infrastructure, plant and machinery and the land reinstated to the satisfaction of the County Planning Authority;

Throughput and Records

- c) A maximum 33,750 tonnes per annum of sand shall be imported to the development hereby approved for the production of mortar, other than sand won from Wildmoor Quarry,

planning permissions ref: 107104 and 407219;

- d) The quantity of sand imported to the development hereby approved for the production of mortar each day shall be maintained by the operator for the duration of the development, and made available to the County Planning Authority upon written request, within 5 working days of a request being made. An annual summary of these records for the period between 1 January to 31 December per year, shall be submitted to the County Planning Authority by the 31 January of the following year;

Hours of Working

- e) No operations, including any repair and maintenance of vehicles, plant and equipment within the development hereby approved shall take place outside the hours of 05:00 to 19:00 hours Mondays to Fridays, inclusive and between 05:00 to 13:00 hours on Saturdays and not at all on Sundays, Public or Bank Holidays. No machinery or equipment shall operate on the site outside these hours;
- f) Notwithstanding Condition e) above, no HGVs / mixer lorries associated with the development hereby approved, shall depart from or access the site except between the hours of:

- 05:30 to 18:00 hours on Mondays to Fridays, inclusive; and
- 05:30 to 13:00 hours on Saturdays

No HGVs / mixer lorries associated with the development shall depart from or access the site on Sundays, Bank or Public Holidays;

Construction Hours

- g) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Bank or Public Holidays;

Noise

- h) All vehicles, plant and machinery operated within the site shall be maintained in

accordance with the manufacturer's specifications at all times, and shall be fitted with and use fully operational silencers;

- i) The best practical means shall be employed to minimise the emission of noise beyond the boundary of the site;

Dust

- j) Within 3 months of the date of this permission, a Dust Management Plan shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Lighting

- k) Details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:
 - i. Height of the lighting posts;
 - ii. Intensity of the lights;
 - iii. Spread of light in metres (Lux plan);
 - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
 - v. Any measures to minimise the impact of lighting upon protected species and habitats; and
 - vi. Times when the lighting would be illuminated;

Thereafter, the development shall be carried out in accordance with the approved details;

- l) The development shall be carried out and maintained in accordance with document titled: Wildmoor Quarry – Location of Lighting – Planning Application 17/000028/CM, dated July 2019. The approved scheme shall be implemented for the duration of the development;

Pollution

- m) 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 site 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;

- n) No materials shall be burnt on the site;

Highways

- o) Within 3 months of the date of this permission, a scheme to prevent the deposit of mud, sand and debris on the public highway shall be submitted to the County Planning Authority for approval in writing. Thereafter, the approved scheme shall be implemented and maintained for the duration of the development hereby approve;
- p) All access to and egress from the site shall be via the existing quarry entrance and exit off the A491 Sandy Lane;
- q) Signs shall be provided to the satisfaction of the County Planning Authority and erected on the applicant's own land, to ensure that drivers entering and leaving the site obey the west to east 'one way' system;
- r) The access, turning areas and parking facilities shown on the drawing numbered: M11.119(f).D.044, Rev B shall be retained and kept available for staff, visitor and lorry parking at all times;
- s) All loaded vehicles entering and leaving the site shall be enclosed or covered to prevent dust emission and spillage of materials on to the public highway;
- t) Within 6 months of the date of this permission, the specification, location and timetable for the provision of at least 1 electric vehicle

charging space to be provided on site, shall be submitted to the County Planning Authority for approval in writing. Thereafter, such spaces and power points shall be kept available and maintained for the use of electric vehicles only;

- u) Within 6 months of the date of this permission, details, locations and a timetable for the provision of accessible car parking spaces to be provided on site, shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the spaces shall be kept available and maintained for use by disabled users only;
- v) Within 6 months of the date of this permission, details, locations and a timetable for the provision of at least 1 secure motorcycle parking space shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the spaces shall be kept available and maintained for use by motorcycles only;
- w) Within 6 months of the date of this permission, details, locations and a timetable for the provision of sheltered and secure cycle parking to comply with Worcestershire County Council's Streetscape Design Guide shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the cycle parking shall be kept available and maintained for use by bicycles only;

Drainage

- x) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water whether direct or via soakaways;

Biodiversity

- y) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012. No materials shall be stored, no rubbish dumped, no fires lit and no buildings

erected inside the fence. In the event of any trees, shrub or hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;

Permitted Development Rights

- z) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no fixed plant or equipment exceeding 10 metres in height, shall be erected, extended, installed or replaced on the site hereby permitted;

Ancillary

- aa) The development hereby approved shall be ancillary to the mineral extraction at Wildmoor Quarry, planning permissions ref: 107104 and 407219;

Vehicle Maintenance and Repair Workshop

- bb) The vehicle maintenance and repairs workshop hereby approved, shall only be used by the applicant in connection with the servicing and repair of the applicant's own vehicles associated with Wildmoor Quarry, planning permissions ref: 107104 and 407219, and the development hereby approved; and

Planning Permission

- cc) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.

1039 Proposed three classroom extension, demolition of temporary double mobile classrooms,

The Committee considered an application under Regulation 3 of the Town and Country Planning Regulations 1992 for a proposed three classroom extension, demolition of temporary double mobile classrooms, new car park and Change of Use from Agriculture to Educational use for two adjacent fields at Fairfield First School, Stourbridge Road, Fairfield, Worcestershire.

**new car park
and change of
use from
agriculture to
educational use
for two adjacent
fields at
Fairfield First
School,
Stourbridge
Road, Fairfield,
Worcestershire
(Agenda item 7)**

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to Green Belt, Landscape Character, Visual Impact and Residential Amenity, Traffic and Highway Safety, Other Matters – Crime, Historic Environment, Ecology and Biodiversity, Water Environment, and Waste.

The Head of Strategic Infrastructure and Economy concluded that the proposed development was located within the West Midlands Green Belt. It was considered that the proposal would constitute inappropriate development in the Green Belt, which was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposed height and scale of the proposal would limit the impact on the openness and visual amenity of the Green Belt. The proposal was for a site where there was existing built development and it was considered that the proposal would not result in urban sprawl or unacceptable encroachment into the countryside. The Head of Strategic Infrastructure and Economy considered that the range of factors including the need to expand the school as a result of the anticipated growth in pupil numbers, the removal of split age classes and the existing poor condition of the modular buildings, meant that it was considered that very special circumstances had been demonstrated in this instance that would outweigh the harm to the Green Belt. Consequently, the Head of Economy and Infrastructure considered that the other considerations in this case clearly outweighed the harm to the Green Belt.

The Head of Strategic Infrastructure and Economy considered that subject to the imposition of appropriate conditions, the scale, massing and design of the proposed development, there would not be an adverse or detrimental visual impact. Furthermore, it was considered that due to the distances involved the proposed development, would not cause any unacceptable overbearing, overshadowing or overlooking implications that detracted from residential amenity due to its design, size and location.

The County Highways Officer had stated that a robust assessment of the planning application had been undertaken, and based on this analysis, it had been

concluded that there would not be an unacceptable impact and, therefore, there were no justifiable grounds on which an objection could be maintained. The Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, subject to the imposition of appropriate conditions.

West Mercia Police had been consulted and had no objections to the proposal. In view of this, the Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have an unacceptable impact upon crime and antisocial behaviour.

The County Archaeologist has been consulted and had raised no objections to the proposal. The District Council's Conservation Officer also made no adverse comments. In view of this, the Head of Strategic Infrastructure and Economic considered that the proposal would not have an adverse impact upon the historic environment.

The Head of Strategic Infrastructure and Economy considered that subject to the imposition of appropriate conditions, the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area, and would enhance the application site's value for biodiversity.

The Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions, that the proposed development would have no adverse impacts on the water environment.

Taking into account the provisions of the Development Plan and in particular Policy WCS17 of the Worcestershire Waste Core Strategy and policies BDP1, BDP2, BDP4, BDP15, BDP16, BDP19, BDP20, BDP21, BDP22, BDP23, BDP24 and BDP25 of the Bromsgrove District Plan (2011-2030), it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Economy introduced the report and commented that members had visited the site and observed the location of the nearest local residents, the school access road off Stourbridge Road, and the adjacent non-designated heritage site. Members visited the location of the existing

double mobile classroom and noted the location of the proposed three classroom extension and the existing forest school area.

Mr Palmer an objector to the proposal addressed the Committee on behalf of the Fairfield Village Community Association. He commented that approximately 12 pupils lived in the local area and with no local development, it was forecast that the number of local children in the area was unlikely to increase. The starting point for the consideration of this application was whether the extension was a disproportionate addition over above the size to the existing building. The Planning Inspectorate had previously deemed that a school expansion of approximately 120% would be deemed disproportionate and this application was a 300% expansion. Although Planning Inspectorate decisions were not legally binding, they should guide local planning authorities. Bromsgrove District Council considered the extension disproportionate to the original building and therefore inappropriate development in the Green Belt. An application that was disproportionate was harmful to the Green Belt. The High Court had ruled development could not preserve the openness of the Green Belt and provided clarity of the form that harm could be. The term should not be construed to mean that all individual considerations should be considered together as a cumulative consideration of harm.

The proposal would create additional school places for 35 children who did not live in reasonable walking distance. No consideration had not been given for the expansion of schools in the local area where the children lived. No consideration had been given to the impact on an already congested arterial road. The Travel Plan relied on no suitable public transport links and parents taking siblings to other schools and did not work in the same location. Additional traffic would be using the narrow school drive increasing risk to pedestrians and potential damage to properties.

He considered that the applicant had not demonstrated very special circumstances for this development that outweighed the harm to the Green Belt. Presumption in favour of the development did not apply as the needs of existing pupils in the local area were already being met.

The following point was raised with Mr Palmer following his presentation:

- In response to a query, Mr Palmer indicated that

his main objection to the application was to the overall net build, because the application was not for a like-for-like replacement build.

Ms Lewing the agent acting on behalf of the applicant addressed the Committee. She commented that from a school's point of view, the proposal was extremely positive in two crucial ways: 1. The school enjoyed an excellent reputation across the area and had been oversubscribed for many years. An increase in the admission number would alleviate this and increase the number of school places across the town of Bromsgrove – enabling the school to help with Objective 3 of Worcestershire Children's First Strategy. 2. The most important part of the project to the school was the replacement of the aging and dilapidated temporary classrooms. They had now been in place for nearly 25 years and were second hand when they arrived. The classrooms were extremely cold and expensive to heat in the winter and were hot and stuffy in the summer. They were dark, the windows leaked and one of the rooms had been closed recently after the roof had leaked during the half term break. Both rooms had been during the winter months due to frozen pipes. This had a substantial negative impact on the school maintenance budget and most importantly reduced the number of school days children were being educated. It was proposed that the fields associated with this project would be used to plant trees and create a wildflower meadow to extend the current Forest School provision.

From an architect's perspective, she commented that the limited site access had been carefully considered in the pre-construction information for potential contractors to develop into their Construction Phase Plan for the proposed works. The contractor would advise all drivers accessing the site of the restrictions before they arrived. The drive would have restricted access at the start and end of each school day and all deliveries would be supervised from the main road.

The building had been carefully designed to have high fabric insulation values and high air tightness well above those required to meet Building Regulations standards. The Council's 'Sustainable Design Guide' included for all new build schools to have an overall target of 22kg Carbon Dioxide per metre. It had been calculated that this building would have a substantially lower emission rate of 14.3kg – this equated to a reduction of over 2,000kg of CO2 per year.

The following points were raised with Ms Lewing following her presentation:

- Would construction traffic be any heavier than the farming machinery previously travelling along the access road? Ms Lewing responded that the contractor had had to complete a full assessment of the potential impact on the access road, the footpath, the church wall and the surface of the road. The classroom extension had been designed as brick and block construction with small units and therefore the size of vehicle using the access to the site would be restricted. Previously the farmer had driven oil tankers and other farm machinery along the access road
- In response to a query, Ms Lewing indicated that the contractor would be responsible for any damage that occurred during the construction period
- In response to a query, Ms Lewing stated that the ownership of the access road was unclear
- Who had responsibility for overseeing the scheme? Ms Lewing explained the tender documentation set out the responsibility of the contractor to liaise with local residents however if any major issues occurred, she would tackle them with the contractor in her role as the contract administrator
- How long would the construction works take to complete? Ms Lewing indicated that it was anticipated that the contractor would be on site by the February 2020 half term with completion during the October 2020 half term.

In the ensuing debate, the following points were raised:

- It was a fantastic achievement that the proposal would lead to a reduction in carbon emissions of 2 tonnes a year
- Following comments about the attractive nature of the location of the site, the representative of the Head of Strategic Infrastructure and Economy confirmed under planning legislation, there was no right to a view
- In response to a query about sustainable transport, the representative of the Head of Strategic Infrastructure and Economy explained that some staff used the local bus services to travel to work
- It was clear from the site visit that the existing mobile classrooms were past their sell-by date

and this application was necessary to bring this part of school up to modern standards

- The very special circumstances for the location of this development in the Green Belt had clearly been demonstrated. Temporary classrooms were terrible environments for teaching and learning and this application was long overdue. This was a clearly a popular and successful school with a growing population of children needing to attend it and it was necessary to find school places where the need arose. The only other alternative would be to build a new school elsewhere in the village. The expansion of the forest school was a welcome and appropriate use of Green Belt.

RESOLVED that planning permission be granted for a proposed three classroom extension, demolition of temporary double mobile classrooms, new car park and change of use from agriculture to educational use for two adjacent fields at Fairfield First School, Stourbridge Road, Fairfield, Worcestershire, subject to the following conditions:

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- b) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings Numbered: BW40005L QCA-JAC-00-GF-DR-A- 0100 and BW40005L QCA-JAC-00-GF-DR-A- 0101 except where otherwise stipulated by conditions attached to this permission;
- c) Notwithstanding any indication of the materials, which may have been given in this application, within 1 month of the commencement of the development hereby approved, a schedule and/or samples of the materials and finishes for the development shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall not be carried out other than in accordance with the approved details;
- d) The development hereby permitted should not commence until drainage plans for the disposal of foul water flows have been submitted to and approved by the County Planning Authority. The scheme shall be

implemented in accordance with the approved details before the development is first brought into use;

- e) No construction deliveries associated with the development hereby permitted shall take place between the hours of 07:30 and 09:15 and 14:30 and 16:00 on Mondays to Fridays inclusive during term time;
- f) Notwithstanding any submitted details, the development hereby approved shall not commence until hours of construction work are agreed in writing by the County Planning Authority. Thereafter, construction work shall only take place between the agreed hours;
- g) The travel plan shall be implemented in accordance with the agreed details which have been registered with Modeshift STARS Business;
- h) The Development hereby approved shall not be brought into use until at least 1 electric vehicle charging space has been provided in accordance with a specification which shall be submitted to and approved in writing by the County Planning Authority. Thereafter, such space(s) and power point(s) shall be kept available and maintained for the use of electric vehicles only;
- i) The development hereby approved shall not be brought into use until the parking and turning facilities have been provided as shown on drawing BW40005L QCA-JAC-00-GF-DR-A-0100;
- j) Notwithstanding the submitted details, the development hereby approved shall not be brought into use until at least 1 accessible car parking space has been provided in a location to be agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and the space(s) shall be kept available and maintained for use by disabled users only;
- k) The development hereby approved shall not commence until a Construction Environmental Management Plan for Highways has been

submitted to and approved in writing by the County Planning Authority. This shall include but not be limited to the following:

- i. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- ii. Details of site operative parking areas, material storage areas and the location of site operatives facilities;
- iii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring; and
- iv. A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the County Planning Authority;

- l) A pre-commencement site inspection for mobile species such as badger shall be undertaken by a competent ecologist.

If work does not commence prior to 1st March 2021 an updated ecological assessment must be undertaken by a competent ecologist and report submitted to the County Planning Authority for approval in writing;

- m) All vegetation clearance at the site shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has

been abandoned naturally;

- n) Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing. This will confirm numbers, species, densities and peat-free planting arrangements of any new hedgerow, hedgerow ground flora, and wildflower areas. The LEMP will detail the selection and management of standard trees with a timetable of all proposed landscape management operations including the removal of plastic tree-guards (or use of biodegradable tree-guards). The LEMP will include monitoring and management of any other ecological assets to include the numbers, location, specification and installation details of bat boxes or bricks and bird boxes or bricks; and
- o) Details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:
 - i. Height of the lighting posts;
 - ii. Intensity of the lights;
 - iii. Spread of light (in metres);
 - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
 - v. Any measures to minimise the impact of lighting upon protected species and habitats, in particular the adjacent woodland; and
 - vi. Times when the lighting would be illuminated;

Thereafter, the development shall be carried out in accordance with the approved details.

The meeting ended at 12.15pm.

Chairman