

Agenda

Planning and Regulatory Committee

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

Notes:

Councillors are advised that letters of representation received from local residents in respect of the planning applications on this agenda will be available for inspection in the Member Support Unit 3 days before the Committee and in the meeting room from 9.30am on the day of the meeting

Planning Officers are available for up to 30 minutes prior to the start of the meeting to enable Councillors and the public to ask questions about the applications to be considered. This is not a part of the meeting itself but is an informal opportunity for anyone present on the day to clarify factual details about the applications, examine background documents and view plans that are on display

This document can be provided in alternative formats such as Large Print, an audio recording or Braille; it can also be emailed as a Microsoft Word attachment. Please contact Democratic Services on telephone number 01905 846621 or by emailing democraticservices@worcestershire.gov.uk

DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have
a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** OR
relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Planning and Regulatory Committee

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

Councillors: Mr R C Adams (Chairman), Ms P Agar, Mr R M Bennett, Mr G R Brookes, Mr P Denham, Mr A Fry, Mr I D Hardiman, Mr P B Harrison, Mrs A T Hingley, Dr C Hotham, Mr J A D O'Donnell, Mrs J A Potter, Prof J W Raine, Mr C Rogers and Mr P A Tuthill

Agenda

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| 1 | Named Substitutes | |
| 2 | Apologies/Declarations of Interest | |
| 3 | Public Participation The Council has put in place arrangements which usually allow one speaker each on behalf of objectors, the applicant and supporters of applications to address the Committee. Speakers are chosen from those who have made written representations and expressed a desire to speak at the time an application is advertised. Where there are speakers, presentations are made as part of the consideration of each application. | |
| 4 | Confirmation of Minutes To confirm the Minutes of the meeting held on 22 October 2019. (previously circulated electronically) | |
| 5 | Part-retrospective application for a proposed processing, stocking and bagging area at Wildmoor Quarry, Sandy Lane, Wildmoor, near Bromsgrove, Worcestershire | 1 - 44 |
| 6 | 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 | 45 - 90 |
| 7 | 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 | 91 - 124 |

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To obtain further information or a copy of this agenda, contact Simon Lewis, Committee Officer. Telephone Worcester (01905) (846621)
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All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Friday, 22 November 2019

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**PLANNING AND REGULATORY COMMITTEE
3 DECEMBER 2019****PART-RETROSPECTIVE APPLICATION FOR A PROPOSED
PROCESSING, STOCKING AND BAGGING AREA AT
WILDMOOR QUARRY, SANDY LANE, WILDMOOR, NEAR
BROMSGROVE, WORCESTERSHIRE**

Applicant

Wildmoor Quarry Products

Local Member(s)

Mrs S A Webb

Purpose of Report

1. To consider a part-retrospective County Matter planning application for a proposed processing, stocking and bagging area at Wildmoor Quarry, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire.

Background

2. Wildmoor Quarry is a long established sand quarry, which has been operating since the 1930's. Planning permissions have been granted for mineral extraction at the site in 1952, 1971, 1993 and 1999. The latest planning permissions for the site were granted by Worcestershire County Council on 20 July 1999 for a western extension to the quarry (County Planning Authority Ref: 407219, Minute No. 67 refers) and for the Review of Old Mineral Permissions (ROMP) of the extant planning permissions for mineral extraction under Schedule 13 of the Environment Act 1995 (County Planning Authority Ref: 107104, Minute No. 67 refers).

3. Planning permissions for both a waste transfer station (County Planning Authority Ref: 407681) and wood storage and chipping facilities (County Planning Authority Ref: 407665) have been granted planning permission for a temporary period of time, both of which have now expired and operations have ceased.

4. The existing vehicle repairs workshop building was granted permission by Bromsgrove District Council on 11 October 1979 (District Council Ref: B.6048). This planning permission allows for the retention and use of the workshop for vehicle repairs in connection with site operations. Condition 14 of the permission requires the building to be removed within 6 months of the cessation of mineral extraction operations at the quarry. This building has been extended and altered and a retrospective planning application has been submitted to the County Planning Authority for the operation of a mortar batching plant, erection of associated silo

storage units and aggregate bins and vehicle repairs workshop (County Planning Authority Ref: 17/000028/CM – see Agenda Item 6).

5. An application for a Lawful Development Certificate for an existing use or operation for "*the use of the ground floor of the Top Garage and adjacent land for storage (Use Class B8), use of the weighbridge office for purposes falling within Use Class B1, and use of the land described as Top Yard for storage of vehicles, sand and aggregates (Use Class B8)*" was granted by Bromsgrove District Council (District Council Ref: 17/00817/CPE) on 10 May 2018. This relates to the upper area of the quarry, along the northern boundary of the site, adjacent to Sandy Lane (A491).

6. On 21 June 2017 Bromsgrove District Council refused an application for a Lawful Development Certificate for an existing use or operation for "*existing lawful use of composite mixed use comprising residential and commercial use for the importation, processing by crushing and sorting and distribution of aggregates, soils and demolition materials*" at Dolfor, Sandy Lane, Wildmoor, Bromsgrove, Worcestershire (District Council Ref: 17/0211). This decision was appealed by the applicant on 15 August 2018, and an appeal start date is awaited from the Planning Inspectorate. Dolfor is a residential property located adjacent to the north-east corner of Wildmoor Quarry, and shares the same access as the quarry onto Sandy Lane (A491).

7. The County Planning Authority served an Enforcement Notice on 13 September 2018 in connection with an unauthorised waste transfer station at Dolfor, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire. The Enforcement Notice was appealed on 11 October 2018, and an appeal start date is awaited from the Planning Inspectorate.

8. The proposed new minerals processing plant, site office and weighbridge which form part of this application would normally be permitted development falling under Part 17 - 'Mining and Mineral Exploration', Class A – 'extensions, alterations etc ancillary to mining operations' of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, as Condition 14 of the extant planning permissions requires all material to be processed through the existing plant and no fixed plant or equipment shall be erected on the site, the new minerals processing plant requires planning permission.

9. The bagging operations that are taking place on the site are considered ancillary to the mineral extraction operations and have been taking place on the site for over 10 years and are, therefore, considered to be lawful.

10. Historically sand won at the now restored Chadwich Lane Quarry, located about 900 metres north of the quarry site (County Planning Authority Ref: 107108, Minute No. 26 refers) was taken to Wilmoor Quarry for processing. It is understood that the operators would blend the various sands from both quarries for specific market end uses. In view of this, the importation of sand to the Wildmoor Quarry site for processing is considered to be lawful.

11. An application for a proposed sand quarry to the east of the restored Chadwich Lane Quarry, infilling void using inert materials only, restoration of land to agricultural use together with new access, creation of a geological exposure, landscaping and associated works is pending consideration (County Planning Authority Ref: 18/000036/CM – pending consideration), and is located about 600 metres north of the

quarry site. Should planning permission be granted for new Chadwich Lane Quarry, it is the applicant's intention to bring the sand from Chadwich Lane Quarry to Wildmoor Quarry for processing.

The Proposal

12. Wildmoor Quarry Products are seeking part-retrospective planning permission for the consolidation and relocation of existing plant to a new processing, stocking and bagging area within Wildmoor Quarry. The application involves the repositioning of existing processing plants and weighbridge, a new replacement site office, car park, creation of stocking bays and bagging area, the relocation of existing bagging plant, the erection of new mineral processing plant and the construction of a hardstanding.

13. This application is part-retrospective as the hardstanding has been constructed, the new replacement site office and car parking have been installed and the existing weighbridge, stocking and bagging areas and plant have been relocated. The new mineral processing plant has not been erected at the site.

14. The applicant states that *"the bagging and storage area has been relocated from the south of the site to allow for the excavation of mineral from this area, which would otherwise have been sterilised. The applicant also states that the proposed processing plant would enable the retrieval of reserves that would otherwise be lost"*.

15. The new hardstanding measures approximately 1.2 hectares in area.

16. The proposed new mineral processing plant (excluding the indicative stockpiles of sand) would measure approximately 62 metres wide by 82 metres long by a maximum of 16 metres high, and would be located on the centre of the hardstanding, within the centre of the application site. The plant would produce two products: mortar sand and building sand. The stockpiles of sand would measure approximately 8 metres high. The applicant has confirmed that the existing mineral processing plant, which is currently located in the south-west of the quarry, would be relocated within this application site and would be encompassed within the new minerals processing plant arrangement. The applicant has confirmed that the proposed new mineral processing plant would be a similar scale to that of the existing minerals processing plant.

17. The relocated bagging plant is contained within two vehicle trailers measuring approximately 2.4 metres wide by 14 metres long by 4.5 metres high, and would bag bulk bags and 25kg bags of sand. Loading is via loading shovel into the bagging plants and taken off by forklift truck either to the stocking area or direct to HGVs for export. The applicant has confirmed that the bagging area measures approximately 100 metres square metres in area, and is located in the northern part of the application site, in the centre of the quarry.

18. The new replacement site office measures approximately 3 metres wide, by 9 metres long by 2.5 metres high, is light grey in colour, and is located in the north-east of the application site, within the eastern part of Wildmoor Quarry, and to the south of the mortar batching plant. The original site offices were located in the south-west of the site. The relocated weighbridge, which is now located immediately to the east of

the new site office, measures approximately 3.5 metres wide by 15 metres long by 0.5 metres high.

19. The applicant states *"that the proposal supports and compliments the application for the mortar batching plant (County Planning Authority Ref: 17/000028/CM – see Agenda Item 6) by allowing for an increased supply of Wildmoor Quarry sand to be utilised in the mortar making process. Without the proposed processing plant Wildmoor Quarry sand is required to be blended with other sands to achieve mortar trade standard requirements. The processing plant removes a coating on Wildmoor sand akin to removing the chocolate off a malteser that would allow the percentage of Wildmoor Quarry sand used in the mortar facility to be increased from approximately 55% to 70%".*

20. The applicant has confirmed that *"the application proposals would not increase the traffic movements to or from the quarry site. Indeed the proposed processing plant applied for as part of this application would enable more of the sand excavated at the quarry to be processed on site, meaning less sand is required to be imported from other quarries for use within the mortar batching plant on site (should planning permission be granted) and less Wildmoor Quarry sand would be exported for processing elsewhere".*

21. The applicant is proposing to operate the development between the hours of 07:00 to 19:00 hours Mondays to Fridays, inclusive and 07:00 to 13:00 hours on Saturdays, Bank and Public Holidays, within no working on Sundays, except for essential maintenance.

22. Wildmoor Quarry currently employs 10 full-time members of staff, and should planning permission be granted this proposal would help to support and retain these existing jobs.

23. This application seeks planning permission for approximately 10 car parking spaces, located in the eastern part of the application site, adjacent to the site office, weighbridge and internal access road.

The Site

24. The application site, which measures approximately 1.64 hectares in area, is located within the south-eastern part of the wider 16.64 hectare Wildmoor Quarry site. The development is located to the south of a retrospective planning application for the operation of a mortar batching plant, erection of associated silo storage units and aggregate bins and vehicle repairs workshop (County Planning Authority Ref: 17/000028/CM - see Agenda Item 6). The quarry lies in the open countryside of north Worcestershire, about 1.6 kilometres west of junction 4 of the M5 Motorway. Bromsgrove Town Centre is situated approximately 5 kilometres south of the quarry site; Belbroughton is approximately 2.6 kilometres to the north-west; Catshill is situated about 1.6 kilometres south-east of the proposal; and Rubery is located about 2.6 kilometres to the east of the proposal.

25. The quarry site is bounded to the north by the Sandy Lane (A491), to the west by the Stourbridge Road (B4091) and to the south and east by agricultural land. Fairfield which is the nearest village lies approximately 450 metres south-west of the quarry

site, with dispersed properties extending northwards along the Stourbridge Road and a cluster of properties adjacent to the Sandy Lane and Stourbridge Road roundabout. There are other dispersed residential properties in the surrounding area with just one property, Dolfor located immediately adjacent to the eastern side of the quarry site. The whole of the application site and quarry are located within the West Midlands Green Belt.

26. There are two existing vehicle accesses into the quarry site, both located directly off Sandy Lane (A491) along the northern boundary of the quarry site. Access into the application site is taken from the quarry access road.

27. There are a number of Public Rights of Way (Footpath BB-602, BB-604, BB-607, BB-675, and BB-676) within the vicinity of the quarry site. Footpath BB-684 runs north to south along the quarry access road, located adjacent to the eastern boundary of the application site, joining Footpath BB-683 south of the quarry site.

28. Veolia closed landfill and former quarry (County Planning Authority Ref: 407292, Minute No. 262 refers (Appeal Ref: T/APP/F1800/A/92/216272/P6), 107110, Minute No. 118 refers and 407102, Minute No. 827 refers) is situated to the north of the quarry site on the northern side of Sandy Lane (A491). Pinches Quarry and Landfill (County Planning Authority Ref: 08/000008/CM) is located about 1.5 kilometres east of the application site. The restored Chadwich Lane Quarry (County Planning Authority Ref: 13/000061/CM, Minute No. 882 refers) is located about 900 metres north of the quarry site. An application for a proposed sand quarry to the east of the restored Chadwich Lane Quarry, infilling void using inert materials only, restoration of land to agricultural use together with new access, creation of a geological exposure, landscaping and associated works is pending consideration (County Planning Authority Ref: 18/000036/CM – pending consideration), and is located about 600 metres north of the quarry site.

29. Madeley Heath Pit geological Site of Special Scientific Interest (SSSI) is located about 1.1 kilometres north of the application site, within the eastern part of the restored Chadwich Lane Quarry (County Planning Authority Ref: 13/000061/CM, Minute No. 882 refers), and is covered by previous landfilling, as part of the restoration of the site. Feckenham Forest SSSI and Little Royal Farm Pastures SSSI are located about 1.1 kilometres and 2.1 kilometres south-west of the proposal. The geological SSSI of Sling Gravel Pit is located about 2.3 kilometres north-west of the application site. Hurst Farm Pasture SSSI is located about 2 kilometres west of the proposal. Oakland Pasture SSSI is located approximately 2.7 kilometres south-west of the site. The Hadley, Elmley & Hockley Brooks Local Wildlife Site (LWS) and associated ancient woodland of Pepper Wood are situated about 870 metres south-west of the development site. Sling Pool and Marsh LWS and Great Farley and Dale Woods LWS are located about 1.8 kilometres north-west and 1.9 kilometres north of the application site.

30. The nearest Listed Building is that of the Old Toll House, Stoneybridge, a Grade II Listed Building situated about 540 metres north-west of the site. Fairfield Court (Grade II* Listed Building) is located about 560 metres west of the proposal. 188 Stourbridge Road (High House); Barn, stable and granary 20 yards east of Fairfield House, and Fairfield House (which are all Grade II Listed Buildings) are located about 430 and 555 metres south-west of the application site, respectively. The Scheduled

Monument of the Moated site at Fairfield Court is located about 530 metres west of the proposal.

31. The application site is located upon an aquifer – Groundwater Source Protection Zone (Zones 3: 'Total Catchment') and is situated within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map.

32. High pressure gas pipelines pass along the south-western and south-eastern boundaries of the quarry site, the closest being located approximately 160 metres south-west of the application site. Each pipeline has an associated Health and Safety Executive major accident and hazard pipelines consultation zone which covers the application site (Outer Zone).

33. The proposal is located approximately 2.9 kilometres north-west of the Lickey End Air Quality Management Area (AQMA).

34. The nearest residential property is that of Dolfor located approximately 90 metres north-east of the application site. The residential properties of Far Croft and Fairfield Lodge are located approximately 425 metres north-west of the application site, immediately west of the roundabout junction with the A491, B4091 and Madeley Road. Fairfield Court is located about 530 metres west of the proposal. Orchard Farm is located approximately 325 metres south-west of the application site. Further properties are located along Third Road and Swan Lane located about 340 metres south-east and 420 metres south of the proposal, respectively. Further dwellings, including Bringsty Rosedene and Glentworth are located about 420 metres north-east of the proposal along the north side of Sandy Lane (A491).

Summary of Issues

35. The main issues in the determination of this application are:-

- Green Belt
- Landscape character and visual impacts
- Residential amenity (air quality, noise, dust, vibration and lighting)
- Traffic, highway safety and impact upon Public Rights of Way
- Water environment
- Ecology and biodiversity.

Planning Policy

National Planning Policy Framework (NPPF)

36. The revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. On the 19 June 2019 the revised NPPF was updated to include a correction slip to remove paragraph 209a relating to on-shore oil and gas development. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

37. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that *"the*

policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication".

38. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

39. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

40. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

41. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

42. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

Chief Planning Officer Letter - Green Belt protection and intentional unauthorised development (31 August 2015)

43. This letter sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

The Development Plan

44. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the Saved Policies of the Adopted County of Hereford and Worcester Minerals Local Plan and Adopted Bromsgrove District Local Plan.

45. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

46. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

County of Hereford and Worcester Minerals Local Plan (Saved Policies)

47. The Adopted Minerals Local does not contain any saved policies relevant to the consideration and determination of this planning application.

Bromsgrove District Local Plan

48. The Bromsgrove District Plan was adopted January 2017, the policies that are relevant to the proposal are listed below:-

Policy BDP1: Sustainable Development Principles

Policy BDP4: Green Belt

Policy BDP13: New Employment Development

Policy BDP15: Rural Renaissance

Policy BDP16: Sustainable Transport

Policy BDP19: High Quality Design

Policy BDP20: Managing the Historic Environment

Policy BDP21: Natural Environment

Policy BDP22: Climate Change

Policy BDP23: Water Management

Emerging Minerals Local Plan

49. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire, which will be a restoration led plan. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

50. A Publication Version of the Minerals Local Plan was published on 19 August 2019 for a 6 week consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) (as amended) to allow representations to be made under Regulation 20. Representations at this stage can only be made on the legal and procedural compliance of the Plan, the soundness or whether the Emerging Minerals Local Plan is in conformity with the duty to co-operate. The Plan is expected to be submitted to the Secretary of State for independent examination in December 2019.

51. The Emerging Minerals Local Plan has not, therefore, been tested at examination or adopted by the County Council. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the Emerging Minerals Local Plan should be given little weight in development management terms in the determination of this application.

52. The Emerging Minerals Local Plan policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy MLP 1: Strategic Location of Development

Policy MLP 3: Green Infrastructure

Policy MLP 6: North East Worcestershire Strategic Corridor

Policy MLP 10: Steady and Adequate Supply of Sand and Gravel

Policy MLP 13: Steady and Adequate Supply of Silica Sand

Policy MLP 17: Prudent Use of Resources

Policy MLP 18: Green Belt

Policy MLP 19: Amenity
Policy MLP 20: Access and Recreation
Policy MLP 21: Biodiversity
Policy MLP 22: Historic Environment
Policy MLP 23: Landscape
Policy MLP 27: Water Quality and Quantity
Policy MLP 28: Flooding
Policy MLP 29: Transport
Policy MLP 30: Planning Obligations

Consultations

53. **The local County Councillor Shirley Webb** objects to the proposal on the grounds of adverse impact upon the Green Belt and the impact of HGVs on Sandy Lane (A491) and surrounding roads.

54. **Belbroughton Parish Council** objects to the proposal, stating that the proposed processing plant is a considerable fixed industrial structure with a total height of approximately 16 metres, which would be in addition to the site office, weighbridge and stocking and bagging area. With regard to the concrete base, this appears to be at 160 metres Above Ordnance Datum (AOD). In contrast the approximate level of Sandy Lane (A491) at the quarry entrance is approximately 170 metres AOD. The proposed plant would, therefore, be visible by some six metres higher than the road entrance to the site.

55. The proposed operating hours of the plant are between 07:00 to 19:00 hours Mondays to Saturdays, and between 07:00 and 13:00 hours on Saturdays. Although not referenced, the Parish Council consider that the plant would likely require maintenance outside of these hours. During the winter months it is presumed that the development would require on site flood lighting for operational and health and safety purposes. Given the scale of the proposal this would result in considerable illumination of the area, which would be inappropriate, adversely impacting the local area.

56. The Parish Council consider that the proposal would not be in accordance with Policy BDP4 and Section BDP 4.4 of the adopted Bromsgrove District Plan. It would not be permitted development. It would be inappropriate development within the Green Belt. Would involve a material change of use of the site that would intensify its industrial capacity impacting on the openness of the Green Belt, and consider very special circumstances have not be demonstrated by the applicant.

57. The Parish Council consider that the proposal would compromise the restoration of the quarry.

58. The Parish Council consider the proposal would result in an unacceptable increase in HGVs along Sandy Lane (A491) and local roads.

59. The Parish Council also notes that the proposal is located upon an aquifer and is concerned regarding the potential for contamination.

60. **Bournheath Parish Council (Neighbouring Parish Council)** - no comments have been received.

61. **Bromsgrove District Council** objects to the proposal, stating that it is not apparent what level of lighting would be required to safely facilitate the operation of the plant and machinery, particularly during the winter. The potential for light pollution is not acknowledged or considered in the submitted Planning Statement. Bromsgrove District Council consider that the assessment of the impact of light pollution and the degree to which that could be practically mitigated needs to be quantified in order for the County Planning Authority to be in a position to conclude whether any other considerations outweigh the potential harm arising from it. Bromsgrove District Local Plan Policy BDP19 criterion 'q' is relevant in this regard in that it seeks to ensure good design through *“ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment”*.

62. Whilst the District Council consider that a condition requiring details of lighting and light spillage could be imposed, that would not allow such information and any mitigation to be weighed in the context of any considerations in favour of granting permission, and would assume that adequate mitigation could be achieved, before that had been demonstrated.

63. In the event that the County Planning Authority is minded to grant planning permission, the District Council recommends the imposition of a condition requiring a Landscape and Ecological Management Plan, as recommended by the County Ecologist.

64. Bromsgrove District Council considers that the proposals fall within the exceptions under paragraph 146 'a' and 'b' of the NPPF, but are therefore subject to the caveat that the development must preserve the openness of the Green Belt. The District Council consider that the proposal has a significant impact upon the openness of the Green Belt by reason of the height and extent of the processing plant and the extent of the hardstanding. Therefore, the proposal constitutes 'inappropriate development' and paragraphs 143 and 144 of the NPPF are engaged. Paragraph 143 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 144 of the NPPF states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

65. **The Environment Agency** comments that the wider quarry has an extractive (mineral quarry) waste permit for handling and storage of quarry wastes which is regulated by the Environment Agency. They confirm that the proposed development is not one which would be regulated by the Environment Agency and, therefore, they do not wish to make any detailed comments or raise objections to the proposal.

66. **Worcestershire Regulatory Services (Air Quality)** have no objections to the proposal.

67. **Worcestershire Regulatory Services (Noise, Vibration and Dust)** have no objections to the proposal in terms of noise, vibration and dust emissions impacting on the nearest sensitive receptor(s).

68. **North Worcestershire Water Management** have no objections to the proposal, stating that the proposal is located within Flood Zone 1 (low risk of flooding) and the majority of the site is not shown to be susceptible to surface water flooding, however, a small area where the proposed processing plant would be located may be susceptible to flooding. Considering the vulnerability class of the proposed development, it is considered that this would not adversely impact upon the proposal. It is also considered that the proposal would not impact upon flood risk or drainage off site. In view of this, North Worcestershire Water Management have no adverse comments and do not recommend any conditions be imposed relating to drainage and flood risk should planning permission be granted.

69. **Severn Trent Water Limited** have no objections to the proposal, as it would have minimal impact upon the public sewerage system.

70. **Highways England** have no objections to the proposal.

71. **The County Highways Officer** has no objections, stating that the proposal would not result in a severe impact or have an unacceptable impact on highway safety, therefore, there are no justifiable reasons to recommend refusal of this application from a highway perspective.

72. The County Highways Officer states that it is understood that the applicant already undertakes these operations on site, but in a more sporadic fashion, this application seeks to consolidate the operations into one location within the site. The applicant advises that the result would be no additional HGV movements are anticipated.

73. **The County Footpath Officer** has no objections to the proposal, subject to the applicant adhering to their obligations to the Public Right of Way. The County Footpath Officer notes that Footpath BB-684 is used as the access road for the development and is also in close proximity to the weighbridge and the loading ramp. Whilst it appears the footpath would not be affected, it should be ensured that this equipment and associated activities would not impose on the width of the footpath.

74. **Open Space Society** wishes to make no comments on the application.

75. **Ramblers Association** - no comments have been received.

76. **The Campaign to Protect Rural England (CPRE)** have no objections to the proposal, and recommends the imposition of conditions to secure the removal of all ancillary development upon the restoration of the quarry, including any uses with a certificate of lawful use if this is possible, as this is a site within the open countryside and Green Belt.

77. **Historic England** wishes to make no comments on the application and recommends that the County Planning Authority seeks the views of their local specialist conservation and archaeological advice as relevant.

78. **The County Archaeologist** has no objections to the proposal, as the works are within previously quarried land.

79. **The County Landscape Officer** has no objections to the proposal, stating that they have assessed the proposal, both in terms of its specific impact and any cumulative impact that might arise as a result of adding additional processing infrastructure to that already in operation, including the retrospective mortar batching plant (County Planning Authority Ref: 17/000028/CM – see Agenda Item 6). The County Landscape Officer concludes that all new operations would be visually contained within the immediate landscape setting of the quarry, which has the benefit of being well-screened from surrounding receptors, as a result of the reduced operating ground levels and partial containment within an arc of mature vegetation.

80. The County Landscape Officer states that the boundary trees and hedgerows within the wider quarry site appear to be in moderate to good condition, however, their sustainable management should be encouraged in order to maximise their current mitigation of operations within the site. There is no overriding concern from the landscape perspective to insist on a landscape management condition, however, the County Landscape Officer would support this if the County Ecologist considers there is justification in the context of habitat and biodiversity management.

81. **Natural England** have no objections to the proposal, stating that the proposal would not have any significant adverse impacts on statutorily protected nature conservation sites or landscapes.

82. **The County Ecologist** has no objections to the proposal, subject to the imposition of a condition requiring a Landscape and Ecological Management Plan for the wider quarry site, with the intention of identifying and remediating invasive species and litter, identifying any existing scarce flora or fauna which may have colonised opportunities within land within the applicant's control (blue line area) and maximising the value of vegetation for both its visual screening and / or biodiversity. This would maximise landscape and ecological benefits during the lifetime of the development until cessation of working and implementation of any approved restoration strategy.

83. **West Mercia Police** have no objections to the proposal.

84. **Hereford and Worcester Fire and Rescue** no comments have been received.

85. **Health and Safety Executive (HSE) (Planning Advice Web App)** have no objections to the proposal.

86. **Cadent Gas** have no objections to the proposal, commenting that they do not have any apparatus in the immediate vicinity of the application site.

87. **Western Power Distribution** have no objections to the proposal, stating that an 11 kV underground electricity line crosses the quarry site entrance, parallel with Sandy Lane (A491). The applicant must comply with health and safety legislation and the Western Power Distribution guidance. Should the applicant need to apply for a diversion of the cables, they should contact Western Power Distribution.

Other Representations

88. The application has been advertised on site, in the press and by neighbour notification. To date 15 letters of representation have been received objecting to the

proposal, including comments from Wildmoor Residents' Association, and 1 letter of representation commenting on the proposal. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:-

Traffic and Highway Safety

- Question how the proposal would impact traffic on Sandy Lane (A491), which is already congested at peak traffic times.
- Adverse traffic impact, in particular upon Sandy Lane (A491) and Money Lane, which are both already congested and not capable with dealing with further HGV traffic.
- Potential for accidents due to slow moving vehicles entering and exiting a single carriageway road, which has a 60 mph speed limit.
- Sandy Lane (A491) regularly covered with sand, mud and material from vehicles exiting the site, which does not have a wheel wash or any plans to install such a facility. This increases the risk of an accident.
- Should planning permission be granted it is considered that traffic management system at the junction with Money Lane and Sandy Lane, which is a known accident area.
- At times it is almost impossible to get onto Sandy Lane (A491) from Top Road, Wildmoor Lane, Third Road and Money Lane.
- Question why the County Council (and tax payers) are having to fund to have Sandy Lane (A491) kerbs cleaned after years of sand deposits, which have encroached onto the road from the site and Pinches Quarry.

Green Belt

- Fixed processing plant with a height of approximately 16 metres would constitute a substantial commercial structure. In addition, the proposal includes site offices, weighbridge and stocking and bagging area. This is inappropriate development in the Green Belt and would also have an adverse impact upon visual amenity.
- Would have an adverse impact upon the openness of the Green Belt.
- The applicant has not demonstrated very special circumstances for locating the development within the Green Belt.
- If approved would set a precedent for other inappropriate development in the Green Belt.

Dust

- Adverse dust impact.
- Adverse dust impacts from mud deposited on Sandy Lane (A491).
- Reduced quality of crops locally due to being covered in dust from HGVs.

Noise

- Adverse noise impact.
- The site is already audible from the gardens of residential properties, which is considered to be unreasonable in the evenings and on Saturday mornings.

Visual Impact

- Unsightly construction impacts would harm the amenity of local residents.
- Ramshackle appearance of the site, which is a blight on the local area.
- The development can be seen from the Public Rights of Way adjacent to Orchard Farm, located to the south-west of the application site.

- The proposed plant would be visible some 6 metres above the quarry.
- The fixed plant and any illumination would be alien feature in the landscape.

Lighting

- Due to the proposed operating hours, any proposed lighting would further affect visual amenity due to light pollution in a rural area.

Water Environment

- Limited information provided to address foul sewage and waste storage, which is considered unacceptable and endangers the aquifer.
- Concerns that the proposal may pollute the aquifer.

Environment

- Adverse impact upon the environment.
- Adverse impact upon air and land.
- Adverse impact upon protected species.

Policies

- The development is not in accordance with Policy BD4 and Section BDP 4.4 of the Bromsgrove District Plan.
- The development is not in accordance with the NPPF.

Previous History of the Applicant

- The works associated with this development were commenced without planning permission. It is understood the County Council's Enforcement Officer stopped the development. The applicant has demonstrated disregard for the planning process and, therefore, local residents are not confident the applicant would comply with any planning conditions that may be imposed on the permission, or if Worcestershire County Council would be able to enforce the conditions.

House Prices

- The proposal would seriously reduce the value of local house prices.

Errors with the application submission

- Local residents consider that there are a number of errors with the application, such as omitting it is part-retrospective.

Other Matters

- Considers that the applications for Chadwich Lane Quarry (County Planning Authority Ref: 18/000036/CM, mortar batching plant (County Planning Authority Ref: 17/000028/CM) and this application should be considered together.
- The application states that contamination from the current operations is not suspected. This is false as the Environment Agency are investigating the illegal dumping of waste material within the wider quarry.
- It would have an adverse impact upon students from inner city and often disadvantaged backgrounds who visit this area.
- It would have an adverse impact upon the Bell Heath Outward Bound Education Centre on Quantry Lane who regularly have students for courses and field studies.

- A new fence line has been installed by the applicant along the western side of the quarry, and local residents are concerned that the applicant will extract from this area, questioning if planning permission is required.
- Note the proposed operating hours are proposed between 07:00 to 19:00 hours Mondays to Fridays and 07:00 to 13:00 on Saturdays, and whilst note stated within the application, local residents assume the applicant would also have to carry out maintenance work outside of these hours.
- Wildmoor Quarry is now an old sand quarry with very limited reserves. It is stated (in application County Planning Authority Ref: 17/000028/CM) that approximately 55% of the material now being used in the mortar batching plant originates from Wildmoor Quarry and the plant is reliant on the importation of sands from Bridgwalton in Shropshire and elsewhere. The developer has also stated his intent to convey all excavated sand from Chadwich Lane Quarry (County Planning Authority Ref: 18/000036/CM) for processing at Wildmoor Quarry should permission be granted for that development. If approved this site would become a major manufacturing centre for mortar production, prolonging the existence of this site for a considerable and unspecified number of years, preventing restoration of the site.

The Head of Strategic Infrastructure and Economy's Comments

89. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Green Belt

90. The proposed development would be located wholly within the West Midlands Green Belt. County Councillor Webb and Belbroughton Parish Council objects to the proposal on the grounds of adverse impacts upon the Green Belt. Letters of representation from local residents have also been received objecting on Green Belt grounds.

91. Policy BDP4 of the Bromsgrove District Plan relates to Green Belt, and states that the development of new buildings in the Green Belt is considered to be inappropriate, except in a number of circumstances which are listed in the policy.

92. The introduction to Section 13 of the NPPF states that *"the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".*

93. Minerals can only be worked where they are found and mineral working is a temporary use of land. Paragraph 146 of the NPPF identifies certain forms of

development as not inappropriate development within the Green Belt; this includes mineral extraction, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

94. Whilst the proposal is not for mineral extraction itself, development that would be ancillary to primary purpose of mineral extraction, such as initial processing (primary treatment) of excavated mineral is considered to be capable of falling under the above NPPF exemption, subject to it preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

95. The Government's Planning Practice Guidance (PPG) provides useful guidance when assessing the impact of a proposal on the openness of the Green Belt. It states that it *"requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation"*
(Paragraph: 001 Reference ID: 64-001-20190722).

96. The proposed development would include the construction of an extensive hardstanding measuring approximately 1.2 hectares in area, increasing the built up and industrial appearance of the site, installation of a new minerals processing plant, which would be a large fixed structure within the quarry, measuring approximately 16 metres high, protruding above the quarry face, together with the existing mineral processing plant, weighbridge, bagging plant, stocking and bagging area being relocated from elsewhere in the quarry, and replacement site office, increasing the built appearance of the quarry. Furthermore, the proposal includes the packing of minerals for sale (bagging operations) which is considered to be secondary processing.

97. In addition, 'mineral extraction' is only not inappropriate in the Green Belt provided it does not conflict with the purposes of including land within it. As set out earlier, the NPPF explains that there are five purposes of including land within the Green Belt. It is considered that the proposal would no result in any unrestricted sprawl of large built-up areas or neighbouring towns merging onto one another, given the location of the development in an existing quarry. It is considered that in the short and medium-term the proposal would conflict with safeguarding the countryside from encroachment, due to the location of the proposal in the open countryside, however, in the longer term the development would be removed and the land restored as part of the wider quarry restoration. It is not considered the proposal would conflict with the purpose of preserving the setting and special character of historic towns, given the development is not visible from any nearby towns. Previously developed land is defined in Annex 2 of the NPPF, which excludes *"land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures"*. Therefore, it is considered that the site is greenfield land and the development would not encourage the recycling of derelict and other urban land.

98. In view of the above matters, it is considered that the exception for mineral extraction at paragraph 146 of the NPPF would not apply in this instance, and it is considered that the development as a whole would constitute inappropriate development within the Green Belt.

99. In assessing the harm to the openness of the Green Belt, it is considered that the proposal would be visually contained to the immediate landscape setting of the quarry, which is well screened due to the topography of the site, intervening buildings and structures to the north and established trees and vegetation to the north and east of the site. The replacement site office would only measure approximately 27 square metres in area, with a height of 2.5 metres. Furthermore, the applicant is proposing that the development be removed upon completion of mineral extraction at Wildmoor Quarry and the site restored as part of the restoration of the wider quarry site, as required by extant planning permissions 407219 and 107104, as such there would be no permanent spatial or visual impact on the Green Belt. The applicant has confirmed that the proposal would not generate additional HGV movements. This is because the proposal is for the consolidation of existing operations on site and the construction of new plant and equipment to improve and maximise the efficiency of existing mineral processing operations on site.

100. In view of the above matters, it is considered that the proposal would lead to a moderate loss of Green Belt openness and would, therefore, conflict with paragraph 133 of the NPPF.

101. The NPPF states at paragraphs 143 and 144 that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*. As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal with other circumstances in order to ascertain whether very special circumstances exist which justify granting planning permission.

102. The applicant's assessment of Green Belt and other considerations to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, to demonstrate very special circumstances exist to justify the development are set out below:-

- *"The proposed development is ancillary to the existing permitted mineral extraction;*
- *The processing plant would allow more Wildmoor Quarry sand to be used in the production of mortar on site (should planning permission be granted for planning permission 17/000028/CM);*
- *There is recognition that production plants are essential to the construction industry. The processing plant would be located within an existing quarry excavation. The adopted Bromsgrove District Plan describes that 90% of the*

District is covered by the Green Belt. The siting of plant within the existing quarry is, therefore, considered to be suitable within the district context;

- The proposed plant would be set below the surrounding ground level and, therefore, would be less conspicuous in its location in terms of its visual impacts within the landscape than would otherwise be possible. The operations would integrate with the existing mineral and other operations at the quarry;*
- Bagged sand is one of the main ways that bricklayers receive their sand; where sites are typically constrained. Builders merchants, therefore, require bagged sand from quarries. The bagging plant responds to that requirement. This has been undertaken at the site for in excess of 10 years and does not introduce any new development or any new traffic, and forms an integral part of the offering from the site;*
- The processing, storage and bagging area would be limited to the life of the mineral at the quarry. The plant would not hinder or impede restoration of the site; and*
- No unacceptable adverse impacts have been identified".*

103. The applicant goes on to state that "the proposed processing, stocking and bagging area constitutes sustainable development in that it is a use which directly utilises the minerals extracted at site, supports the mortar plant at the site and, therefore, reduces transport requirements transporting aggregate from other quarries to be worked on site, and transporting extracted Wildmoor Quarry sand to other quarries to be processed. This would result in both economic and environmental benefits in terms of reducing cost of production, and a reduction in haulage numbers and distances in the locality".

104. "The proposal generates economic benefit in terms of supporting an existing business and enabling the business to maximise efficiency and potential".

105. The applicant also states that "in very simple terms, the quarry is very long established and it needs processing plant at the site in order to process the sand. The proposal looks to improve operational activity at the site. This would be achieved by co-locating the various elements of plant that are already present on site within a definable plant and processing area. The new plant element would wash silt from the sand to improve its usability. Maintaining supplies from the quarry from a more efficient operation is in the public benefit. The plant is of an appropriate scale for the quarry and is well located within the quarry excavation. All of the plant that is proposed would ordinarily be permitted development".

106. With regard to the rational for the new hardstanding, the applicant states that "the quarry has a very silty deposit and so breaks up when traffic runs on it. This is not suitable within the plant site, when producing a quality controlled product like mortar sand as it cannot get contaminated. The hardstanding also greatly improves housekeeping, improves the safety of lorries, quarry machines and welfare of the staff. The hardstanding can be routinely cleaned. It is not uncommon for quarries to have hardstanding areas".

107. On 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 sets out revisions to National Planning Policy to make intentional unauthorised development a “material consideration” when determining appeals and retrospective planning applications. The policy applies to all new planning applications and appeals received from 31 August 2015. The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. Stating that the Government raises concerns regarding the *“harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action”*. The policy does not define what constitutes as “intentional” development.

108. The Head of Strategic Infrastructure and Economy considers that it is difficult to prove intent, and it is noted that once the applicant was made aware that the development required planning permission, a part-retrospective application was submitted to the County Planning Authority to regularise the development. Notwithstanding this, it is noted that the applicant in acknowledging that the development was unauthorised development located within the Green Belt continued to develop the site, and in particular continued to construct the hardstanding. This is considered to be intentional unauthorised development, which weighs against the scheme. Notwithstanding this, given that the revisions to the NPPF in July 2018 and February 2019 did not include this policy, it is considered the weight be afforded to this in the determination of this application is very limited.

109. The Head of Strategic Infrastructure and Economy considers 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 County Planning Authority Ref: 17/000028/CM (see Agenda Item 6), or mortar batching plants off site, thereby improving the efficiency of the processing operations. The applicant has confirmed that the processing plant needs to be approximately 16 metres high, as that is the functional height of the plant in order for it to clean / process the sand. Furthermore, the bagging of minerals on site is an existing and lawful operation, relocated from elsewhere within the quarry, and is 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 are 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 is 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 is existing lawful plant and equipment relocated from elsewhere in the quarry.

110. Consequently, the Head of Strategic Infrastructure and Economy considers that, on balance, the other considerations in this case outweigh the harm to the Green Belt. Considering the case as a whole, it is considered that very special circumstances exist which justify the development. The Head of Strategic

Infrastructure and Economy considers that should planning permission be granted, conditions should be imposed requiring the removal of the development and associated materials, infrastructure, plant and machinery 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.

111. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for the Ministry of Housing, Communities and Local Government on new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. As the proposed site office buildings only measures approximately 27 square metres in area, which is well below this threshold; the weighbridge, bagging area and bagging plant would be relocated from elsewhere on the site; the development would be within an existing quarry void; and tied to the life of the quarry operations, it is considered there is no need to consult the Secretary of State in this instance.

Landscape character and visual impacts

112. Letters of representation have been received objecting to the proposal on the grounds of visual impacts from land to the south of the quarry and Public Rights of Way, due to the height of the proposed mineral processing plant. Belbroughton Parish Council also objects to the proposal, on the grounds of visual impact.

113. The application site is located within the south-eastern part of Wildmoor Quarry, approximately 10 metres below the surrounding ground level. The proposed new mineral processing plant would be the tallest and most prominent feature proposed measuring a maximum of 16 metres high. The existing weighbridge, mineral processing plant, bagging plant, stocking and bagging area have been relocated from elsewhere in the quarry. A new replacement site office has also been installed.

114. The applicant considers that *"there are individual farmsteads and dwellings together with Public Rights of Way and roads from which aspects of the site can be viewed and which have the potential to give rise to landscape and visual effects. The application site is located within the existing quarry at a level of around 160 metres AOD. It is relatively enclosed by surrounding excavations to a height of 170 metres AOD. The site is well screened from the surrounding area by virtue of the undulating nature of the quarry, local landform and topography in the surrounding area, with the relative abundance of trees and hedgerows. Whilst the new building and structures may be visible from other viewpoints into the site, this would be from quite a distance and they would be viewed within the overall context of this part of the site and furthermore against the backdrop of dense vegetation and, therefore, do not stand out as incongruous development in this location or encroach into views of the open countryside"*.

115. The County Landscape Officer has been consulted and has raised no objections to the proposal, concurring with the applicant, stating that all new operations would be visually contained within the immediate landscape setting of the quarry, which has the benefit of being well-screened from surrounding receptors, as a result of the reduced operating ground levels and partial containment within an arc of mature vegetation.

116. The Head of Strategic Infrastructure and Economy considers 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 (District Council Ref: 17/00817/CPE) from views from Sandy Lane (A491), it is considered that the proposal would not have an unacceptable adverse impact upon the character and appearance of the local area. Whilst localised views into the site are 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 is considered that these are 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 are considered to have a greater adverse visual impact, but such views are also considered to be transient and seen in the context of the existing site.

117. With regard to lighting, Bromsgrove District Council objects to the proposal, as the application submission does not include details of the proposed lighting. The District Council consider that the assessment of the impact of light pollution and the degree to which it could be practically mitigated needs to be quantified in order for the County Planning Authority to be in a position to conclude whether any other considerations outweigh the potential harm arising from it. Bromsgrove District Local Plan Policy BDP 19 criterion 'q' is relevant in this regard, in that it seeks to ensure good design through *“ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment”*.

118. The applicant has confirmed that temporary lighting columns would be posited within the processing plant site area. The precise location of these would be determined upon commissioning of the plant, but it is envisaged there may be 6 lighting units. These columns would be positioned below the top of the quarry. The lighting would only be required during autumn / winter months to provide a reasonable level of lighting during operating hours. There would be no lighting outside of the operating hours.

119. The District Council refer to Policy BDP 19 of the Bromsgrove District Plan, which seeks to reduce lighting impacts upon occupants, wildlife and the environment. In this respect it is noted that Worcestershire Regulatory Services, the County Landscape Officer and County Ecologist have all raised no objections to the proposal. The surrounding topography, established vegetation and intervening structures to the north of the site, also provide an effective visual screen between the development and nearby receptors. Furthermore, the development is located within an existing and long established quarry, which includes the consolidation and relocation of existing operations within the site, which includes the existing minerals processing plant and bagging plant which are already lit and would be moved further into the centre of the quarry, further away from Orchard Farm. In view of this, it is considered that any lighting impact would be limited and contained within the immediate landscape setting of the quarry. The Head of Strategic Infrastructure and Economy considers that the detailed design and configuration of the proposed lighting could be appropriately dealt with via the imposition of an appropriate condition.

120. The Head of Strategic Infrastructure and Economy considers that if planning permission is granted, conditions are recommended requiring a Landscape and

Ecological Management Plan to maximise the value of the wider site's boundary vegetation for visual screening purposes, a lighting scheme, restricting the height of bagged aggregates, the detailed design of the minerals processing plant, the locations of the processing and bagging plant, and restricting permitted development rights for the installation of fixed plant and equipment above 10 metres in height on site.

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

Residential amenity (air quality, noise, dust, vibration, and lighting)

122. Letters of representation have been received objecting to the proposal on residential amenity grounds, including adverse noise, dust, air pollution and lighting impacts.

123. Paragraph 34 of this report sets out the nearest residential properties to the proposal and in the proximity of the site, with the nearest dwelling being Dolfor located approximately 90 metres north-east of the application site.

124. The proposed hours of operation are between the hours of 07:00 to 19:00 hours Mondays to Fridays, inclusive and 07:00 to 13:00 hours on Saturdays, Bank and Public Holidays, within no working on Sundays, except for essential maintenance. Condition 11 the extant planning permissions for Wildmoor Quarry restricts the operating hours as follows:

125. *"Except in emergencies or with the prior approval in writing of the Mineral Planning Authority, no operations authorised or required by this permission shall take place on the site outside the hours of 07:00 to 19:00 on weekdays, 07:00 to 13:00 on Saturdays. There shall be no working on any time on Sundays or recognised public holidays".*

126. Given that that this facility is proposed to be ancillary to the wider Wildmoor Quarry operations, it is considered prudent to restrict the operating hours to the same as the quarry. A condition is recommended restricting the operating hours, including any repair and maintenance of vehicles, plant and equipment to between 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. A condition is also recommended requiring a lighting scheme.

127. Whilst the applicant states that sand aggregate is intrinsically damp and, therefore, there is little potential for the mineral processing and bagging plant to generate dust or detrimentally impact the air quality in the area. The Head of Strategic Infrastructure and Economy considers that the proposal has the potential to generate dust emissions, in particular during dry and windy conditions due to the stockpiles of processed material and trafficking of vehicles. In view of this, should planning permission be granted conditions are recommended requiring a scheme to prevent mud, sand and detritus being deposited on the public highway; a dust management plan; and the sheeting of loaded vehicles entering and leaving the site.

128. With regard to noise impacts, the applicant states that the existing processing and bagging plants are a low noise industrial activity. Furthermore the setting of the existing and processed plant within the quarry site, sheltered by the site topography and existing woodland and hedgerow provides barrier screening to operation. Moving the existing mineral processing plant from the west of the quarry site to the application site moves the activity further away from Orchard Farm, reducing the potential for impact of the existing processing plant on this property.

129. The Head of Strategic Infrastructure and Economy considers that should planning permission be granted, conditions are recommended as imposed on the extant planning permissions, namely the best practical means shall be employed to minimise the emission of noise from the boundary of the site; and all reasonable steps shall be employed to minimise the emission of noise from vehicles, plant and machinery and in particular efficient silencers, to the manufacturers specification shall be fitted to all vehicles plant and machinery used on site.

130. The Environment Agency comments that the wider quarry has an extractive waste permit for handling and storage of quarry wastes which is regulated by the Environment Agency. They confirm that the proposed development is not one which would be regulated by the Environment Agency and, therefore, they do not wish to make any detailed comments or raise objections to the proposal. Worcestershire Regulatory Services have been consulted and have raised no objections to the proposal, in terms of noise, vibration and dust impacts.

131. It is noted that the proposal is located approximately 3.1 kilometres north-west of the Lickey End AQMA. The AQMA at Hagley, located approximately 5.8 kilometres north-west of the proposal has recently been revoked. It is now understood to be an 'Air Quality Areas of Concern'. Worcestershire Regulatory Services have also considered the impact of the proposal upon air quality and have raised no objections to the proposal.

132. Concerns have been raised by local residents that their house prices would be adversely affected by the proposal. The Head of Strategic Infrastructure and Economy notes their concerns, but advises Members that property values are not a relevant material consideration in the determination of planning applications.

133. In view of the above matters, the Head of Strategic Infrastructure and Economy considers 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.

Traffic, highway safety and impact upon Public Rights of Way

134. The development utilises the existing quarry access road which is taken directly from Sandy Lane (A491), which connects to Junction 4 of the M5 Motorway located about 1.6 kilometres east of the proposal. Objections have been received from County Councillor Webb, Belbroughton Parish Council, and local residents who raise concerns regarding traffic on Sandy Lane (A491) and Money Lane, highway safety concerns regarding mud, sand and materials being deposited on the road, and slow moving vehicles entering and exiting the site.

135. It is noted that the NPPF states at paragraph 109 that *"development should only be prevented or refused on highways grounds if there would be an unacceptable*

impact on highway safety, or the residual cumulative impacts on the road network would be severe".

136. The applicant states that the proposal would not generate additional HGV movements. Should planning permission be granted for the mortar batching plant (County Planning Authority Ref: 17/000028/CM – see Agenda Item 6) the proposed mineral processing plant would mean that more of the sand extracted from Wildmoor Quarry could be processed in the adjacent mortar batching plant, therefore, reducing the amount of sand to be imported to the mortar batching plant from off site (from approximately 45% imported to 30% imported), and less sand would need to be exported from the quarry for use elsewhere.

137. Highways England have raised no objections. The County Highways Officer has raised no objections to the proposal, stating that the proposal would not result in a severe impact or have an unacceptable impact on highway safety, therefore, there are no justifiable reasons to recommend refusal of this application from a highway perspective.

138. Concerns have also been received from local residents regarding mud, sand and detritus being deposited on the public highway. The extant planning permissions for the site require *"no commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent materials being deposited on the public highway"*. Given that complaints have been received in relation to this matter, and mud and sand have been observed on Sandy Lane (A491) in the vicinity of the quarry site access by officers, it is considered prudent to require an updated scheme to prevent mud, sand and detritus being deposited on the public highway, and to be consistent with the extant planning permissions for the wider site.

139. The extant planning permissions also requires all access and egress from the site shall be via the existing quarry entrance and exit off Sandy Lane (A491) and the erection of signs to ensure drivers entering and leaving the site obey the west to east 'one way' system. Conditions are recommended to this effect.

140. A Public Right of Way (Footpath BB-684) runs along the quarry access road, adjacent to the eastern boundary of the application, joining Footpath BB-683 south of the quarry site.

141. The County Footpath Officer has been consulted and has raised no objections, subject to the applicant adhering to their obligations towards the Public Right of Way. The County Footpath Officer notes that Footpath BB-684 is in close proximity to the weighbridge and the loading ramp. Whilst it appears the footpath would not be affected, it should be ensured that this equipment and associated activities would not impose on the width of the footpath.

142. The applicant has confirmed that the Public Right of Way follows the route of the existing access and internal road of the quarry. The weighbridge is located adjacent to the road but within the plant site, therefore, it would not interfere with the Public Right of Way.

143. The Open Space Society wishes to make no comments on the application and no comments have been received from the Ramblers Association.

144. In view of the above matters, the Head of Strategic Infrastructure and Economy is 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.

Water environment

145. Letters of representation have been received objecting to the proposal on the grounds of risk of polluting the aquifer and inadequate information submitted in relation to foul and surface water drainage. Belbroughton Parish Council also objects to the proposal on the grounds of potential contamination of the aquifer.

146. The proposal is situated within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. As the application site measures approximately 1.64 hectares in area, a Flood Risk Assessment is required to accompany the application, in accordance with Paragraph 163 and Footnote 50 of the NPPF.

147. The Government's PPG at Paragraph Reference ID: 7-033-20140306 states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding). The PPG at 'Table 3: Flood risk vulnerability and flood zone 'compatibility'' indicates that 'water compatible' development, such as the proposal are considered acceptable in Flood Zone 1.

148. Currently silt laden waters resulting from the mineral washing process drain overland under gravity to a central lagoon. This feature is silt lined and perched above groundwater, covering an area of approximately 2 hectares. Following treatment via settlement within the central lagoon, these waters are then recirculated back into the existing mineral processing plant, forming a closed circuit water re-circulation. A new mineral processing plant is proposed to be operated in the same manner as the existing plant, recirculating silt laden waters through the central silt lagoon.

149. There are three further waterbodies present on the site: a silt lined perched waterbody within the eastern part of the site; a logon in the north-west of the quarry and a freshwater lagoon in the southern part of the site. Surface water from the northern part of the quarry area drains into the eastern lagoon, before soaking away onto groundwater. The north-western and southern lagoons receive overland flows from the surrounding areas, and function as settlement features and soakaways, allowing attenuation of surface water and its gradual dissipation to groundwater. The site operates no surface water discharge; all rainfall waters are attenuated within the onsite lagoons prior to soaking away to groundwater.

150. The proposed site infrastructure would be located upon a concrete pad, which measures approximately 1.2 hectares in area. This would be graded to drain northwards to the eastern lagoon for the weighbridge, offices and car parking area, with the remaining majority of its surface draining southwards to the southern lagoon.

151. The additional hardstanding has the potential to increase surface water run-off rates and its routeing, which has the potential to exacerbate on site flood risk. The applicant has confirmed that the concrete pad has been graded to mimic existing surface water run-off routeing. The weighbridge, offices and car parking area also drain into the eastern lagoon, with the remaining site area draining southwards to the

southern lagoon. In view of this, run-off routeing would be essentially unchanged and associated potential impacts upon site flood risk are not anticipated.

152. The Flood Risk Assessment states that there is no reported history of flooding within or around the eastern and southern lagoons, which already receive drainage from across the site, including the application site, therefore, the volume of surface water as a result of this proposal entering these lagoons would remain unchanged.

153. The proposal has the potential to increase surface water run-off rates due to the new hardstanding. The Flood Risk Assessment has assessed the freeboard (distance between the water level and top of the lagoon) of the lagoons and considers that the storage volume of these features is substantial. The eastern lagoon has a basal area of approximately 0.13 hectares with an available freeboard of approximately 3 metres. The southern lagoon has a basal area of approximately 0.38 hectares with an available freeboard of approximately 10 metres. The potential increases in run-off rates associated with the new hardstanding are, therefore, insignificant relative to the available attenuation volumes.

154. With regard to impacts upon the aquifer, the submitted Flood Risk Assessment states that *"the Bromsgrove District and Redditch Borough Strategic Flood Risk Assessment, Level 1 (2009) states that Groundwater flooding is not a particular cause for concern within Bromsgrove District, as the underlying aquifer tends to drain when water levels within it become too high. The Environment Agency has also stated that due to the high levels of abstraction from this aquifer for water supply, the groundwater levels have never reached the surface. There are no reports of groundwater flooding within the District"*. The Flood Risk Assessment goes on to state that although ground elevations within the site have been lowered by mineral workings, indicated groundwater elevations remain below the majority of the quarry by 10 metres, precluding any significant risk of groundwater flooding.

155. The Head of Strategic Infrastructure and Economy also notes that the extant planning permissions for the wider quarry requires regular groundwater monitoring to be undertaken.

156. The applicant has confirmed that the foul surface water on site drains to a septic tank.

157. North Worcestershire Water Management has been consulted and raised no objections, to the proposal, stating that they do not consider the proposal would adversely impact upon the flood risk or drainage off site, and have not recommended the imposition of any conditions. Severn Trent Water Limited have also raised no objections to the proposal. The Environment Agency do not wish to make any detailed comments in relation to the proposal, but note that the wider quarry has an extractive (mineral quarry) waste permit for handling and storage of quarry wastes which is regulated by the Environment Agency.

158. The Head of Strategic Infrastructure and Economy considers that if permission is granted, conditions are recommended requiring no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, and the bunded storage of soils, fuels and chemicals. These conditions would be consistent with the extant mineral planning permissions for the wider quarry site.

159. Based on the advice of the Environment Agency, North Worcestershire Water Management and Severn Trent Water Limited, the Head of Strategic Infrastructure and Economy considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions.

Ecology and biodiversity

160. Section 15 of the NPPF, paragraph 170 states that *"planning policies and decisions should contribute to and enhance the natural and local environment", by a number of measures including "a) protecting and enhancing...sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan); ...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

161. Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"; and "development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

162. The statutory and non-statutory wildlife designated sites with the context of the application site are outlined at paragraph 29 of this report.

163. Natural England have been consulted and have no objections to the proposal, stating that the proposal would not have any significant adverse impacts on statutorily protected nature conservation sites or landscapes. The County Ecologist also raises no objections, subject to the imposition of a condition requiring a Landscape and Ecological Management Plan.

164. The Head of Strategic Infrastructure and Economy considers that if permission is granted, conditions are also recommended requiring a lighting scheme to minimise the impacts upon biodiversity.

165. In view of the above matters, the Head of Strategic Infrastructure and Economy considers 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.

Other matters

Economic impact

166. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are independent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives. In particular the NPPF sees the economic role of planning as *"to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to*

support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure".

167. The NPPF at Paragraph 80 states that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

168. In addition paragraph 203 of the NPPF states that *"it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation"*.

169. The applicant has confirmed that Wildmoor Quarry currently employs 10 full-time members of staff, and should planning permission be granted this proposal would help to support and retain these existing jobs. The applicant states that the processing, storage and bagging area would also help to support and assist the local construction industry in providing high grade construction materials to the construction market. By securing existing jobs the proposal would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

Heritage impacts

170. A number of heritage assets are located within the wider context of the application site, as outlined in paragraph 30, although no designated heritage assets are identified within the immediate site context.

171. Historic England have been consulted and wish to make no comments on the application, recommending that the County Planning Authority seeks the views of their local specialist conservation and archaeological advice as relevant. The County Archaeologist has raised no objections to the proposal, as the works are within previously quarried land.

172. The Head of Strategic Infrastructure and Economy considers that based on the advice of Historic England and County Archaeologist, the distance from designated heritage assets, and the screening offered by the topography and the site's boundary vegetation that the proposal would have no adverse effects on heritage assets.

Infrastructure assets

173. Cadent Gas' high pressure gas pipelines runs along the south-western and south-eastern boundaries of the wider quarry site, located approximately 160 metres south-west of the application site at its closest point. Each pipeline has an associated Health and Safety Executive major accident and hazard pipelines consultation zone, which covers the application site (Outer Zone). Western Power Distribution's underground powerline runs parallel with Sandy Lane (A491) crossing the quarry entrance.

174. Cadent Gas have been consulted and raised no objections to the proposal. The HSE (Planning Advice Web App) raises no objections to the proposal on safety grounds. Western Power Distribution have also been consulted and raises no objections directing the applicant to the relevant health and safety legislation and Western Power Distribution's guidance.

175. Based on this advice, and given the development is located within an existing quarry void, the Head of Strategic Infrastructure and Economy considers that the proposed development would not unduly impact upon these infrastructure assets.

Monitoring and enforcement

176. Local residents comment that the works associated with this development were commenced without planning permission. It is understood the County Council's Enforcement Officer stopped the development. The applicant has demonstrated disregard for the planning process and, therefore, local residents are not confident the applicant would comply with any planning conditions that may be imposed on the permission.

177. The County Council, as the County Planning and Mineral Planning Authority has a Planning Monitoring and Enforcement Officer who investigates alleged breaches of planning control in relation to minerals and waste management development including the carrying out of development before the necessary planning approvals have been granted. When development takes place without permission the County Council has a range of enforcement powers available to establish whether a breach of planning control has taken place, what harm is being caused as a result of the breach, how to remedy the situation and whether it is expedite to take enforcement action.

178. Planning enforcement action is discretionary and takes place when the breach is causing significant planning harm or when negotiations to resolve the breach, once it is identified, do not produce required results, and only if taking action is considered to be the wider public interest.

179. The Planning Monitoring and Enforcement Officer visited the site in August 2018 and observed that an area of the quarry had been levelled and a concrete hardstanding was being constructed. The Planning Monitoring and Enforcement Officer was informed by the site personnel that the works were associated with a new minerals processing plant. The operator was advised to cease works, and informed that the extant planning permissions for the quarry restricted the installation of new fixed plant and equipment. In view of this, the applicant decided to submit a planning application for the development and to regularise the works. The planning application was received by the County Planning Authority in January 2019, but held in abeyance due to further information being required, in particular a Flood Risk Assessment and Sustainability Statement. The application was found to be correct and valid in July 2019.

180. As outlined at Paragraph Reference ID: 17b-012-20140306 of the Government's PPG *"a local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application without delay. It is important to note that:*

- *although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way;*
- *an enforcement notice may also be issued in relation to other elements of the development".*

181. Whilst it is very unfortunate that these breaches of planning control have occurred, the Head of Strategic Infrastructure and Economy welcomes the applicant seeking to resolve the breaches of planning control through the submission of the current planning application, so that the merits of the proposal can be fully examined and considered by Members of the Planning and Regulatory Committee.

182. Local residents have also observed that a new fence line has been installed by the applicant along the western side of the quarry, and local residents are concerned that the applicant will extract from this area, questioning if planning permission is required.

183. The County Planning Authority understands that the fence has been installed as a protection measure to keep livestock and people away from the current extent of the quarry. Planning permission is not required for the fencing that has been installed in this location. Officers have examined the extant planning permissions for the site and are satisfied that the extent of mineral extraction is in accordance with the approved plans. The operator has also confirmed that they do not have any current intention to extend the western boundary of the site, and understand that if any extraction in a westerly direction took place it would require a planning permission.

Conclusion

184. The applicant is seeking planning permission for a part-retrospective application for a proposed processing, stocking and bagging area at Wildmoor Quarry, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire. This application seeks the consolidation and relocation of existing plant to a new processing, stocking and bagging area within Wildmoor Quarry. The application involves the repositioning of existing minerals processing plant, weighbridge, stocking and bagging area and bagging plant, and replacement site office, car park, hardstanding and erection of new mineral processing plant.

185. This application is part-retrospective as the hardstanding has been constructed, the new replacement site office, car parking, and relocated weighbridge have been installed and the existing stocking and bagging area and plant have been relocated. The mineral processing plant has not been erected at the site.

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

187. The Head of Strategic Infrastructure and Economy considers 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 County Planning Authority Ref: 17/000028/CM (see Agenda Item 6), or mortar batching plants off site, thereby improving the efficiency of the processing operations. The applicant has confirmed that the processing plant needs to be approximately 16 metres high, as that is the functional height of the plant in order for it to clean / process the sand. Furthermore, the bagging of minerals on site is an existing and lawful operation, relocated from elsewhere within the quarry, and is 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 are 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 is 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 is existing lawful plant and equipment relocated from elsewhere in the quarry.

188. Consequently, the Head of Strategic Infrastructure and Economy considers that, on balance, the other considerations in this case outweigh the harm to the Green Belt. Considering the case as a whole, it is considered that very special circumstances exist which justify the development. The Head of Strategic Infrastructure and Economy considers 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.

189. With regard to visual impacts and landscape character, the Head of Strategic Infrastructure and Economy considers 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 (District Council Ref: 17/00817/CPE) from views from Sandy Lane (A491), it is considered that the proposal would not have an unacceptable adverse impact upon the character and appearance of the local area. Whilst localised views into the site are 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 is considered that these are 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 are considered to have a greater adverse visual impact, but such views are also considered to be transient and seen in the context of the existing site.

190. The County Landscape Officer has been consulted and raised no objections to the proposal. In view of this, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions, that the proposed development would not have an unacceptable adverse or detrimental impact upon the character and appearance of the local area.

191. Worcestershire Regulatory Services have been consulted and have 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 is 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.

192. The applicant states that the proposal would not generate additional HGV movements. The County Highways Officer and County Footpath Officer both raise no objections to the proposal. In view of this, the Head of Strategic Infrastructure and Economy is 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.

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

194. Natural England and the County Ecologist have both raised no objections to the proposal. In view of this, it is 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.

195. 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 is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

196. The Head of Strategic Infrastructure and Economy recommends 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

- l) 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.

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Case Officer: Steven Aldridge, Team Manager – Development Management

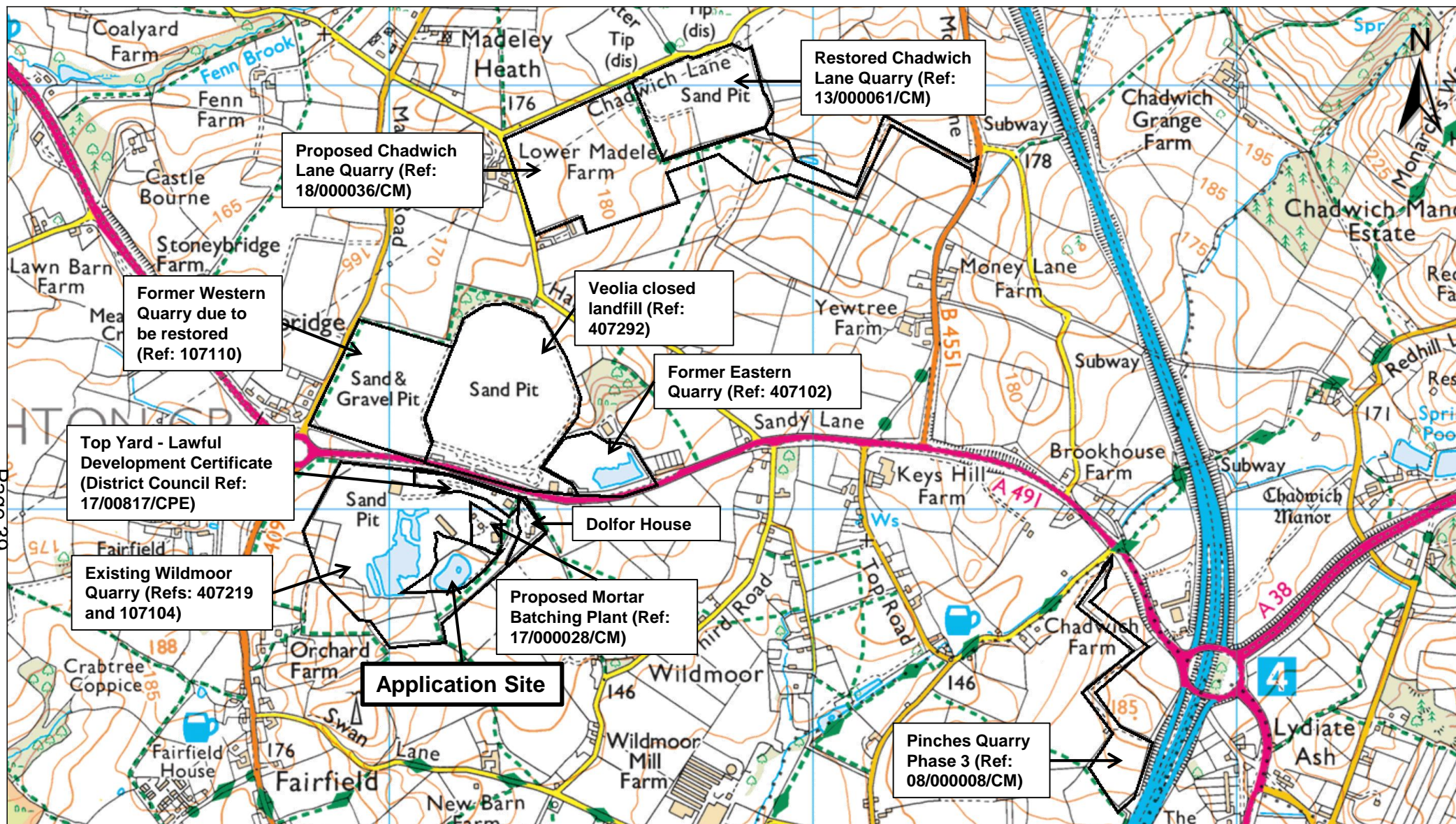
Tel: 01905 843510

Email: saldridge@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report: 19/000002/CM.

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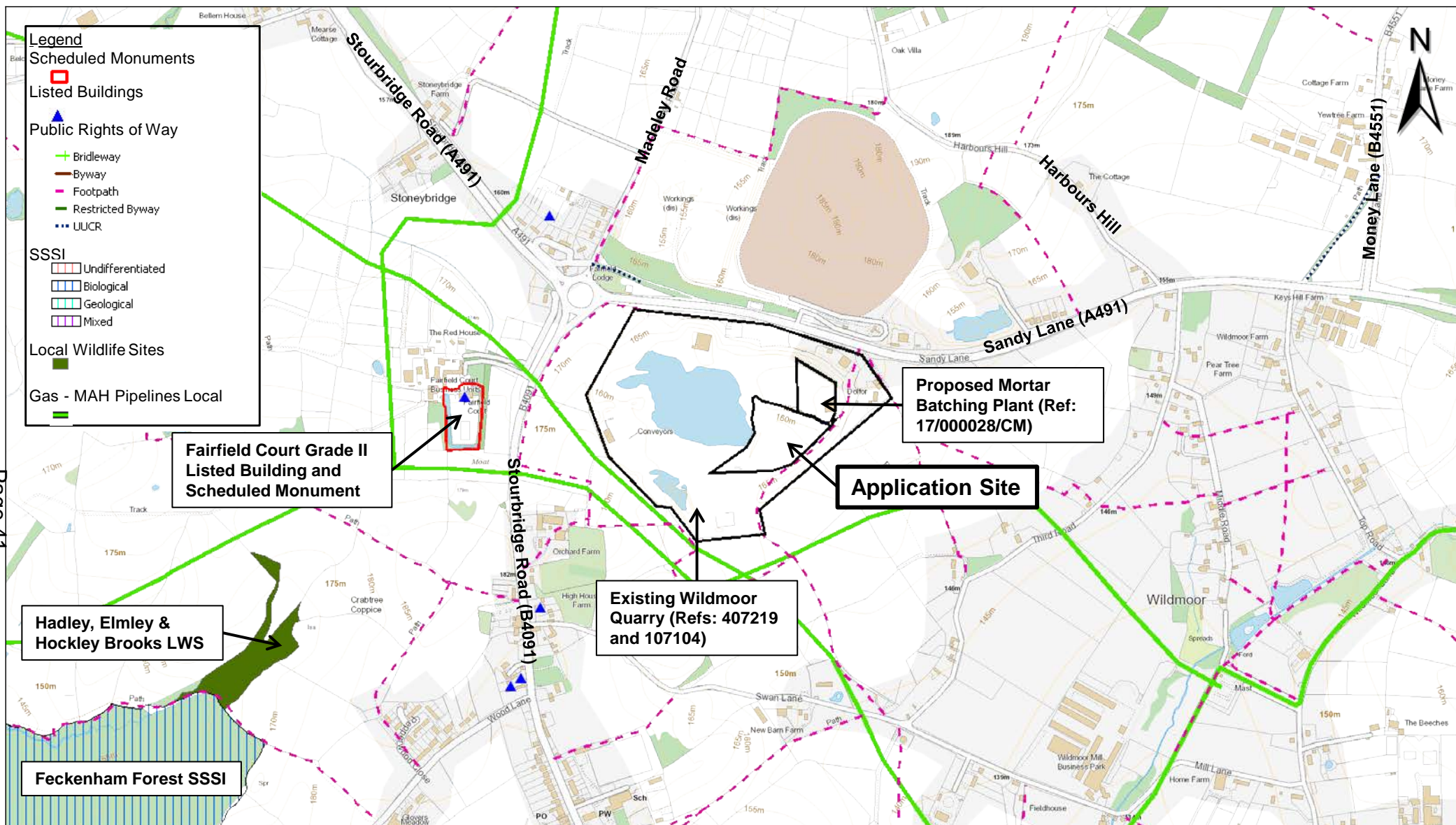
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Part-retrospective application for a proposed processing, stocking and bagging area at Wildmoor Quarry,
Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire
Application Ref: 19/000002/CM



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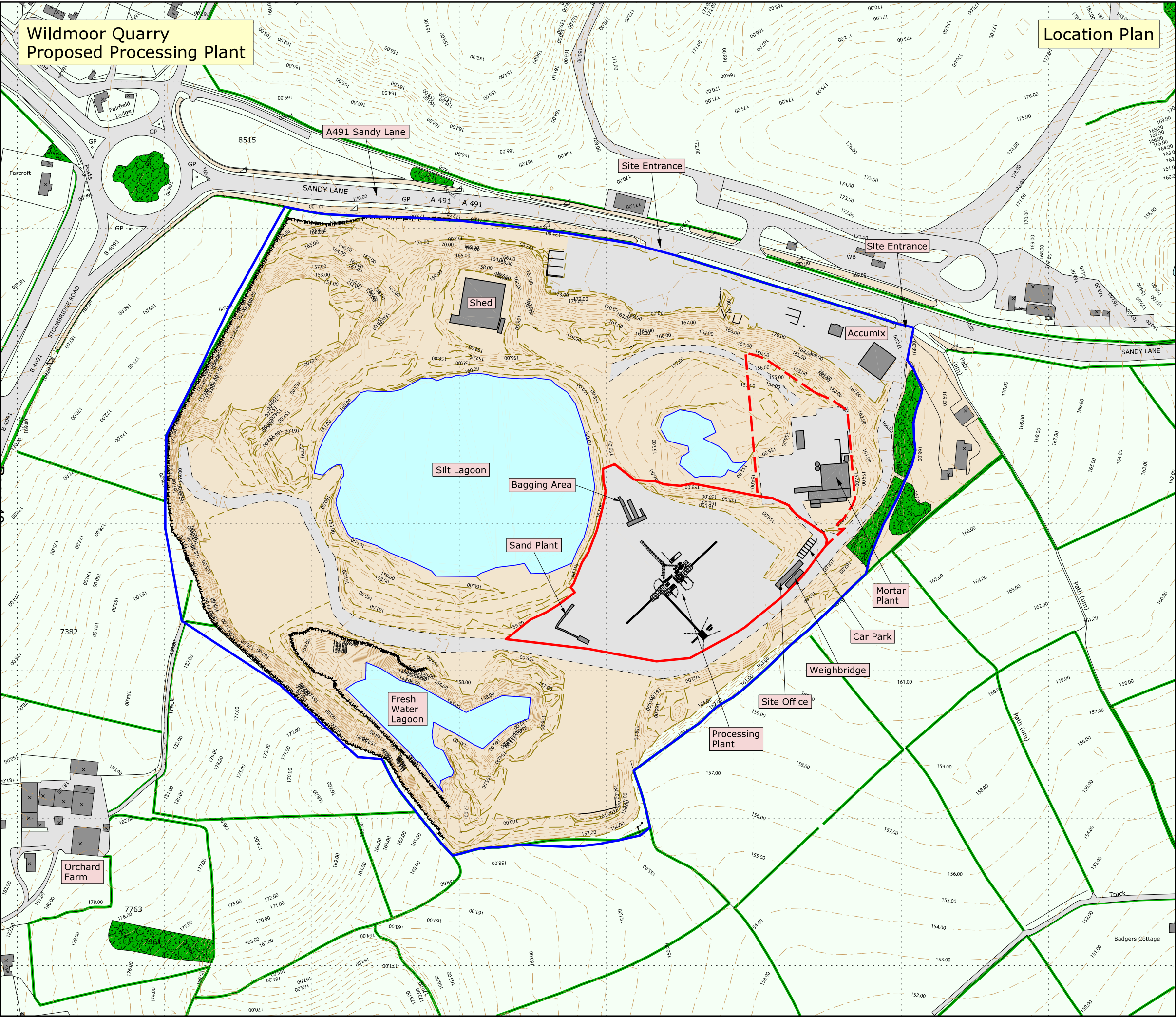
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Part-retrospective application for a proposed processing, stocking and bagging area at Wildmoor Quarry, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire
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Legend

- Application Boundary
- Wildmoor Mortar Plant Application Reference: 17/000028/CM
- Land Under Control of Applicant

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| | |
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| DRAWING STATUS FINAL | |
| PROJECT Wildmoor Quarry Proposed Processing Plant | |
| CLIENT Wildmoor Quarry Products | |
| TITLE Location Plan | |
| DATE Jan 2019 | SCALE 1:2500 @A3 |
| DRAWN LMB | CHECKED RP |
| DRAW NO. M11.119(g).D.002 | |

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**PLANNING AND REGULATORY COMMITTEE
3 DECEMBER 2019****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**

Applicant

Mortar and Screed Company Limited

Local Member

Mrs S A Webb

Purpose of Report

1. To consider 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.

Background

2. Wildmoor Quarry is a long established sand quarry, which has been operating since the 1930's. Planning permissions have been granted for mineral extraction at the site in 1952, 1971, 1993 and 1999. The latest planning permissions for the site were granted by Worcestershire County Council on 20 July 1999 for a western extension to the quarry (County Planning Authority Ref: 407219, Minute No. 67 refers) and for the Review of Old Mineral Permissions (ROMP) of the extant planning permissions for mineral extraction under Schedule 13 of the Environment Act 1995 (County Planning Authority Ref: 107104, Minute No. 67 refers).

3. Planning permissions for both a waste transfer station (County Planning Authority Ref: 407681) and wood storage and chipping facilities (County Planning Authority Ref: 407665) have been granted planning permission for a temporary period of time, both of which have now expired and operations have ceased.

4. The existing vehicle repairs workshop building which forms part of the application site was granted permission by Bromsgrove District Council on 11 October 1979 (District Council Ref: B.6048). This planning permission allows for the retention and use of the workshop for vehicle repairs in connection with site operations. Condition 14 of the permission requires the building to be removed within 6 months of the cessation of mineral extraction operations at the quarry.

5. An application for a Lawful Development Certificate for an existing use or operation for *"the use of the ground floor of the Top Garage and adjacent land for storage (Use Class B8), use of the weighbridge office for purposes falling within Use Class B1, and use of the land described as Top Yard for storage of vehicles, sand and aggregates (Use Class B8)"* was granted by Bromsgrove District Council (District Council Ref: 17/00817/CPE) on 10 May 2018. This relates to the upper area of the quarry, along the northern boundary of the site, adjacent to Sandy Lane (A491).

6. On 21 June 2017 Bromsgrove District Council refused an application for a Lawful Development Certificate for an existing use or operation for *"existing lawful use of composite mixed use comprising residential and commercial use for the importation, processing by crushing and sorting and distribution of aggregates, soils and demolition materials"* at Dolfor, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire (District Council Ref: 17/0211). This decision was appealed by the applicant on 15 August 2018, and an appeal start date is awaited from the Planning Inspectorate. Dolfor is a residential property located adjacent to the north-east corner of Wildmoor Quarry, and shares the same access as the quarry onto Sandy Lane (A491).

7. The County Planning Authority served an Enforcement Notice on 13 September 2018 in connection with an unauthorised waste transfer station at Dolfor, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire. The Enforcement Notice was appealed on 11 October 2018, and an appeal start date is awaited from the Planning Inspectorate.

8. A part-retrospective planning application for a proposed processing, stocking and bagging area at Wildmoor Quarry is currently pending consideration (County Planning Authority Ref: 19/000002/CM – see Agenda Item 5).

9. The development of a mortar batching plant at a quarry, where the principal purpose of the development is the consumption and utilization of minerals won at the quarry, would ordinarily be regarded as permitted development, falling under Part 17 - 'Mining and Mineral Exploration', Class B - 'other developments ancillary to mining operations' of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended). However, construction and operation of the plant commenced without the required prior approval, which was not applied for before development commenced. Furthermore, Condition 14 of the extant planning permissions requires no fixed plant or equipment to be erected on the site, consequently to regularise and control this unauthorised development in the Green Belt, the applicant is seeking a part-retrospective planning permission.

10. Historically sand won at the now restored Chadwich Lane Quarry, located about 900 metres north of the quarry site (County Planning Authority Ref: 107108, Minute No. 26 refers) was taken to Wilmoor Quarry for processing. It is understood that the operators would blend the various sands from both quarries for specific market end uses. In view of this, the importation of sand to the Wildmoor Quarry site for processing is considered to be lawful.

11. An application for a proposed sand quarry to the east of the restored Chadwich Lane Quarry, infilling void using inert materials only, restoration of land to agricultural use together with new access, creation of a geological exposure, landscaping and

associated works is pending consideration (County Planning Authority Ref: 18/000036/CM – pending consideration), and is located about 600 metres north of the quarry site. Should planning permission be granted for new Chadwich Lane Quarry, it is the applicant's intention to bring the sand from Chadwich Lane Quarry to Wildmoor Quarry for processing.

The Proposal

12. The applicant states that a small extension (approximately 56 square metres in area) to the existing vehicle repairs workshop within the quarry void took place during August 2016. This building was subsequently sub-divided to retain the vehicle repairs workshop and accommodate the mortar batching plant facility. The change of use of part of the existing workshop building for the production of mortar began around March 2017, which included the installation of new plant and silos. All elements of the mortar batching plant are currently located within part of the existing workshop building, apart from the silos, aggregate (sand) bays, and the aggregate bins which are located externally adjacent to the building.

13. The mortar plant comprises plant and machinery including:

- Two upright cement storage silos (approximately 15 metres high and 60 tonnes capacity);
- Three aggregate (sand) bays (each measuring about 10 metres long by 5 metres wide by 2 metres high);
- Cement weigh hopper;
- Mixing drum;
- Dust extraction and filtration system;
- Aggregate feed conveyor;
- Admixture tanks;
- Offices, laboratory and control room; and
- Compressor room.

14. The mortar batching plant building measures approximately 18 metres long by 16 metres wide by 7 metres high. The external aggregate bins measure approximately 15 metres long by 3 metres wide by 8 metres high. The adjacent vehicle repairs workshop building measures a total of approximately 25 metres long by 7 metres wide by 6 metres high. The unauthorised extension to this building measures approximately 8 metres long by 7 metres wide by 6 metres high.

15. Externally the proposal also includes storage bays for aggregates (sand), a waste bay (vehicle washout bay), water lagoons for recycled water, and ten car parking spaces are provided on site for staff and visitor parking. In addition, a backup mortar batching plant is also proposed immediately to the north of the existing mortar batching plant. The applicant states that this plant is integral to the business and is intended to operate alongside the existing mortar batching plant to provide operational flexibility and avoid interruptions in production. The plants would have the ability to work together and so if one plant has a breakdown, the other plant would be able to continue production. Demonstrating continuity of supply is an important

requirement of the business when securing contracts from the site. The backup mortar batching plant would measure approximately 16 metres long by 12 metres wide (excluding the conveyor belts) by 6.5 metres high. This plant would also be fed by an external aggregates storage bin measures approximately 12 metres long by 5 metres wide by 10 metres high. Material has also been deposited to build up and extend the external yard area associated with the mortar batching plant.

16. The applicant states that sand is by far the largest constituent material used in the production of mortar and there are synergies in co-locating the mortar business within the quarry. The total volume of sand used in the production of mortar over the past 12 months has been approximately 75,000 tonnes. Currently, approximately 55% (41,250 tonnes per annum) of the material is used in the mortar plant originates from Wildmoor Quarry. Other sand for the production is currently imported from Bridgwalton Quarry in Shropshire (approximately 33,750 tonnes per annum). The applicant states that subject to planning permission being granted for the *"proposed extension to restored quarry, infilling the void using inert materials only, restoration of the land to agricultural use together with new access, creation of a geological exposure, landscaping and associated works on land adjacent to former Chadwich Lane Quarry, Chadwich Lane, Near Bromsgrove, Worcestershire"* (County Planning Authority Ref: 18/000036/CM – pending consideration), the sand from Chadwich Lane Quarry would also be suitable for use in the production of mortar. As with the previous operations at Chadwich Lane Quarry, that sand is intended to be brought to Wildmoor Quarry for processing in any event. The applicant has confirmed that the sand from Wildmoor Quarry together with the sand from Chadwich Quarry would meet all the sand requirements for the mortar batching plant, however, there would always need to be some flexibility to allow importation of other sand in the event that there are deposit constraints at the sites.

17. The applicant states that the sand at Wildmoor Quarry is well suited for the production of mortar and meets the relevant European standards. The precise percentage of sand used in the process can vary from time to time, mainly depending on the area of the quarry being worked and any localised variability in the deposit.

18. The applicant is seeking to increase the proportion of Wildmoor Quarry sand used in the production of mortar on site, by seeking planning permission for a new minerals processing plant and wash plant, which form part of an application for a proposed processing, stocking and bagging area at Wildmoor Quarry (County Planning Authority Ref: 19/000002/CM – see Agenda Item 5). The plant is intended to remove clay particles from the deposit, which in turn reduces the water absorption of the mortar, so improving the product 'shelf life'. Once installed, there is an opportunity to increase Wildmoor Quarry sand utilised within the process to a minimum of 70% (approximately 52,500 tonnes per annum). Other materials used in the production of mortar to a far less proportion are cement (approximately 11%) and very small volumes of admixtures.

19. The applicant has confirmed that the typical rate of mortar production in a full working day is approximately 300 cubic metres.

20. The applicant states that the site operates 17 mixer lorries (HGVs) and on this basis there can be 34 loads from the mortar batching plant per day (34 HGVs existing the site and 34 HGVs entering the site). Variations in HGV movements will depend on the demand, size of load and delivery time to the construction site. The importation of

cement and admixtures account for approximately 1 load per day (1 HGV entering the site and 1 HGV exiting the site per day) and 1 load per month, respectively. Vehicle movements associated with the importation of sand from elsewhere for the use in the production of mortar is currently about 5 loads a day (5 HGVs entering the site and 5 HGVs exiting the site per day). Where possible, these loads would be back hauled using trucks that would otherwise be returning to the quarry unladen.

21. The applicant has confirmed that the vehicle repairs workshop does not in itself create vehicle movements. It is instead used for maintenance of vehicles associated with the quarry operations.

22. The applicant has also confirmed that there is typically 46 staff car movements per day (about 23 staff cars entering the site and about 23 staff cars exiting the site per day).

23. The applicant has confirmed that the applicant's 17 mixer lorries park within the Top Yard, to the north of the application site, which is land within the applicant's control. This part of the site has parking for up to 19 HGVs / mixer lorries and up to 27 car parking spaces. This part of Top Yard has a lawful use for the storage of vehicles (District Council Ref: 17/00817/CPE).

24. No alterations are proposed to the application site entrance or to the wider quarry accesses.

25. The proposed operating hours are between 05:00 hours to 19:00 hours Mondays to Fridays and 05:00 hours to 13:00 hours Saturdays and Bank Holidays, with no operations other than essential maintenance on Sundays.

26. The mortar batching plant currently provides employment for 23 (full-time equivalent) members of staff (17 drivers and 6 permanent site based staff).

The Site

27. The application site, which measures approximately 0.6 hectares in area, is located within the north-eastern part of the wider 16.64 hectare Wildmoor Quarry site. The development is located partly within and adjacent to the existing vehicle repairs workshop. The quarry lies in the open countryside of north Worcestershire, about 1.6 kilometres west of junction 4 of the M5 Motorway. Bromsgrove Town Centre is situated approximately 5 kilometres south of the quarry site; Belbroughton is approximately 2.6 kilometres to the north-west; Catshill is situated about 1.6 kilometres south-east of the proposal; and Rubery is located about 2.6 kilometres to the east of the proposal.

28. The quarry site is bounded to the north by the Sandy Lane (A491), to the west by the Stourbridge Road (B4091) and to the south and east by agricultural land. Fairfield which is the nearest village lies approximately 450 metres south-west of the quarry site, with dispersed properties extending northwards along the Stourbridge Road and a cluster of properties adjacent to the Sandy Lane and Stourbridge Road roundabout. There are other dispersed residential properties in the surrounding area with just one property, Dolfor located immediately adjacent to the eastern side of the quarry site.

The whole of the application site and quarry are located within the West Midlands Green Belt.

29. There are two existing vehicle accesses into the quarry site, both located directly off Sandy Lane (A491) along the northern boundary of the quarry site. Access into the application site is taken from the quarry access road.

30. There are a number of Public Rights of Way (Footpath BB-602, BB-604, BB-607, BB-675, and BB-676) within the vicinity of the quarry site. Footpath BB-684 runs north to south along the quarry access road, located adjacent to the eastern boundary of the application site, joining Footpath BB-683 south of the quarry site.

31. Veolia closed landfill and former quarry (County Planning Authority Ref: 407292, Minute No. 262 refers (Appeal Ref: T/APP/F1800/A/92/216272/P6), 107110, Minute No. 118 refers, and 407102, Minute No. 827 refers) is situated to the north of the quarry site on the northern side of Sandy Lane (A491). Pinches Quarry and Landfill (County Planning Authority Ref: 08/000008/CM) is located about 1.5 kilometres east of the application site and the restored Chadwich Quarry (County Planning Authority Ref: 13/000061/CM, Minute No. 882 refers) is located about 900 metres north of the quarry site. An application for a proposed sand quarry to the east of the restored Chadwich Lane Quarry, infilling void using inert materials only, restoration of land to agricultural use together with new access, creation of a geological exposure, landscaping and associated works is pending consideration (County Planning Authority Ref: 18/000036/CM – pending consideration), and is located about 600 metres north of the quarry site.

32. Madeley Heath Pit geological Site of Special Scientific Interest (SSSI) is located about 1.1 kilometres north of the application site, within the eastern part of the restored Chadwich Lane Quarry (County Planning Authority Ref: 13/000061/CM, Minute No. 882 refers), and is covered by previous landfilling, as part of the restoration of the site. Feckenham Forest SSSI and Little Royal Farm Pastures SSSI are located about 1.2 kilometres and 2.2 kilometres south-west of the proposal. The geological SSSI of Sling Gravel Pit is located about 2.3 kilometres north-west of the application site. Hurst Farm Pasture SSSI is located about 2 kilometres west of the proposal. Oakland Pasture SSSI is located approximately 2.8 kilometres south-west of the site. The Hadley, Elmley & Hockley Brooks Local Wildlife Site (LWS) and associated ancient woodland of Pepper Wood are situated about 1 kilometre south-west of the development site. Sling Pool and Marsh LWS and Great Farley and Dale Woods LWS are located about 1.8 kilometres north-west and 1.9 kilometres north of the application site.

33. The nearest Listed Building is that of the Old Toll House, Stoneybridge, a Grade II Listed Building situated about 580 metres north-west of the site. Fairfield Court (Grade II* Listed Building) is located about 610 metres west of the proposal. 188 Stourbridge Road (High House); Barn, stable and granary 20 yards east of Fairfield House, and Fairfield House (which are all Grade II Listed Buildings) are located about 610 and 725 metres south-west of the application site, respectively. The Scheduled Monument of the Moated site at Fairfield Court is located about 595 metres west of the proposal.

34. The application site is located upon an aquifer – Groundwater Source Protection Zone (Zones 3: 'Total Catchment') and is situated within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map.

35. High pressure gas pipelines pass along the south-western and south-eastern boundaries of the quarry site, the closest being located approximately 200 metres south of the application site. Each pipeline has an associated Health and Safety Executive major accident and hazard pipelines consultation zone which covers the application site (Outer Zone).

36. The proposal is located approximately 3.1 kilometres north-west of the Lickey End Air Quality Management Area (AQMA).

37. The nearest residential property is that of Dolfor located approximately 65 metres north-east of the application site. The residential properties of Far Croft and Fairfield Lodge are located approximately 500 metres north-west of the application site, immediately west of the roundabout junction with the A491, B4091 and Madeley Road. Fairfield Court is located about 610 metres west of the proposal. Orchard Farm is located approximately 490 metres south-west of the application site. Further properties are located along Third Road and Swan Lane located about 380 metres south-east and 510 metres south of the proposal, respectively. Further dwellings, including Bringsty Rosedene and Glentworth are located about 390 metres north-east of the proposal along the north side of Sandy Lane (A491).

Summary of Issues

38. The main issues in the determination of this application are:

- Green Belt
- Landscape character and visual impacts
- Residential amenity (air quality, noise, dust and vibration)
- Traffic, highway safety and impact upon Public Rights of Way
- Water environment
- Ecology and biodiversity.

Planning Policy

National Planning Policy Framework (NPPF)

39. The revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. On the 19 June 2019 the revised NPPF was updated to include a correction slip to remove paragraph 209a relating to on-shore oil and gas development. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

40. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually

supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

41. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

42. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

43. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from

an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

44. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

Chief Planning Officer Letter - Green Belt protection and intentional unauthorised development (31 August 2015)

45. This letter sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

The Development Plan

46. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the Saved Policies of the Adopted County of Hereford and Worcester Minerals Local Plan and Adopted Bromsgrove District Local Plan.

47. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

48. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

County of Hereford and Worcester Minerals Local Plan (Saved Policies)

49. The Adopted Minerals Local Plan does not contain any saved policies relevant to the consideration and determination of this planning application.

Bromsgrove District Local Plan

50. The Bromsgrove District Plan was adopted January 2017, the policies that are relevant to the proposal are listed below:-

Policy BDP1 Sustainable Development Principles

Policy BDP4 Green Belt
Policy BDP13 New Employment Development
Policy BDP15 Rural Renaissance
Policy BDP16 Sustainable Transport
Policy BDP19 High Quality Design
Policy BDP20 Managing the Historic Environment
Policy BDP21 Natural Environment
Policy BDP22 Climate Change
Policy BDP23 Water Management

Emerging Minerals Local Plan

51. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire, which will be a restoration led plan. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

52. A Publication Version of the Minerals Local Plan was published on 19 August 2019 for a 6 week consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) (as amended) to allow representations to be made under Regulation 20. Representations at this stage can only be made on the legal and procedural compliance of the Plan, the soundness or whether the Emerging Minerals Local Plan is in conformity with the duty to co-operate. The Plan is expected to be submitted to the Secretary of State for independent examination in December 2019.

53. The Emerging Minerals Local Plan has not, therefore, been tested at examination or adopted by the County Council. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the Emerging Minerals Local Plan should be given little weight in development management terms in the determination of this application.

54. The Emerging Minerals Local Plan policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy MLP 1: Strategic Location of Development
Policy MLP 3: Green Infrastructure
Policy MLP 6: North East Worcestershire Strategic Corridor
Policy MLP 17: Prudent Use of Resources
Policy MLP 18: Green Belt
Policy MLP 19: Amenity
Policy MLP 20: Access and Recreation
Policy MLP 21: Biodiversity
Policy MLP 22: Historic Environment
Policy MLP 23: Landscape
Policy MLP 27: Water Quality and Quantity
Policy MLP 28: Flooding
Policy MLP 29: Transport
Policy MLP 30: Planning Obligations

Consultations

55. The County Planning Authority carried out public consultation on this planning application between August and September 2017. Following the consideration of the comments that were received on it, the County Planning Authority wrote to the applicant requesting additional information on a range of topics including Green Belt and very special circumstances, vehicle movements, lighting, and the volume of imported materials to the site. The County Planning Authority carried out public consultation on this additional information and amended plans between August and September 2019. In October 2019 the applicant wrote to the County Planning Authority submitting further amended plans (amending the proposed backup mortar batching plant design and layout). The County Planning Authority carried out public consultation on this amended application between October and November 2019. The comments below summarise the latest comments from consultees; and the totals the number of letters of representations received on all three consultations combined.

56. **The local County Councillor Shirley Webb** is concerned about traffic impact on the community and infrastructure.

57. **Belbroughton Parish Council** objects to the proposal, stating that an increase in HGV movements has been observed. HGVs use local roads as well as Sandy Lane (A491). The Parish Council consider that the other existing operations on the site, namely Accumix Concrete Ltd, and the parking and storage of HGVs and trailers at the top of the site have all added to the intensity of industrial usage of this site and its effect on the surrounding area and highways. The roadway and kerbs around the quarry are constantly littered with sand and debris which spreads along Sandy Lane (A491). In dry weather conditions this produces dust which settles across the area.

58. The Parish Council consider that this industrial activity is also detrimental to the Green Belt location and is being perpetuated by the importation of sands from other quarries. This proposal is not quarrying, but commercial encroachment into the Green Belt, which is considered to be inappropriate development and harmful to the openness of the Green Belt, contrary to paragraph 145 of the NPPF. The Parish Council consider the applicant has not demonstrated that very special circumstances existing to justify the development.

59. The Parish Council comment that the intensification of separate industrial activities within Wildmoor Quarry is continuing to prevent the restoration of the site.

60. The Parish Council also comment in respect of the western boundary of the wider quarry site that the applicant has recently installed a fence, located 15 metres back from the quarry edge, and are concerned that this action may be a precursor to future sand excavation at the quarry face on the western boundary.

61. **Bournheath Parish Council (Neighbouring Parish Council)** objects to the proposal, on the grounds of adverse impact upon Green Belt, air quality, noise, traffic and the impact of HGVs adversely effecting road surfacing, and the surrounding roads are poorly lit. The Parish Council question what would be the increase in traffic, and if drinking water would be affected? Should planning permission be granted the Parish Council request the imposition of conditions requiring restricted operating hours, wheel washing facilities and no right turn onto Sandy Lane (A4109).

62. **Hagley Parish Council** objects to the proposal on the grounds of adverse traffic and air pollution. The junction A491 and A456 in Hagley is in an AQMA. The increase in HGVs at this site would hinder the action plan to improve air quality and so should not be allowed access to the site from this route. Should planning permission be granted, the Parish Council request the imposition of conditions requiring traffic to and from the site to only use the A491 between the site and the junction 4 of the M5 Motorway, and not use any part of the A491 or A456 west of the site; and wheel washing facilities be installed and used.

63. **Bromsgrove District Council** objects to the proposal due to the adverse impact upon the Green Belt. They state that the proposal is considered to be inappropriate development in the Green Belt, as the erection of aggregate bins, silos and the extension to an existing building do not constitute engineering operations and are clearly operational development.

64. The District Council consider the site is previously developed land; however, the proposal would have a materially greater impact upon the openness of the Green Belt than the current permitted development. Substantial weight should be attached to any Green Belt harm. It is considered that insufficient information has been submitted to demonstrate very special circumstances. In particular, it is unclear what proportion of sand would be used in the production of mortar that is from the quarry site. If a substantial proportion of the sand is being imported it would result in a substantial increase in vehicle movements and undermine the chosen location for the plant. Based on the information currently available it is not considered that there are very special circumstances that clearly outweigh the substantial Green Belt harm and other actual or potential harm. The proposal is, therefore, contrary to Policy BDP4 of the Bromsgrove District Plan and paragraphs 143, 144, 145 and 146 of the NPPF.

65. **The Environment Agency** have no objections to the proposal, stating that the wider quarry has an extractive waste permit for the handling and storage of quarry wastes, which they regulate. With regard to the retrospective mortar batching plant and associated silo storage units, they would not regulate this development and as such do not intend making detailed comment or raise objections.

66. **Worcestershire Regulatory Services (Air Quality)** have no objections, stating that they have reviewed the planning application for potential air quality issues of which none are identified.

67. **Worcestershire Regulatory Services (Noise, Vibration and Dust)** have no objections to the proposal in terms of noise, vibration or dust emissions adversely impacting the nearest sensitive receptors. They state that the development benefits from an Environmental Permit from Worcestershire Regulatory Services, which regulates emissions to air including dust emissions. With regard to noise, they comment that the whilst the plant is already operating, Worcestershire Regulatory Services have not received any complaints, and due to the location of the development within a quarry, the likelihood of the development causing a noise disturbance to the nearest residential property is low, and therefore, they have no adverse comments.

68. **Public Health England** have no objections, stating that they have no significant concerns regarding risk to health of the local population from the proposed

development, subject to the applicant taking all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice.

69. **North Worcestershire Water Management** have no objections to the proposal, noting that the proposal falls within Flood Zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding. They do not consider the proposal would adversely impact upon flood risk or drainage off site. In view of this, North Worcestershire Water Management do not recommend any conditions be imposed relating to drainage and flood risk should planning permission be granted.

70. **Severn Trent Water Limited** have no objections to the proposal, stating that as the proposal would have minimal impact on the public sewerage system they do not require the imposition of a drainage condition.

71. **Highways England** have no objections to the proposal.

72. **The County Highways Officer** has no objections to the proposal, subject to the imposition of conditions requiring access, turning areas and parking facilities to be constructed prior to the use being brought into use; electric vehicle charging point and space; provision of accessible car parking space and motorcycle spaces; and sheltered and secure cycle parking.

73. The County Highways Officer has reviewed accident data of the site access with its junction with Sandy Lane (A491), which identified no Police reported personal injury accidents and no history of road traffic collisions at this location.

74. Based on the analysis of the information submitted and consultation responses from third parties, the County Highways Officer concludes that subject to the above conditions, there would not be a severe highway impact and, therefore, there are no justifiable grounds on which an objection could be maintained.

75. **The County Footpath Officer** has no objections, noting that the development is adjacent to Footpath BB-684 as recorded on the Definitive Map. Whilst this footpath would not be directly affected by the development, the applicant should adhere to their obligations to this Public Right of Way.

76. **The Open Space Society** no comments have been received.

77. **The Ramblers Association** comments that the original granting of planning permission for quarrying involved the serious disruption of the existing footpath arrangement around the quarry, which is very inconvenient for walkers. In the case of Footpath BB-684 this is very difficult to walk because of conditions within the Quarry site. It is also probably dangerous, noisy and alternately dusty or muddy since in part it shares the internal haul road and passes in very close proximity to the site of the works proposed in the current application. They request improvements as part of this application to the alignment of Footpaths BB-675, BB-676 and BB-684 to reduce the impact on walkers of the operations at the site and to make the footpaths more convenient and enjoyable for walkers.

78. They are concerned that granting planning permission would jeopardise the ultimate restoration of this quarry. Any permission for this development should be linked to its cessation when quarrying ceases at the site.

79. They also comment that if the mortar batching plant does not utilise extracted sand from the adjacent Wildmoor Quarry, then permission should be refused, as the proposal is inappropriate development in the Green Belt and harmful to its openness.

80. **The Campaign to Protect Rural England (CPRE)** objects to the proposal on the grounds of adverse impacts upon the Green Belt, open countryside and traffic.

81. They state that the starting point has to be that this is a site in the Green Belt and open countryside. As such it is a place where development should only be allowed in limited circumstances, but they acknowledge that this is an operational mineral site with planning permission for mineral extraction. Accordingly, it is reasonable to have plant for processing the extracted minerals. However, CPRE consider that this should be limited to what is ancillary to mineral extraction and should exclude the processing of imported material; certainly if the imported material is a very substantial proportion of the product exported from the site.

82. CPRE refer to the precedent set by the County Planning Authority refusing an application for an Incinerator Bottom Ash (IBA) processing plant, located within the Green Belt opposite this application site, and which would have involved the processing of material, all of which would have been imported.

83. The CPRE are also concerned regarding the creep of ancillary development at this quarry, noting that at one stage it was advertising a snack bar. These uses should be discontinued without compensation when the quarry closes, not as free-standing enterprises that will continue to blight the Green Belt long after the quarry is restored.

84. Finally, CPRE are concerned about traffic congestion on local roads, noting that at peak periods, there is a continuous line of traffic backed up eastbound from the junction with Quantry Lane to the Stoneybridge roundabout in the morning; and westbound from the Lydiate Ash roundabout (Junction 4 of the M5 Motorway) in the evening peak period. Action is needed to increase capacity on these roads. As a short-term measure, it may be appropriate to impose conditions limiting the hours when commercial vehicles can enter and leave the site.

85. Whilst CPRE formally object to this proposal they consider that this may be an application where a conditional planning permission is appropriate.

86. **Historic England** wishes to make no comments on the application and recommends that the County Planning Authority seeks the views of their local specialist conservation and archaeological advice as relevant.

87. **The County Archaeologist** has no objections, stating that as the development site is located within an operational quarry, which has already been excavated and subject to extensive ground disturbance. It is considered that the proposal would not affect any heritage assets of archaeological interest. In addition to this, an examination of the Worcestershire Historic Environment Record would also suggest that there are no designated or undesignated heritage assets in the wider vicinity of the application site that are likely to be adversely affected by the proposed scheme.

88. **The County Landscape Officer** has no objections to the proposal, stating that they have assessed the proposal, both in terms of its specific impact and any cumulative impact that might arise as a result of adding additional processing infrastructure to that already in operation (County Planning Authority Ref: 19/000002/CM, which is pending consideration – See Agenda Item 5).

89. They note that the silos measure approximately 15 metres high and are the most notable structures in the context of the development and its visual impact. However, despite the height, the surrounding topography and existing vegetation provide an effective screen between the development and nearby receptors. The aggregate bins also sit below the level of the surrounding vegetation.

90. With regard to the submitted lighting scheme, the County Landscape Officer concludes from a landscape and visual impact perspective, that the lighting infrastructure appears to be arranged in a way that does not cause undue light pollution to receptors as a result of the existing site elevation and partial screening from existing vegetation.

91. **Natural England** have no objections, stating that the proposal is unlikely to affect any statutorily protected sites or landscapes.

92. **The County Ecologist** has no objections to the proposal. They note that any significant opportunities for biodiversity gain which this scheme may present are entwined with the restoration strategy for the wider quarry site, and would welcome the opportunity to revisit the approved restoration scheme and aftercare scheme if this arises in due course.

93. With regard to lighting, the County Ecologist states that submitted lighting scheme allows for the identification of the likely light origin and intensity on site. As such, the County Ecologist considers that the lighting would be contained within the site and that the adjacent screening vegetation appears unlikely to offer any significant roosting opportunities for bats.

94. **West Mercia Police** have no objections to the proposal.

95. **Hereford and Worcester Fire and Rescue** no comments have been received.

96. **Health and Safety Executive (HSE) (Planning Advice Web App)** have no objections to the proposal, stating they do not advise on safety grounds, against the granting of planning permission in this case.

97. **Cadent Gas** no comments have been received.

98. **Western Power Distribution (Online Comments)** have no objections stating that an 11 kV underground electricity line crosses the quarry site entrance, parallel with Sandy Lane (A491). The applicant must comply with health and safety legislation and the Western Power Distribution guidance. Should alterations be required to the site access, the applicant may need to apply for a diversion of the cables.

Other Representations

99. The application has been advertised on site, in the press and by neighbour notification. To date 17 letters of representation have been received objecting to the proposal, including comments from Wildmoor Residents' Association, Fairfield Village Community Association and District Councillor Colella (Ward: Hagley West) and 2 letters of representation commenting on the proposal. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:-

Public Rights of Way

- Adverse impacts upon Public Rights of Way.

Traffic and Highway Safety

- HGVs must access the site via junction 4 of the M5 Motorway and must not use any of the surrounding roads, particular the A456 and A491 through Hagley.
- Queries how the proposal would impact Sandy Lane (A491) in terms of traffic and if this has been assessed.
- High percentage of HGVs using Sandy Lane (A491) is a major concern for local residents.
- Adverse traffic impact on Sandy Lane (A491).
- Surrounding roads are already at capacity.
- At times it is almost impossible to get onto Sandy Lane (A491) from Top Road, Wildmoor Lane, Third Road and Money Lane.
- Sandy Lane (A491) is poorly marked out, poorly lit and very dangerous in its current state due to excess speeding traffic and vehicles turning into various accesses along the road.
- Concerned that HGVs from the site would 'rat-run' along local roads.
- Due to HGVs waiting to enter the quarry site, this results in car overtaking which is dangerous for oncoming traffic.
- HGVs exiting the site would increase the amount of mud and debris on Sandy Lane, which is a hazard.
- There is no reference in the application to the vehicle movements associated with deliveries of cement and other materials that go into the production of mortar.
- There is no reference to the distance that cement and other materials that go into the production of mortar has to travel to the site.
- Sandy Lane (A491) is regularly littered with sand, mud and materials on the carriageway, increasing the skid risk for vehicles, and generating dust.
- Vehicles are not using the wheel wash on the leaving the site.
- The existing quarry access and sight lines are in a poor and unmaintained state.

Air Pollution

- HGV traffic would adversely affect the AQMA in Hagley and Lydiate Ash.
- Adverse air pollution impacts.

Dust

- Adverse dust impacts, which would blow across a primary A-road.

Noise

- Adverse noise impacts from the plant and HGVs.

Light Pollution

- Adverse light pollution from the site.

Working Hours

- Extensive working hours.

Environment

- Adverse impact upon the local environment.
- Adverse impact upon the countryside.

Water Environment

- Adverse impact upon the aquifer.
- Adverse impact upon flooding of the quarry.

Visual Impact

- Adverse visual impact from footpaths and land to the south and west of the proposal.
- The silos are above the lip of the southern quarry face.

Green Belt

- Adverse impact upon the Green Belt, contrary to Policy BDP4 of the Bromsgrove District Plan and the NPPF.
- The development is inappropriate development in the Green Belt.
- The site should be restored and returned to Green Belt, not used for setting up light industrial operations.
- This proposal would further delay the restoration of the site, impacting on the openness of the Green Belt.
- No very special circumstances have been demonstrated.

Economic Development

- This application serves only the applicant and disregards all other parties. The proposal would not improve economic, social and environmental conditions in the local area.

Consultation

- The applicant has not undertaken any pre-application public consultation.

Other Matters

- According to Companies House, The Mortar and Screed Company Limited, was incorporated on 3 February 2014. It is not known whether the required planning application has been granted to a business that has been trading less than 10 years to operate from the Wildmoor Quarry site.
- No alternative site assessment has been carried out by the applicant.
- The proposal should be located on an industrial estate.
- There is a long history of unauthorised development at the site and a 'laissez-faire' attitude towards the use of the site by successive and the existing owners. This includes the illegal tipping of waste materials within the quarry, which was considered by the courts in February 2016.

- Should planning permission be granted local residents are not confident the applicant would comply with any planning conditions.
- The applicant states that only sand from Wildmoor Quarry would be used in the production of mortar, but it is understood that sand is already being imported from Cheslyn Hay (South Staffordshire) and Brigwalton Quarry at Bridgnorth (Shropshire) to the plant.
- At Brigwalton Quarry, also owned by the applicant, the inclusion of a cement silo (Shropshire Council Ref: 12/04824/EIA) was withdrawn following representations from local residents.
- The proposal is many times larger than the permitted vehicle repairs workshop.
- Would be contrary to Policy BDP1 of the Bromsgrove District Plan.
- Would be contrary to Policies MLP15, MLP16 and MLP22 of the Emerging Minerals Local Plan.
- A new fence line has been installed by the applicant along the western side of the quarry, and local residents are concerned that the applicant will extract from this area, questioning if planning permission is required.

The Head of Strategic Infrastructure and Economy's Comments

100. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Green Belt

101. The proposed development would be located wholly within the West Midlands Green Belt. Bromsgrove District Council, Belbroughton Parish Council, Bournheath Parish Council and CPRE objects to the proposal on the grounds of adverse impacts upon the Green Belt. Letters of representation from local residents have also been received objecting on Green Belt grounds.

102. Policy BDP4 of the Bromsgrove District Plan relates to Green Belt, and states that the development of new buildings in the Green Belt is considered to be inappropriate, except in a number of circumstances which are listed in the policy, this includes: *"d) proportionate extensions to non-residential buildings taking into account the potential impact on the openness and the purposes of including the land in Green Belt. Proposals that can demonstrate significant benefits to the local economy and/or community will be considered favourably; and g) limited infilling or the partial or complete redevelopment of previously developed sites that would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*.

103. The introduction to Section 13 of the NPPF states that *"the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".

104. The applicant considers that the development does not represent inappropriate development within the Green Belt, stating that the *"NPPF explains that mineral extraction, engineering operations and redevelopment of previously developed sites that would not have a greater impact on the openness of the Green Belt are not inappropriate development. The mortar batching plant reuses the extended building, in an excavation and on disturbed ground at an operational quarry. The development is ancillary to mineral extraction is, therefore, capable of being consistent with the NPPF policy on Green Belt"*.

105. The NPPF considers that the construction of new buildings is inappropriate development in the Green Belt. However, there are a number of exceptions in paragraph 145, which includes: *"the extension or alternation of a building provided that it does not result in disproportionate additions over and above the size of the original building"* and *"limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority"*.

106. Whilst the Head of Strategic Infrastructure and Economy considers, on balance, that the retrospective extension to the vehicle repairs workshop of approximately 56 square metres is not a disproportionate addition over and above the size of the original building, which measured approximately 175 square metres (about 32% increase in floor space). It is noted that the proposal also includes the installation and operation of a mortar batching plant, external cement storage silos, aggregate bins, backup mortar batching plant, waste bay, water lagoons and car parking, which are considered to have a greater impact on the openness of the Green Belt than the existing vehicle repairs workshop building. In addition, previously developed land is defined in Annex 2 of the NPPF, which excludes *"land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures"*. Therefore, it is considered that the wider quarry site is greenfield land and it is noted that the application includes altering and extending the yard further into the quarry site. Therefore, it is considered the proposal as a whole would not fall within the categories of development set out in Paragraph 145 of the NPPF.

107. Paragraph 146 of the NPPF outlines *"certain other forms of development are also not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*; this includes mineral extraction, engineering operations and the re-use of buildings provided the buildings are of permanent and substantial construction.

108. As the proposed development is for a mortar batching plant for the utilization of minerals, which is an industrial process (secondary processing), 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.

109. With regard to the five purposes of Green Belt, the Head of Strategic Infrastructure and Economy considers the proposal would not 'check the unrestricted sprawl of large built up areas' or 'prevent neighbouring towns from merging into one another', as the proposal is located within an existing quarry in the open countryside, and would not in any way affect the defensible space of any of the nearby villages or towns in the vicinity of the site. It is not considered the proposal would conflict with the purpose of preserving the setting and special character of historic towns, given the development is not visible from any nearby towns. However, the Head of Strategic Infrastructure and Economy considers that the proposal would conflict with two of the five main purposes of Green Belt, namely: *"to assist in safeguarding the countryside from encroachment"* and *"to assist in urban regeneration, by encouraging the recycling of derelict and other urban land"*. The proposal is located within the open countryside, and within the base of an active quarry which has an approved restoration scheme, therefore, the quarry site is considered to be greenfield land. Whilst parts of the development are within an existing building, which is required to be removed within 6 months of the cessation of mineral extraction operations at the quarry, the development includes the extension of a building, and the raising and extension of the yard together with outside plant, equipment and storage which would in the short and medium-term reduce the openness of the Green Belt and represent further encroachment into the Green Belt, the countryside and greenfield land. In the longer term it is noted that the development would be removed and the land restored as part of the wider quarry restoration. In addition, the applicant states that the development would not impede the final restoration scheme for the wider quarry, the majority of the structures and machinery have been installed within an existing building, would use part of an existing yard and, therefore, encourage the use of underutilised land within the site.

110. In view of the above matters, it is considered 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.

111. In assessing the harm to the openness of the Green Belt, it is considered that the proposal would be visually contained to the immediate landscape setting of the quarry, which is well screened due to the topography of the site, intervening buildings and structures to the north and established trees and vegetation to the north and east of the site. The development partly re-uses an existing building, and the building extension only measures approximately 56 square metres in area, with a height of 6 metres. However, the proposal also includes the construction of substantial external plant and machinery, and associated infrastructure, with the cement silos being a prominent feature in the quarry, measuring approximately 15 metres high. The applicant is proposing that the whole development be removed upon completion of mineral extraction at Wildmoor Quarry and the site restored as part of the restoration of the wider quarry site, as required by extant planning permissions B.6048, 407219 and 107104, as such there would be no permanent spatial or visual impact on the Green Belt. The applicant has confirmed that the proposal generates 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 include mixer lorries, and mineral and cement imports to the site. The applicant has confirmed that the existing vehicle repairs workshop does not in itself create vehicle movements. Overall, it is considered that the degree of activity generated by the development would impact on the openness of the Green Belt.

112. In view of the above matters, it is considered that the proposal would lead to a moderate loss of Green Belt openness and would, therefore, conflict with paragraph 133 of the NPPF.

113. The NPPF states at paragraphs 143 and 144 that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*. As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal with other circumstances in order to ascertain whether very special circumstances exist which justify granting planning permission.

114. The applicant's assessment of Green Belt and other considerations to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, to demonstrate very special circumstances exist to justify the development are set out below:-

- *"The proposed development is ancillary to the existing permitted mineral extraction and would be undertaken alongside it, within an active quarry;*
- *The mortar batching plant is sustainably located in a quarry excavation and on disturbed ground at an operational quarry with good access and existing infrastructure on site;*
- *Sand is by far the largest constituent material used in the production of mortar and it is reasonable to co-locate the plant within an active sand quarry. Sand produced at Wildmoor Quarry is suited to the production of mortar and meets relevant technical standards. The proposed wash plant (proposed as part of application County Planning Authority Ref: 19/000002/CM) if granted planning permission would increase the proportion of Wildmoor Quarry sand used in the production process to a minimum of 70%;*
- *There is recognition that production plants for mortar are essential to the construction industry;*
- *The Bromsgrove District Plan 2011-2030 describes that 90% of the District is covered by the Green Belt and so a Green Belt location for the plant is unavoidable. The siting of plant within the existing quarry and largely within the building is, therefore, considered to be suitable within the district context;*
- *The proposed plant is set below the surrounding ground level, adjacent to another building and, therefore, less conspicuous in its location in terms of its visual impacts within the landscape than would otherwise be possible. The operations would integrate with the existing mineral and other operations at the quarry;*

- *The mortar plant would be limited to the life of the mineral at the quarry. The plant would not hinder or impede restoration of the site; and*
- *No unacceptable adverse environmental impacts from the proposal have been identified.*

115. The applicant states that *"the proposal generates economic benefit in terms of supporting and expanding the existing business. The proposals would enable the operators to diversify and introduce a further added value business to the quarry operations on site, consuming minerals won at the site. There would be economic benefits to local construction companies able to source mortar from a local facility which would in turn also have environmental benefits in terms of a reduction in haulage distances in the locality"*.

116. *"The intention is to use sand from Wildmoor Quarry in the process. Apart from anything else, that makes commercial sense as it avoids having to import those same materials. However, some sand is imported to site where product specification requires, as there are localised quality constraints in the Wildmoor deposit or where there are production constraints at the site. It is the intention to use as much Wildmoor Quarry sand as possible and in any event, more than half of the sand used on the site would be from the Wildmoor Quarry"*.

117. On 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 sets out revisions to National Planning Policy to make intentional unauthorised development a "material consideration" when determining appeals and retrospective planning applications. The policy applies to all new planning applications and appeals received from 31 August 2015. The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. Stating that the Government raises concerns regarding the *"harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action"*. The policy does not define what constitutes as "intentional" development.

118. The Head of Strategic Infrastructure and Economy considers that it is difficult to prove intent, and it is noted that once the applicant was made aware that the development required planning permission a part-retrospective application was submitted to the County Planning Authority to regularise the development. Notwithstanding this, it is noted that the applicant in acknowledging that the development was unauthorised development located within the Green Belt continued to operate the site and further developed the site, in particular constructing the aggregate bins. This is considered to be intentional unauthorised development, which weighs against the scheme. Notwithstanding this, given that the revisions to the NPPF in July 2018 and February 2019 did not include this policy, it is considered the weight be afforded to this in the determination of this application is very limited.

119. It is understood that a key market and use for the type of sand (solid sands deposits) extracted from Wildmoor Quarry is for the production of mortar, and sand is the largest constituent material used in the production of mortar. The Head of

Strategic Infrastructure and Economy considers 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 is 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.

120. Consequently, the Head of Strategic Infrastructure and Economy considers that, on balance, the other considerations in this case outweigh the harm to the Green Belt. Considering the case as a whole, it is considered that very special circumstances exist which justify the development. The Head of Strategic Infrastructure and Economy considers 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 (to be below the top of the quarry) on site.

121. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for the Ministry of Housing, Communities and Local Government on new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. As the proposal would only have a total floor space of approximately 519 square metres, and has an application site area of only approximately 0.6 hectares in area, if this Committee is minded to approve this application, it is considered there is no need to consult the Secretary of State in this instance.

Landscape character and visual impacts

122. Letters of representation have been received objecting to the proposal on the grounds of visual impacts from land to the south of the quarry site and Public Rights of Way.

123. The application site is located within the north-eastern part of Wildmoor Quarry, approximately 14 metres below the surrounding ground level. The two cement storage silos are the tallest and most prominent features of this development, measuring approximately 15 metres high. The development is located partly within and adjacent to the vehicle repairs workshop (District Council Ref: B.6048).

124. With regard to lighting the applicant states that *"the location of the mortar batching plant at the base of the quarry is considered to be suitable in terms of mitigating any potential light pollution. Existing lighting is shrouded and faced downwards. No further lighting will be provided without submission of a lighting plan. This can be controlled by planning condition"*.

125. The County Landscape Officer has been consulted and has raised no objections to the proposal, due to the surrounding topography and existing vegetation providing

an effective visual screen between the development and nearby receptors. With regard to the submitted lighting scheme, the County Landscape Officer considers that the lighting infrastructure has been arranged in such a way that it does not cause undue light pollution to receptors.

126. The Head of Strategic Infrastructure and Economy considers that if planning permission is granted, conditions are recommended requiring the development to be carried out and maintained in accordance with the submitted lighting scheme; details of any new lighting shall be submitted to the County Planning Authority for approval prior to being erected or installed; and restricting permitted development rights for the installation of fixed plant and equipment above 10 metres in height on site.

127. 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 (District Council Ref: 17/00817/CPE) from views from Sandy Lane (A491), it is considered that the proposal would not have an adverse impact upon the character and appearance of the local area. Whilst views into the site are 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 is considered that these are distant, transient and seen in the context of an operational quarry.

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

Residential amenity (air quality, noise, vibration and dust)

129. Letters of representation have been received objecting to the proposal on the grounds of adverse noise, dust and air pollution impacts. Bournheath Parish Council objects to the proposal on the grounds of adverse impact upon noise and air quality, and Hagley Parish Council objects to the proposal on the grounds of adverse air pollution.

130. The nearest residential property is that of Dolfor located approximately 65 metres north-east of the application site, immediately adjacent to the quarry site. Further dwellings are located in the vicinity of the application site, as set out at paragraph 37 of this report.

131. The wider quarry site has permitted operating hours between 07:00 and 19:00 hours Mondays to Fridays, inclusive and between 07:00 and 13:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays. The vehicle repair workshop, within which the mortar batching plant is located within part of the building, does not have any planning conditions limiting the operating hours.

132. The applicant is proposing that the mortar batching plant operates between 05:00 19:00 hours Mondays to Fridays, inclusive, and between 05:00 and 13:00 Saturdays and Bank Holidays with no operations on Sundays. The applicant states that the proposed operating hours are necessary in order to meet the needs of the construction industry which requires mortars to be mixed, loaded and dispatched to reach the construction sites at the commencement of the working day. The applicant goes on to state that it is also noted that the Background Document produced to

support the preparation of the Emerging Mineral Local Plan – "*Concrete Batching and Asphaltting in Worcestershire*", acknowledges that there are requirement for these plants to produce outside of normal hours, including early mornings. It points to planning controls that can be used to control potential impacts and notes that there is no evidence that the 14 ready mixed concrete batching plants and 2 asphaltting plants currently operating in Worcestershire are causing significant problems. It is considered that a mortar batching plant is akin to a ready mixed concrete plant.

133. Whilst the Head of Strategic Infrastructure and Economy notes that this background document has not been updated since 2015 and has been archived, therefore, no longer forming part of the evidence base of the Emerging Minerals Local Plan, therefore, the weight to be given to this background document is very limited. It is recognised that plants such as mortar batching plants are regularly required to work outside of normal working hours. Notwithstanding this, the Head of Strategic Infrastructure and Economy considers the working hours should be restricted from that proposed by the applicant to also not permit working on Bank or Public Holidays, and to restrict the times when HGV's and mixer lorries can enter and exit the site, in the interest of residential amenity.

134. There is the potential for dust emissions particularly during the operation of the facility due to the storage and loading of raw materials, mixing process and trafficking of vehicles. However, the process involves the storage of dry powder cement in sealed silos with all loading and feed pipes similarly sealed. Sand aggregate, which is intrinsically damp, is loaded into the mixer via a shielded conveyor, reducing the likelihood of spillages. The area surrounding the mortar plant is hard surfaced and the applicant is proposing a number of mitigation measures which includes: limiting height of stockpiles within aggregate bays; sheeting / use of closed loaded vehicles; and sweeping / dampening of site and haul road. In view of this, should planning permission be granted conditions are recommended requiring a scheme to prevent mud, sand and detritus being deposited on the public highway; a dust management plan; and all loaded vehicles entering and leaving the site being enclosed / sheeted.

135. With respect to noise impacts, it is considered that the mortar batching plant is intrinsically a low noise industrial activity, with noise sources restricted to loading aggregate into hoppers and the use of conveyers and loading. The plant itself is also partly located within a building, within the quarry void further reducing the noise impact.

136. The Head of Strategic Infrastructure and Economy considers that should planning permission be granted, conditions are recommended as imposed on the extant planning permissions, namely the best practical means shall be employed to minimise the emission of noise from the boundary of the site; and all reasonable steps shall be employed to minimise the emission of noise from vehicles, plant and machinery and in particular efficient silencers, to the manufacturers specification shall be fitted to all vehicles plant and machinery used on site.

137. The primary environmental controls over the proposed operation would be contained within Worcestershire Regulatory Services' Environmental Permit for the site. It is noted that paragraph 183 of the NPPF states that "*the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that*

these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities".

138. Worcestershire Regulatory Services have raised no objections in respect of noise, vibration or dust impacts, and confirm that the site benefits from an Environmental Permit regulated by them, which controls emissions to air including dust emissions. With regard to noise, they comment that whilst the plant is already operating they have not received any complaints, and due to the location of the development within a quarry, the likelihood of the development causing a noise disturbance to the nearest residential property is low, and therefore, they have no adverse comments. The Environment Agency have also been consulted and have raised no objections to the proposal.

139. The closest AQMA to the site is that of Lickey End AQMA, located approximately 3.1 kilometres north-west of the proposal. The AQMA at Hagley, located approximately 5.8 kilometres north-west of the proposal has recently been revoked. It is now understood to be an 'Air Quality Areas of Concern'. Worcestershire Regulatory Services have also considered the impact of the proposal upon air quality and have raised no objections to the proposal.

140. With regard to impacts to human health, Public Health England has raised no objections to the proposal, stating that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

141. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions that there would be no adverse air quality, noise, vibration or dust impacts on residential amenity or that of human health.

Traffic, highway safety and impact upon Public Rights of Way

142. The development utilises the existing quarry access road which is taken directly from Sandy Lane (A491), which connects to Junction 4 of the M5 Motorway located about 1.6 kilometres east of the proposal.

143. Objections have been received from County Councillor Webb, Belbroughton Parish Council, Bournheath Parish Council, Hagley Parish Council, CPRE and local residents who raise concerns regarding traffic and highway safety.

144. It is noted that the NPPF states at paragraph 109 that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

145. The applicant states that the site operates 17 mixer lorries (HGVs) and on this basis there can be 34 loads of mortar from the batching plant spread out over a typical day (34 HGVs existing the site and 34 HGVs entering the site):-

- 05:00 to 06:00 - 19 staff cars in and 17 HGVs out
- 06:00 to 07:00 - No movements

- 07:00 to 08:00 - 1 cement delivery in and 4 staff cars in
- 08:00 to 09:00 - No movements
- 09:00 to 10:00 - 6 HGVs in
- 10:00 to 11:00 - 6 HGVs in and 6 HGVs out
- 11:00 to 12:00 - 5 HGVs in and 6 HGVs out
- 12:00 to 13:00 - 5 HGVs out
- 13:00 to 14:00 - No movements
- 14:00 to 15:00 - 8 HGVs in
- 15:00 to 16:00 - 7 HGVs in and 8 staff cars out
- 16:00 to 17:00 - 2 HGVs in and 7 staff cars out
- 17:00 to 18:00 - 8 staff cars out

146. Variations in HGV movements will depend on the demand, size of load and delivery time to the construction site.

147. The applicant has also confirmed that there is typically 46 staff car movements per day (about 23 staff cars entering the site and about 23 staff cars exiting the site per day).

148. Other materials used in the production of mortar to a far less proportion are cement (approximately 11%) and very small volumes of admixtures. The importation of cement and admixtures account for approximately 1 load per day and 1 load per month, respectively.

149. In addition, the applicant has confirmed that on the basis that there is currently approximately 55% of Wildmoor Quarry sand being used in the plant for the production of mortar, then there would be 5 loads of sand brought to the site from elsewhere (about 5 HGVs entering the site and about 5 HGVs exiting the site per day). Where possible, these loads would be back hauled using trucks that would otherwise be returning to the quarry unladen.

150. The applicant states that should planning permission be granted for the new processing, stocking and bagging area application at the site (County Planning Authority Ref: 19/000002/CM – see Agenda Item 5), this would mean that more of the sand extracted from Wildmoor Quarry could be utilised in the mortar batching plant, therefore, reducing the amount of sand to be imported to the site (from approximately 45% imported to 30% imported), and less sand would need to be exported for use elsewhere.

151. Highways England have raised no objections. The County Highways Officer has raised no objections to the proposal, subject to the imposition of conditions requiring access, turning areas and parking facilities to be provided; electric vehicle charging point and space; provision of accessible car parking space and motorcycle spaces; and sheltered and secure cycle parking.

152. The County Highways Officer has reviewed accident data of the site access with its junction with Sandy Lane (A491), which identified no Police reported personal injury accidents and no history of road traffic collisions at this location.

153. Based on the analysis of the information submitted and consultation responses from third parties, the County Highways Officer concludes that subject to the above

conditions, there would not be a severe highway impact and, therefore, there are no justifiable grounds on which an objection could be maintained.

154. Concerns have also been received from local residents regarding mud, sand and detritus being deposited on the public highway. The extant planning permissions for the wider quarry site require *"no commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent materials being deposited on the public highway"*. Given that complaints have been received in relation to this matter, and mud and sand have been observed on Sandy Lane (A491) in the vicinity of the quarry site access by officers, it is considered prudent to require a scheme to prevent mud, sand and detritus being deposited on the public highway, and to be consistent with the extent planning permissions for the wider site.

155. The extant planning permissions for the wider quarry site also require all access and egress from the site shall be via the existing quarry entrance and exit off Sandy Lane (A491) and the erection of signs to ensure drivers entering and leaving the site obey the west to east 'one way' system. Conditions are recommended to this effect.

156. A Public Right of Way (Footpath BB-684) runs along the quarry access road, adjacent to the eastern boundary of the application, joining Footpath BB-683 south of the quarry site. Due to the presence of mature trees and hedgerows along this eastern boundary, only glimpsed views into the application site are visible from this Footpath, with the exception of the site access, in which views of the building and aggregate bays would be visible. The County Footpath Officer has been consulted and has raised no objections to the proposal.

157. The Ramblers Association comments that the granting of planning permission for quarrying involved serious disruption of the existing footpath arrangement around the quarry, which is very inconvenient for walkers. In the case of Footpath BB-684 this is very difficult to walk because of conditions within the quarry site. They request improvements as part of this application to the alignment of Footpaths BB-675, BB-676 and BB-684 to reduce the impact on walkers of the operations at the site and to make the footpaths more convenient and enjoyable for walkers. However, the Head of Strategic Infrastructure and Economy considers that this proposal would have no greater impact upon the Public Right of Way than the existing situation, and considers that any improvements to the Public Rights of Way should be considered under a Review of Old Mineral Permissions (ROMP) for Wildmoor Quarry or as part of any forthcoming planning application for the wider quarry site.

158. Based upon the advice of the County Highways Officer and County Footpath Officer, the Head of Strategic Infrastructure and Economy is 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.

Water environment

159. Letters of representation have been received objecting on the grounds of flooding and pollution of the aquifer.

160. The application site falls within Flood Zone 1 which has a low probability of flooding, as identified on the Environment Agency's Indicative Flood Risk Map. The Government's Planning Practice Guidance (PPG) identifies that all uses of land are appropriate within this zone.

161. With regard to impacts upon the aquifer, the Head of Strategic Infrastructure and Economy notes that the extant planning permissions for the wider quarry require regular groundwater monitoring to be undertaken. The Head of Strategic Infrastructure and Economy also considers that if permission is granted, conditions are recommended requiring no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, and the bunded storage of soils, fuels and chemicals. These conditions would be consistent with the extant mineral planning permissions for the wider quarry site.

162. North Worcestershire Water Management have been consulted and have raised no objections to the proposal, stating that they do not consider the proposal would adversely impact upon flood risk or drainage off site. The Environment Agency and Severn Trent Water Limited have both raised no objections to the proposal.

163. Based on this advice, the Head of Strategic Infrastructure and Economy considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions.

Ecology and biodiversity

164. Section 15 of the NPPF, paragraph 170 states that *"planning policies and decisions should contribute to and enhance the natural and local environment", by a number of measures including "a) protecting and enhancing...sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan); ...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

165. Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"; and "development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

166. The statutory and non-statutory wildlife designated sites with the context of the application site are outlined at paragraph 32 of this report.

167. Natural England have been consulted due to the proximity of the proposal to SSSI's, and have raised no objections to the proposal. The County Ecologist has also raised no objections to the proposal. With regard to lighting, the County Ecologist states that submitted lighting scheme allows for the identification of the likely light origin and intensity on site. As such, the County Ecologist considers that the lighting would be contained within the site and that the adjacent screening vegetation appears unlikely to offer any significant roosting opportunities for bats. The Head of Strategic Infrastructure and Economy considers that if permission is granted, conditions are recommended as set out at paragraph 126 of this report relating to lighting.

168. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions in respect of lighting, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Other matters

Economic impact

169. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are independent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives. In particular the NPPF sees the economic role of planning as *"to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure"*.

170. The NPPF at Paragraph 80 states that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

171. The development which is part-retrospective employees 23 (full-time equivalent) members of staff (17 drivers and 6 permanent site based staff). By creating these job opportunities, the proposal would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

Heritage impacts

172. A number of heritage assets are located within the wider context of the application site, as outlined in paragraph 33, although no designated heritage assets are identified within the immediate site context.

173. Historic England have been consulted and wish to make no comments on the application, recommending that the County Planning Authority seeks the views of their local specialist conservation and archaeological advice as relevant. The County Archaeologist has raised no objections in respect of any heritage assets of archaeological interest. In addition, they have examined the Worcestershire Historic Environment Record and consider that there are no designated or undesignated heritage assets in the wider vicinity of the application site that are likely to be adversely affected by the proposal.

174. The Head of Strategic Infrastructure and Economy considers that based on this advice, the distance from designated heritage assets, and the screening offered by the topography of the site and established boundary trees and vegetation, that the proposed development would have no adverse effects on heritage assets.

Infrastructure assets

175. Cadent Gas' high pressure gas pipelines run along the south-eastern and south-western boundaries of the quarry site, located approximately 200 metres from the application site at its closest point. Each pipeline has an associated Health and Safety Executive major accident and hazard pipelines consultation zone which covers the application site (Outer Zone). Western Power Distribution's underground powerline runs parallel with Sandy Lane (A491) crossing the quarry entrance.

176. Cadent Gas have been consulted and have made no comments. The HSE (Planning Advice Web App) raises no objections to the proposal on safety grounds. Western Power Distribution have also been consulted and raises no objections directing the applicant to the relevant health and safety legislation and Western Power Distribution's guidance.

177. In view of this, and given the development is located within an existing quarry void, the Head of Strategic Infrastructure and Economy considers that the proposed development would not unduly impact upon these infrastructure assets within and adjacent to the site.

Consultation

178. Local residents comment that they are not aware of any public consultation that has taken place.

179. The Head of Strategic Infrastructure and Economy is not aware of any public consultation having taken place in relation to this application. Notwithstanding this, it is noted that there is no statutory requirement for applicants to undertake pre-application public consultation on such applications. However, it is considered good practice for applicants to undertake public consultation on all application proposals at the pre-application stage. This is emphasised by the NPPF (paragraphs 39 and 40) and in the County Council's Statement of Community Involvement (February 2015).

Monitoring and enforcement

180. Local residents object to the proposal commenting that there is a long history of unauthorised development at the site.

181. The County Council, as the County Planning and Mineral Planning Authority has a Planning Monitoring and Enforcement Officer who investigates alleged breaches of planning control in relation to minerals and waste management development including the carrying out of development before the necessary planning approvals have been granted. When development takes place without permission the County Council has a range of enforcement powers available to establish whether a breach of planning control has taken place, what harm is being caused as a result of the breach, how to remedy the situation and whether it is expedite to take enforcement action.

182. Planning enforcement action is discretionary and takes place when the breach is causing significant planning harm or when negotiations to resolve the breach, once it is identified, do not produce required results, and only if taking action is considered to be the wider public interest.

183. A joint meeting with Bromsgrove District Council and the quarry operator took place in May 2017, in which it was established that a breach of planning control was

taking place. The outcome of this meeting was that the applicant decided to submit a planning application seeking to regularise the development. The planning application was received by the County Planning Authority in August 2017. Since that time there has been an ongoing dialogue between the applicant and the County Planning Authority requesting further information and two further rounds of public consultation.

184. As outlined at Paragraph Reference ID: 17b-012-20140306 of the Government's PPG *"a local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application without delay. It is important to note that:*

- although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way;*
- an enforcement notice may also be issued in relation to other elements of the development".*

185. Whilst it is very unfortunate that these breaches of planning control have occurred, the Head of Strategic Infrastructure and Economy welcomes the applicant seeking to resolve the breaches of planning control through the submission of the current planning application, so that the merits of the proposal can be fully examined and considered by Members of the Planning and Regulatory Committee.

186. Local resident and Belbroughton Parish Council have also observed that a new fence line has been installed by the applicant along the western side of the quarry, and local residents are concerned that the applicant will extract from this area, questioning if planning permission is required.

187. The County Planning Authority understands that the fence has been installed as a protection measure to keep livestock and people away from the current extent of the quarry. Planning permission is not required for the fencing that has been installed in this location. Officers have examined the extant planning permissions for the site and are satisfied that the extent of mineral extraction is in accordance with the approved plans. The operator has also confirmed that they do not have any current intention to extend the western boundary of the site, and understand that if any extraction in a westerly direction took place it would require a planning permission.

Conclusion

188. The applicant is seeking planning permission for a 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.

189. The application includes a small extension (approximately 56 square metres in area) to the existing vehicle repairs workshop, change of use of part of the existing vehicle repairs workshop, two upright cement storage silos (approximately 15 metres

high), three aggregate (sand) bays, aggregate bins, water lagoons, waste bay, car parking, backup mortar batching plant and extended yard area.

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

191. It is understood that a key market and use for the type of sand (solid sands deposits) at Wildmoor Quarry is for the production of mortar, and sand is the largest constituent material used in the production of mortar. The Head of Strategic Infrastructure and Economy considers 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 is 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.

192. Consequently, the Head of Strategic Infrastructure and Economy considers that, on balance, the other considerations in this case outweigh the harm to the Green Belt. Considering the case as a whole, it is considered that very special circumstances exist which justify the development. The Head of Strategic Infrastructure and Economy considers 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.

193. With regards to visual impacts and landscape character, the Head of Strategic Infrastructure and Economy considers 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 (District Council Ref: 17/00817/CPE) from views from Sandy Lane (A491), it is considered that the proposal would not have an adverse impact upon the character and appearance of the local area. Whilst views into the site are 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 is considered that these are distant, transient and seen in the context of an operational quarry.

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

195. Worcestershire Regulatory Services have been consulted and have raised no objections in respect of air quality, noise, vibration or dust impacts, and confirm that the site benefits from an Environmental Permit regulated by them, which controls

emissions to air including dust emissions. Public Health England and the Environment Agency have 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 is considered that, subject to the imposition of appropriate conditions that there would be no adverse air quality, noise, vibration or dust impacts on residential amenity or that of human health.

196. The applicant has confirmed that the proposal generates 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 include mixer lorries, and mineral and cement imports to the site. In addition 1 HGV load per month of admixtures is imported to the site. The applicant has confirmed that the vehicle repairs workshop does not in itself create vehicle movements. The County Highways Officer and County Footpath Officer both raise no objections to the proposal. In view of this, the Head of Strategic Infrastructure and Economy is 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.

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

198. Natural England and the County Ecologist have both raised no objections to the proposal. In view of this, it is 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.

199. 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 is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

200. The Head of Strategic Infrastructure and Economy recommends 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

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;

- o) All access to and egress from the site shall be via the existing quarry entrance and exit off the A491 Sandy Lane;**
- p) 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;**
- q) 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;**
- 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) 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;**
- t) 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;**
- u) 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;**
- v) 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

- w) 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

- x) 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

- y) 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

- z) 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

- aa) 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

- bb) 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.

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Case Officer: Steven Aldridge, Team Manager – Development Management

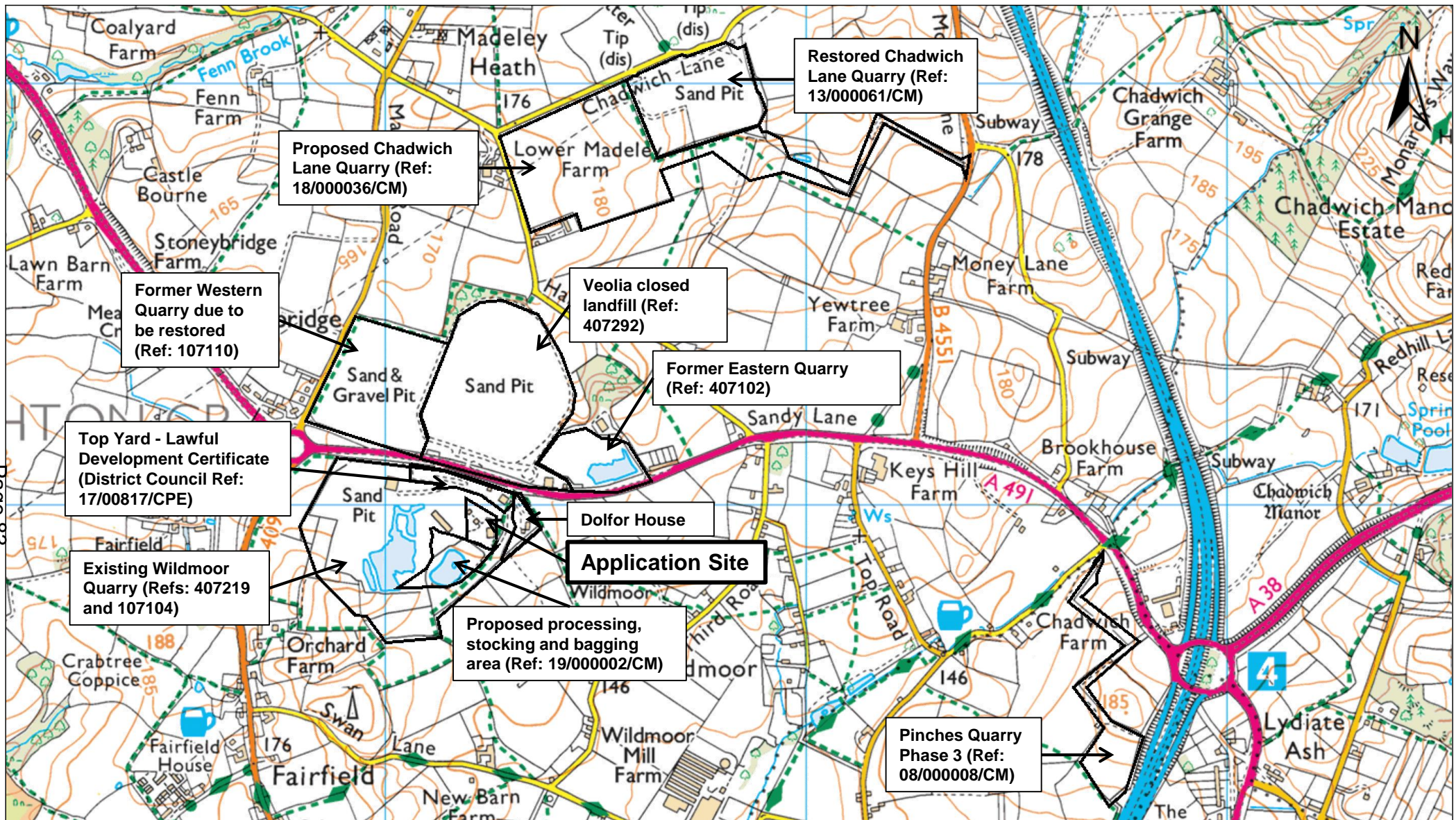
Tel: 01905 843510

Email: saldridge@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference: 17/000028/CM.



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Indicative Scale: 1:12,500

Date Printed: 6/11/2019

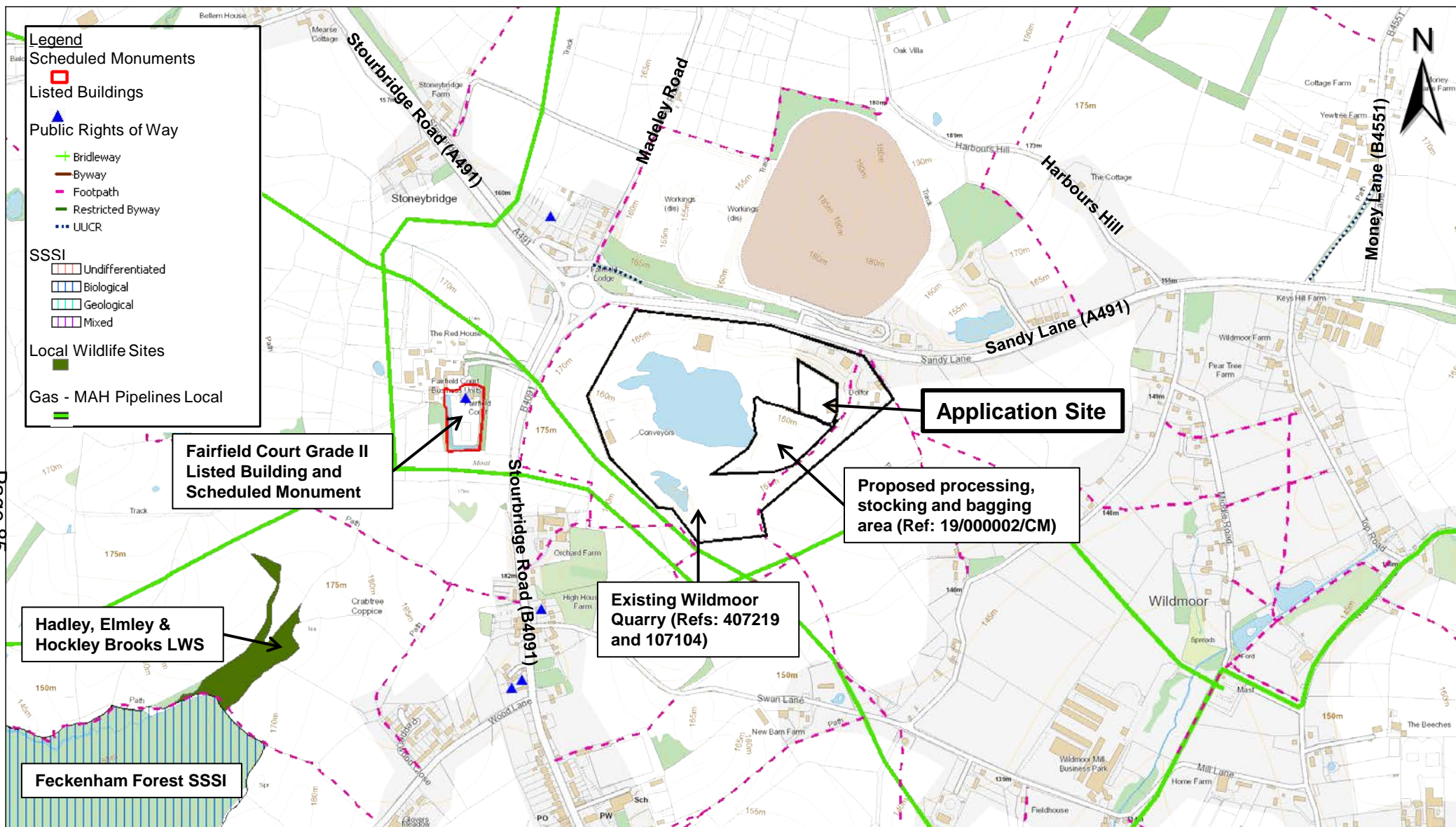
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Part-retrospective application for the operation of a mortar batching plant, erection of associated silo storage units and aggregate bins and vehicle repairs workshop at Wildmoor Quarry, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire
Application Ref: 17/000028/CM

 **worcestershire**
county council

Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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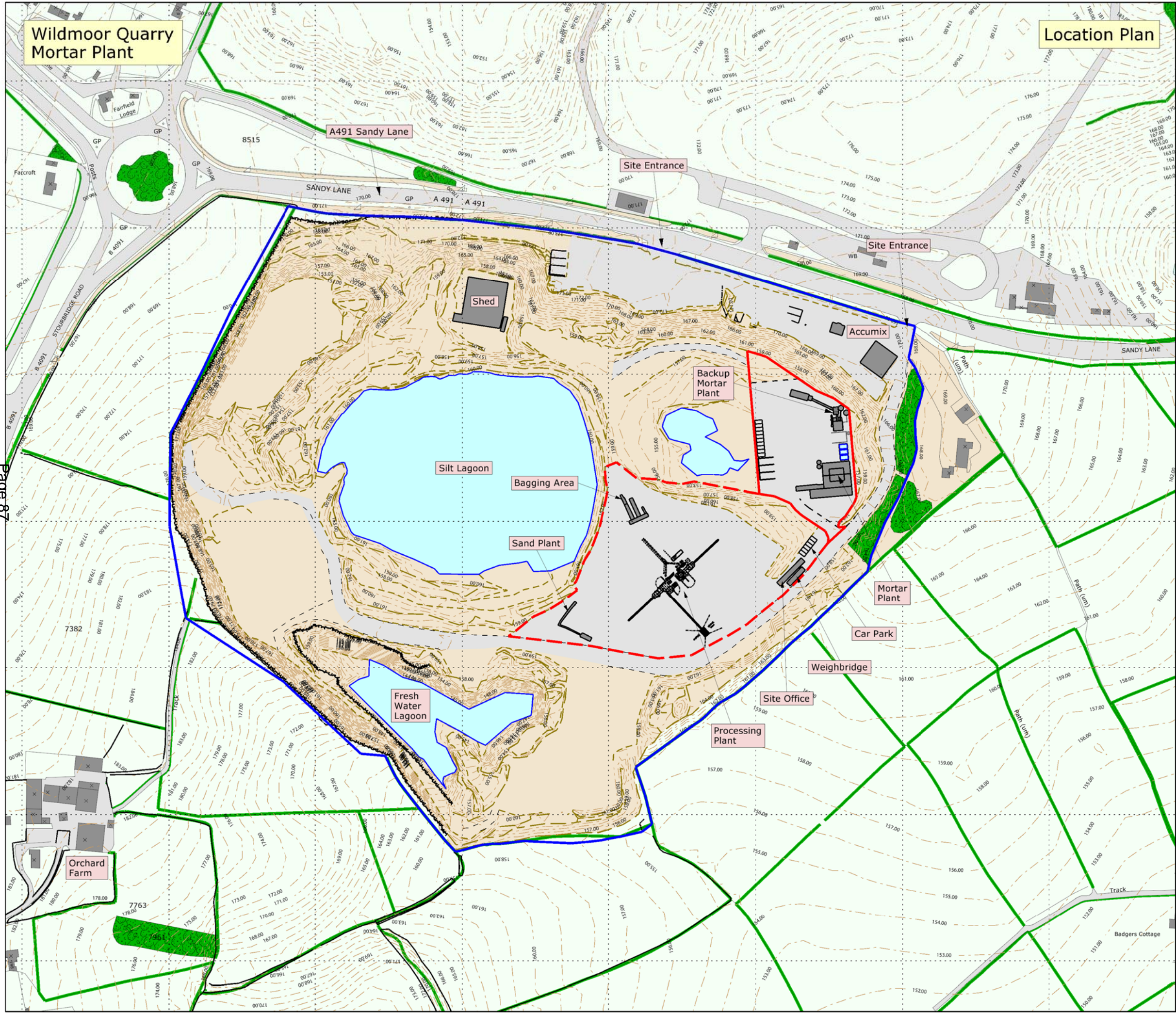
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Application Ref: 17/000028/CM



Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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Wildmoor Quarry
Mortar Plant

Location Plan

Legend

- Application Boundary
- Wildmoor Processing Plant Application Reference: 19/000002/CM
- Land Under Control of Applicant



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| REV | AM'D | NOTES | DATE |
|-----|------|-----------------------------------|----------|
| A | LMB | Revisions to Site Layout | Jan 2019 |
| B | LSB | Revisions to Back-Up Plant Layout | Oct 2019 |

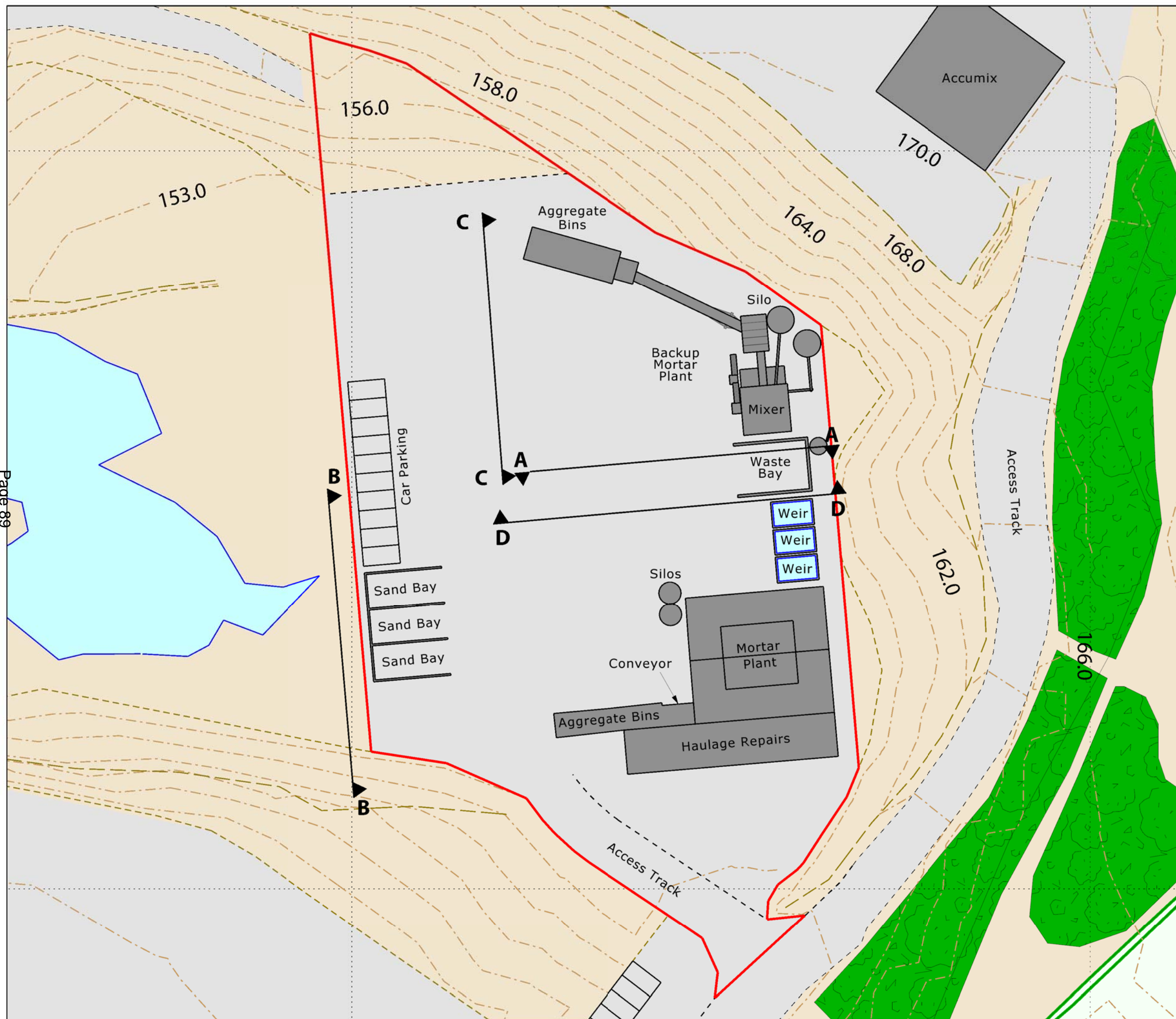
| | |
|---|-----------------------------------|
| DRAWING STATUS FINAL | |
| PROJECT Wildmoor Quarry Mortar Plant | |
| CLIENT Mortar and Screed Company Limited | |
| TITLE Location Plan | |
| DATE July 2017 | SCALE 1:2500 @A3 |
| DRAWN LMB | CHECKED RP |
| DRAW NO. M11.119(f).D.041 | REV B |

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Legend

- Application Boundary
- Existing Vegetation
- Concrete Surface
- Quarry Operational Land
- Built Structures
- Areas of Water
- Site Sectional Elevation Locations



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DRAWING STATUS

FINAL

PROJECT
Wildmoor Quarry Mortar Plant

CLIENT
Mortar and Screed Company Limited

TITLE
Mortar Plant Site Layout

DATE
July 2017

SCALE
1:500 @A3

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**PLANNING AND REGULATORY COMMITTEE
3 DECEMBER 2019****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****Applicant**

Worcestershire County Council

Local Member

Mrs S A Webb

Purpose of Report

1. To consider 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.

Background

2. Fairfield First School was originally built in 1873 and has been extended from its original size throughout the 1960s and 1980s. It was most recently extended with a new 150 square metre hall in 2011 (County Planning Authority Ref: 10/000005/REG3).
3. In 2017, the applicant began discussions to increase the number of places available in Bromsgrove First Schools in recognition of a higher than average number of pupils entering reception in 2016. A number of options were consulted on to mitigate this and one of the options considered was to increase Fairfield First School Pupil Admission Number (PAN) to 30 pupils per year and 150 pupils in total. The School currently has a PAN of 23 and presently has 118 pupils on the roll. The applicant has confirmed that they have filled their PAN for at least the last 10 years, whilst having a waiting list. The creation of an additional 7 places per year group at Fairfield First School is particularly important to supporting continued growth in the north of the District which is served by Catshill First School and Fairfield First where there is a high level of migration between the two schools. The walking distance between Fairfield and Catshill is approximately 2.1 kilometres and for some parents living within the Catshill catchment, they consider Fairfield as their local school. In 2014 Catshill First was increased from 45 to 60 places per year group, however, numbers have continued to grow and Fairfield remains a popular choice for the area. Therefore in order to ensure a sufficiency of places in the area and ensure an

appropriate element of parental preference remains, the preferred course of action, in consultation with local schools, is to seek to expand Fairfield First School and ensure there is sufficient accommodation in permanent classrooms. Pupils are accommodated in four classrooms, two in permanent accommodation and two in temporary mobiles. The school leadership team supports the expansion as demand for places has always remained high and they consider that there would be a number of potential benefits to the school.

4. Under Jacobs' Framework Agreement with Worcestershire County Council (WCC), Jacobs were commissioned to undertake a feasibility exercise to increase the size of the school to a one form entry (30 places). A number of design options were explored at this stage and ultimately it was considered that the new classrooms worked best to the rear of the school. However, because of the limited size of the site, the proposed building would have been positioned to the back of the school hall where the land slopes downwards into an agricultural field. To overcome this, an indicative design was produced, which would have resulted in building on stilts. However, this would have had associated risks for the contractor of building on a tight site.

5. In November 2017, Worcestershire County Council conducted a public consultation to explain the proposal. This set out how the school and buildings could be expanded in response to significant local demand for pupil places. This was subsequently supported by the County Council Cabinet and a further public consultation period was held. Having established the principles of where and how the school could be expanded in June 2019, Jacobs were commissioned to develop the proposals to implementation.

6. Design development has taken place at each stage as more information has become available or as a consequence of feedback received from the school. Specifically, further to the implementation appointment, it was confirmed that the tenant's agricultural fields, which lie broadly to the south and east of the existing school buildings, would be given to the school. The design strategy was, therefore, able to be changed so that the proposed extension would be located on the existing level car park and the proposed car parking would be located on an area of broadly level hardstanding within one of the agricultural fields.

The Proposal

7. Worcestershire County Council is seeking planning permission 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.

8. The works proposed include:

- A three-classroom single-storey pitched roof extension, with a gross internal area of approximately 273 square metres, to the rear of the school. The proposed new building would measure approximately 22 metres long and the pitched roof classroom would be approximately 10 metres in depth. The height of the pitched roof would be approximately 7.5 metres. External facing materials would include render with blue brick plinth, fibre cement wood effect cladding boards, aluminium and timber composite windows and louvres with

main entrance doors in powder coated thermally broken aluminium to match the existing with plain tile clay roof tiles

- The demolition of the existing temporary double mobile classroom to the front of the school
- Internal alterations to provide internal access to the extension
- An external canopy measuring approximately 105 square metres, located along the south elevation to provide a covered route between the existing school and the proposed extension
- Reinstatement of the hard play area to the front of the school;
- Additional and replacement staff vehicle parking to provide a total of eight spaces (one of which would be an accessible space and at least one vehicle charging point / space), and
- Ecological enhancement measures, including provision of a forest school area for the school.

9. The applicant has set out that the site analysis shows the existing site is only 57% of the minimum area recommended for a 1 form entry (1FE) First school (based on areas extrapolated from Building Bulletin 103), but with the demolition of the double mobile and addition of the fields to the site, there would be about 156 square metres of additional hard play and about 6,750 square metres of soft informal/habitat area. Building Bulletin 103: 'Area Guidelines for Mainstream Schools' sets out *"simply, non-statutory area guidelines for school buildings"* and that these *"guidelines would not necessarily have to be met in every case and should always be applied flexible in light of the particular circumstances"*. The siting of the existing mobile means that the hard play area is currently 'L shaped', which does not lend itself to team games that require a rectilinear space and also means that visual site supervision across the site into the soft play areas is currently impeded. The removal of the existing mobile would increase the amount of useable hard outdoor play space. The applicant has set out that the school building is approximately 205 square metres undersized and that the proposal would reduce the size of this shortfall to approximately 72.5 square metres.

10. The topography of the additional land transferred would not be suitable for the creation of a playing field and the school would continue to use the neighbouring recreation ground for their outdoor Physical Education (PE).

The Site

11. The whole of Fairfield village, including the entire school site, is located within the West Midlands Green Belt. Fairfield First School is located in the centre of Fairfield village, approximately three kilometres to the north of Bromsgrove. The school is accessed from Stourbridge Road to the west and the access is shared with three residential properties.

12. The site includes the existing school building, a playground and a small area of tarmac car parking, which is situated to the rear (broadly east) of the existing school buildings and which is accessed from Stourbridge Road. The application site also includes two fields that predominantly comprise areas of rough grassland. Boundary treatment, broadly to the north, south and east includes hedgerows interspersed with trees.

13. To the north of the access driveway, that serves the car park associated with the school, is Fairfield recreation sports ground. To the west of the site is St Mark's

church. To the east and south is open countryside, with Fairfield village hall being located broadly to the south-west of the site. The land falls away to the south and east of the site.

14. Fairfield House and barn, stable and granary are Grade II listed buildings located about 400 metres, broadly to the north-west of the proposal. No. 188 Stourbridge Road also lies about 500 metres broadly north of the proposal and Yew Tree Farmhouse lies about 700 metres, broadly to the south of the site.

15. A Public Right of Way (PRoW) (footpath BB-669) is located to the south of the school site, and footpath BB-671 lies about 30 metres to the south of footpath BB-669. These two footpaths then join broadly to the east of the site to become footpath BB-670.

16. Feckenham Forest Site of Special Scientific Interest (SSSI) is located approximately 650 metres west of the site. Little Royal Farm Pastures SSSI is located about 1.5 kilometres broadly south-west of the proposal and Hurst Farm Pasture SSSI is located about 1.8 kilometres broadly north-west of the site.

17. Hadley, Elmley & Hockley Brooks Local Wildlife Site (LWS) is located about 640 metres broadly to the north-west of the proposal. Chaddesley & High Woods Complex LWS is located approximately 1.9 kilometres, broadly to the south-west of the site. Pepper Wood ancient woodland is located about 650 metres west of the proposal.

18. Part of the existing school buildings and all of the proposed development area are located within the Minerals Consultation Area proposed in the Publication Version (Regulation 19) of the Emerging Worcestershire Minerals Local Plan.

19. The application site is located upon an aquifer – Groundwater Source Protection Zone (Zones 3: 'Total Catchment') and is situated within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map.

20. A high pressure gas pipeline is located about 500 metres broadly to the north-east of the proposal.

21. There are a number of residential properties close to the proposed development, including 106, 108, 110 and 112 Stourbridge Road.

Summary of Issues

22. The main issues in the determination of this application are:

- Green Belt
- Landscape Character, visual impact and residential amenity, and
- Traffic and highway safety.

Planning Policy

National Planning Policy Framework (NPPF)

23. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

24. Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

25. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

26. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

27. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

28. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

29. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

The Development Plan

30. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the adopted Worcestershire Waste Core Strategy (2012) and adopted Bromsgrove District Plan (2011-2030) (2017).

31. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

32. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

Worcestershire Waste Core Strategy

33. The policy that is relevant to the proposal is listed below:-

- Policy WCS 17: Making provision for waste in all new development

Bromsgrove District Plan (2011-2030)

34. Policies that are relevant to the proposal are listed below:-

- Policy BDP1: Sustainable Development Principles
- Policy BDP2: Settlement Hierarchy
- Policy BDP4: Green Belt
- Policy BDP15: Rural Renaissance
- Policy BDP16: Sustainable Transport
- Policy BDP19: High Quality Design
- Policy BDP20: Managing the Historic Environment
- Policy BDP21: Natural Environment
- Policy BDP22: Climate Change
- Policy BDP23: Water Management
- Policy BDP24: Green Infrastructure
- Policy BDP25: Health and Wellbeing

Emerging Planning Policy

35. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire, which will be a restoration led plan. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

36. A Publication Version of the Minerals Local Plan was published on 19 August 2019 for a 6 week consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) (as amended) to allow representations to be made under Regulation 20. Representations at this stage can only be made on the legal and procedural compliance of the Plan, the soundness or whether the Emerging Minerals Local Plan is in conformity with the duty to co-operate. The Plan is expected to be submitted to the Secretary of State for independent examination in December 2019.

37. The Emerging Minerals Local Plan has not, therefore, been tested at examination or adopted by the County Council. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the Emerging

Minerals Local Plan should be given little weight in development management terms in the determination of this application.

38. The Emerging Minerals Local Plan policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

- Policy MLP 31: Safeguarding Locally and Nationally Important Mineral Resources
- Policy MLP 32: Safeguarding Mineral Sites and Supporting Infrastructure

Consultations

39. **Bromsgrove District Council** have referenced that the proposed extension would be a disproportionate addition to the original building and would, therefore, be inappropriate development. They also consider that the proposal, including the change of the use of the agricultural fields and creation of the car park would reduce the openness of the Green Belt. They state that it is for the County Planning Authority to determine whether the circumstances that have been submitted with the application would outweigh the potential harm of the proposal to amount to very special circumstances. They also consider that as well as Green Belt and the historic environment, the impact on ecology and biodiversity, highway safety and traffic issues, and the character and appearance of the school and the surrounding area should be taken into consideration.

40. **Bromsgrove District Council's Conservation Officer** has referenced that St Mark's Church and the 19th century school buildings are considered to be non designated heritage assets. They have referenced Policy BDP20 Managing the Historic Environment of the Bromsgrove District Plan, which sets out that the District Council will support development proposals, which sustain and enhance the significance of heritage assets, including non-designated heritage assets. They also reference paragraph 197 of the NPPF, which refers to the need to undertake a balanced judgement having regard to the scale of any harm ... and the significance of the heritage asset'. Due to the location, massing and proposed materials for the extension, they consider it unlikely that the proposed building would impact on the setting and, therefore, the significance of the original school buildings or St Mark's Church. The removal of the temporary classrooms is considered to benefit the setting of the original school buildings.

41. **Belbroughton Parish Council** supports the planning application in principle, but with various provisos and prior to any approval, the County Planning Authority takes all required steps in order to mitigate the impact of the proposed expansion of the school on the local community and all road users in the vicinity of the school. Specifically the health and safety of the school children in respect of traffic movements require addressing with imposed traffic management measures. In conjunction, they also want consideration to be given to addressing the resultant increase in air pollution arising from traffic movements in the vicinity of the school and the impact this would have on children generally and specifically asthma sufferers.

42. **Worcestershire Regulatory Services (Noise, Dust and Vibration)** have no objections.

43. **Worcestershire Regulatory Services (Air Quality)** have no objections.

44. **Worcestershire Regulatory Services (Contaminated Land)** have no objections.

45. **Worcestershire Wildlife Trust** have no comments to make and are content to defer to the County Ecologist.

46. **The County Ecologist** has no objections, subject to the imposition of appropriate conditions requiring a pre-commencement site inspection to be undertaken for mobile species such as badger, ensuring that works that would impact on vegetation to be undertaken outside the period 1 March to 31 October, and the submission and approval of a Landscape and Ecological Management Plan (LEMP) and a lighting plan.

47. **The County Landscape Officer** has no objections to the scheme and has also referenced the need for a condition relating to a LEMP.

48. **The County Travel Plan Officer** has no objections to the proposal and is content with the submitted Travel Plan, subject to implementation of remaining outstanding actions.

49. **The County Highways Officer** has no objections to the proposal, subject to the imposition of conditions requiring the parking and turning facilities to be provided prior to the development being brought into use, the submission and approval of a Construction and Environmental Management Plan (CEMP) for highways, and that the electric vehicle charging facility and accessible parking space are provided in accordance with details yet to be submitted and agreed.

50. They note that the existing First School site is located off the B4091 Stourbridge Road, which is a classified road. They note that the school has restricted access off a very narrow drive with residential houses opening directly onto the drive leading to the school and the proposed development. There are no changes proposed to the existing vehicular or pedestrian access, good visibility is achieved in both directions from the exiting access. Stourbridge Road benefits from footpaths and street lighting on both sides of the road with parking restrictions in force located opposite the existing vehicular access in the vicinity. The proposal includes relocating of the existing car parking spaces, this would include additional and replacement staff parking to give a total of eight car parking spaces (one of which is for disabled users and one with an electrical vehicle charging point). The applicant has indicated that during the build, the area currently occupied by the tenant farmer would be used as the contractor's compound. Public consultation by the applicant highlighted the following concerns which have been considered within the School's new Travel Plan:

"There was some concern from the residents who share the school access road about the potential for disruption during construction. We will work with the school and the contractor to ensure disruption is minimised and that the contractor has a strict procedure for taking deliveries on to site.

Other comments concerned the increase in traffic from the increased pupil numbers to the school and the already difficult start and end to the day".

The applicant has confirmed that:

“The construction site access will be from the Stourbridge Road. The contractors will be advised that approach to the school for deliveries will be via a banksman service whereby every delivery is supervised from the road to the contractors' compound to the rear of the site. The road to the front of the houses is not owned by Worcestershire County Council”.

51. Based on the analysis of the information submitted, the County Highways Officer concludes that there would not be an unacceptable impact on the highway and, therefore, there are no justifiable grounds on which an objection could be maintained.

52. **The County Archaeologist** has no objections to the proposal.

53. **The County Footpath Officer** comments that the definitive line of Belbroughton footpath BB-669 is adjacent to the application site. They consider that the proposal would have no detrimental effect on the public right of way provided that the applicant adheres to their obligations to the public right of way.

54. **The County Sustainability Officer** is encouraged that the development proposal would exceed the requirements for energy set out in Building Regulations. They would like to see the development continue to strive to meet BREEAM ‘very good’ as set out in Policy BDP19 of the Bromsgrove District Plan. The County Sustainability Officer welcomes the fabric first approach and is supportive of the proposed electric vehicle charge point. The following additional measures are suggested to ensure the buildings ability to cope and remain operational in the future.

- Wide gutters with emergency overflow points provide for periods of sudden intense rain.
- Outdoor shading for the building in summer i.e. shading making the space usable in hotter weather and providing flexible shading for the windows to reduce the internal temperature increase expected from direct sunlight.
- The provision of green space allowing for recreational space to bring out health and societal benefits but also for more natural cooling of built up areas.
- Water butts to enable rainwater harvesting for outdoor use/planting and growing;
- Consideration of a green/sedum roof to help to slow/decrease run off during times of heavy rain.

55. They welcome the use of permeable paving in the development to address surface runoff. They also welcome the provision being made for a new Forest School area which would be an added educational resource and are very supportive of inclusion of targets as set out in the WCC's Sustainable Design Guide.

56. **Natural England** wishes to make no comments, but has referred the County Planning Authority to their Standing Advice to assess impacts on protected species.

57. **North Worcestershire Water Management** have no objections to the proposal. They note that the site falls within Flood Zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding. Similarly, they hold no reports of flooding on site or in the immediate vicinity. North Worcestershire Water Management are satisfied with the proposed drainage scheme.

58. **Severn Trent Water Limited** have no objections to the proposal, subject to the imposition of conditions relating to the submission and approval of drainage plans for the disposal of foul and surface water flows.

59. **West Mercia Police** have no objections to the proposal.

60. **Hereford & Worcester Fire and Rescue Service** - no comments received.

61. **Health and Safety Executive (HSE) (Planning Advice Web App)** comments that the proposed development site is not currently located within the consultation distance of a major hazard site or major accident hazard pipeline; therefore, at present the HSE does not need to be consulted on any developments on this site.

Other Representations

62. The application has been advertised in the press, on site and by neighbour notification. To date, ten letters of representation, including one from Fairfield Village Community Association, have been received objecting to the proposal. These letters of representations are available in the Members' Support Unit. Their main comments are summarised below:

Green Belt

- Development is inappropriate. The school has been extended from its original size throughout the 1960s and 1980s, but retains much of its character. The current proposal of a net increase of approximately 166 square metres would result in a gross internal floorspace following development of approximately 920 square metres, an increase since 2010 of 79.69%. They point to the buildings that existed in 1948 and that the Design and Access Statement references that the school has been extended by more than 300% since 1 July 1948 and that, therefore, the proposal would be a disproportionate addition over and above the size of the original building.
- Substantial weight should be given to any harm to the Green Belt and that the very special circumstances referenced by the applicant is not sufficient justification. No local development is planned within a one mile radius of the school and no projected changes to the number of children attending the school that reside within one mile radius of the school and the increased capacity is to meet the needs of there being a shortage of First School places across Bromsgrove District. It is understood that Hanbury First School would also increase its pupil size to help meet demand by 15 children. Therefore, with the acknowledgement that a new built school is required and there being alternative schools nearer to where children live that should be considered for expansion, no very special circumstances have been given to justify loss of openness in the Green Belt. The applicant has not detailed any alternative site assessments, reasons why the new school cannot be built or why an expansion at an existing non-Green Belt school, to accommodate short and mid-term town requirements, has not been considered.
- The proposal of non-mixed year group classrooms that would benefit a child's educational developments has not been proven. It is not conclusive that by

changing the classroom structure the delivery of a consistent level of challenge in mathematics and writing would be achieved.

- Since there is no evidence that future demand for schooling places at Fairfield First School would remain high and that any works proposed will enhance the delivery of education at the school, 'very special circumstances' on educational and establishment sustainability do not exist, and harm to the Green Belt clearly outweighs other considerations.

Highways, Parking and Transportation

- Objects as there is not enough parking. Concerned that cars already park on the side of the road and that to add 35 additional school places could mean an additional 35 cars parked on the road.
- Objects, as School Drive is not a designated road and is a narrow drive (at its narrowest point it is approximately 2.9 metres wide). References problems with speeding traffic and parking at the start and end of day leading to congestion, and that footpaths are regularly obstructed by parked cars. Other school events such as parent's evening and assemblies lead to congestion for longer periods of time. The proposal would increase air pollution, and traffic and there would be additional car movements and parking problems. Vehicles sometimes park on the yellow zig-zag lines outside of the entrance of the school. Concerned that the proposal would increase risk to pedestrians and residents using and living on school drive. Emergency vehicles have been delayed due to inconsiderate parking.
- Concerned about construction vehicles and where staff would park vehicles during construction and that if this is on the Parish Council car park on the recreation ground, this would reduce the number of spaces available for parents, thus forcing them to park on the Stourbridge Road further exacerbating the current parking problem. They state that the applicant has not indicated where construction operatives and school staff would park and that there could be impact on business trade if customer parking was lost.
- No suitable public transport links are suitable for start and end of the school day and that one of the bus services (322) no longer operates. Residents have suggested a 'walking bus' or enabling parents to drop off from 08:30 hours with pupils being supervised by a member of school staff. Most pupils come from outside of the village, therefore, there would be an increase in traffic from outside of the village.
- Public parking is limited to Stourbridge Road and the Parish Council Recreation Ground and that there is not a District Council car park. Concerned that the proposed increase in parking spaces and hardstanding at the school site would likely see an over occupancy.
- The applicant has not addressed increased pedestrian risk nor mitigated increased vehicle traffic and congestion in the village. Concerned that there have been accidents as a result of parking cars and that there could be further accidents, causing serious injury or fatality.

- Concerned about the amount of heavy traffic that would service the proposed extension, including the amount of weight against the foundations, and traffic hitting the properties. They want to make sure that school drive is swept and kept clear of mud and debris. Also queries whether there is any other viable route for construction vehicles to access the site, as the previous extension to the school was accessed via the playing field.
- Comments have been received about ensuring that dilapidations to School Drive, property and the church wall must be restored to the condition they were in prior to the commencement of the proposed construction.
- Believes that more needs to be done to attract more visitors into the village through provision of more houses before an expansion of the school is warranted.

The Head of Strategic Infrastructure and Economy's Comments

63. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

64. Of particular relevance to this proposal is paragraph 94 of the NPPF, which states that *"it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted".

Green Belt

65. Letters of representation have been received objecting to the proposal on Green Belt grounds. In particular, Fairfield Village Community Association considers that the proposed application would result in disproportionate additions over and above the size of the original building and have referenced paragraph 145 of the NPPF in support of their comments. Paragraph 145 of the NPPF sets out in what situations, the construction of new buildings is not inappropriate. This includes the exception referenced in Paragraph 145 c) of the NPPF, which states *"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"*. The supporting text to Policy BDP4 Green Belt in the Bromsgrove District Plan states that *"there are huge variations in terms of the size for non-residential buildings in the Green Belt across the District it is considered inappropriate to impose a percentage threshold on proportionate extensions"*.

66. The introduction to Section 13 of the NPPF states that *"the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics*

of Green Belts are their openness and their permanence. The NPPF states that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns merging into one another;*
- to assist in safeguarding the countryside from encroachment;*
- to preserve the setting and special character of historic towns; and*
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".*

67. Paragraphs 145 to 147 of the NPPF identify certain forms of development as not inappropriate. Policy BDP4 Green Belt of the Bromsgrove District Plan and specifically BDP4.4 sets out that the development of new buildings in the Green Belt is considered to be inappropriate, except in a number of circumstances. It is considered that the proposal would not fall within the categories of development set out in Paragraphs 145 to 147 of the NPPF or Policy BDP4 of the Bromsgrove District Plan and, therefore, constitutes inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

68. In assessing the harm to the openness of the Green Belt, it is considered that the proposal would be mainly visually contained to the immediate setting of the school. The existing school is well set back from Stourbridge Road, and the proposed extension would be set down and set back from the existing school. Views of the site from Stourbridge Road, which lies broadly to the west of the site, would generally be limited due to the siting of the proposed extension and the presence of intervening buildings. The presence of existing vegetation, including to the south and east of the site, would mean that views would be mainly limited to distant views. The extension would be read in the context of the existing school building. The proposal would replace an odd mobile classroom with new build, and would overall only provide approximately 117 square metres of additional floor space. Nonetheless, the proposed development would reduce the openness of the Green Belt in as much as built development would be introduced where it does not currently exist. In view of the above matters, it is considered that the proposal would lead to a moderate loss of Green Belt openness and would, therefore, conflict with paragraph 133 of the NPPF.

69. The temporary modular building that currently provides two classrooms has been on site since 1995, and has now reached the end of its life. The applicant has also stated that one of the mobile classrooms had to be closed on 4 November 2019 due to the roof leaking over the half-term break. This project would replace these poor quality classrooms with permanent accommodation in the new extension. The project would replace an old inefficient temporary mobile classroom, which measures approximately 156 square metres with a new build, which measures approximately 273 square metres in area. Therefore, only approximately 117 square metres of additional floor space would be provided.

70. The NPPF states that *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*. As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal with other circumstances

in order to ascertain whether very special circumstances exist which justify granting planning permission.

71. Various 'very special circumstances' have been submitted by the applicant to seek to justify the proposed development.

72. The applicant has referenced the lack of available land which is not Green Belt, on which the extension could be built as the entire school site and surrounding land is situated within the Green Belt. The applicant goes on to state that:

73. *"There is a need to increase the Pupil Admission Number (PAN) at Fairfield First School to meet the growing educational demand for primary school places in the Bromsgrove area. It would build upon the school's recent 'Good' Ofsted grading by offering continued high quality education in the north side of Bromsgrove to accommodate more children in a village setting and would alleviate previous admission issues by being able to take more children. The school has filled the current PAN of 23 for at least the last 10 years, whilst having a waiting list. Even if the Perryfields & Whitford Road developments are approved, it is currently anticipated that a new school would not be built until sometime during 2022/23 whereas the extra places at Fairfield First School are needed by September 2020.*

74. *It would assist with the consistent organisation of classes (i.e. single aged groupings) with the removal of split age classes, to fit in with the majority of surrounding schools. It would help ensure activities such as curriculum development; school-to-school collaboration and moderation can be more easily accessed and would ensure rigour to all school judgements. It would also increase the academic standards at Fairfield First School, with staff more able to focus upon single year groups. It would go some way to ensuring the financial sustainability of Fairfield First for future years.*

75. *The building would be designed to the high levels of environmental sustainability as set out by WCC in their 'Sustainable Design Guide' March 2019 which focusses on delivering cost effective, sustainable and healthy buildings. The building would use the WCC Trade Preambles for the building services. The building would meet the WCC target that all new build schools will attain 35kWh/m² for heat, 35-40kWh/m² for electricity with an overall carbon target of 22kg/CO₂/m². These exceed the energy efficiency targets in the Building Regulations. The applicant has stated that they would follow good practice in specifying materials, making use of the BREEAM 'Green Guide' and drawing on experience of products already used successfully in many of the County Council's buildings. They have also referenced that they would make sustainable and informed choices when selecting furnishings and electrical equipment.*

76. *As with other recent schools created for Worcestershire County Council, the key sustainability principles for the school are a 'fabric first' approach minimising the space heating requirements for the lifetime of the school, by using increased insulation and airtightness standards well above building regulations standard. This would include secure natural ventilation: natural cooling of the building with secure night-time purging of heat using louvres at low and high level. The building would have low embodied energy, use renewable and recycled materials.*

77. Photovoltaic panels are proposed to be positioned on the south / south-east facing roof of the new classrooms as this roof has the best orientation for operational efficiency of the panels. The new panels comprising of between 12 and 16 PV panels would contribute to meeting a minimum of 10% of the predicted energy needs of the building.

78. Positioning the extension to the rear of the site would release open space at the front and greatly enhance the setting of the adjacent Victorian Church and the original Victorian part of the school. The extension is scaled so that it would be a proportionate addition to the size of the original building. It would be positioned in a linear relationship to the existing school to the rear of the site so that it would maintain the openness of the site. The released area will also increase the available outdoor hard play area for the children, which is currently undersized.

79. The proposed planting schemes and change of use from agricultural land to the school's Forest school area would enable the environmental character of the land to be enhanced, with planting around the new car park providing a visual screen to the staff cars.

80. Schooling would be provided for local children who may otherwise have had to travel out of the area, therefore, increasing travel distance and times, with a corresponding negative environmental effect on the environment.

81. Sustainable drainage would be used on the site to ensure that the new development would not have a detrimental impact.

82. The two fields would enhance the school's Forest School provision and as part of the project, two trees, new hedgerow and a new wildlife meadow will be provided.

83. Even if another school is to be expanded to help with accommodating additional need for education provision, paragraph 94 of the NPPF refers to giving great weight to the need to expand schools".

84. The proposed height and scale of the proposal would limit the impact on the openness and visual amenity of the Green Belt. The proposal is for a site where there is existing built development and it is considered that the proposal would not result in urban sprawl or unacceptable encroachment into the countryside. The Head of Strategic Infrastructure and Economy considers 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, means that very special circumstances have been demonstrated in the proposal, which includes a three classroom extension, that would outweigh the harm to the Green Belt. Consequently, the Head of Economy and Infrastructure considers that, the other considerations in this case clearly outweigh the harm to the Green Belt.

85. If planning permission is granted for this proposal, it would be a departure from the Development Plan as the proposed development would be located within the Green Belt. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is only required to consult the Secretary of State for the Ministry of Housing, Communities and Local Government on new buildings in the Green Belt, it intends to approve, that exceed 1,000 square metres or any other development which, by reason of its scale or nature or location, would have significant

impact on the openness of the Green Belt. The Head of Strategic Infrastructure and Economy considers that the proposed development would not have a significant impact on the openness of the Green Belt and furthermore, as the floorspace of the proposed extension would be less than 1,000 square metres (measuring a total of approximately 273 square metres), it would not need to be referred to the Secretary of State if members are minded to approve the application.

Landscape Character, Visual Impact and Residential Amenity

86. The nearest existing residential properties to the proposed extension are those situated on the access road that serve the existing school buildings. These residential properties are located approximately 85 metres from the proposed extension.

87. The proposed extension would be constructed to the rear of the existing school. The extension would be built on the same alignment as the existing building where it would adjoin the existing eastern wall of the school building. The northern elevation of the proposed extension would then be stepped back from the school hall.

88. The scale and form of the proposed pitched roof extension at a height of approximately 7.5 metres would sit lower than the neighbouring hall, which is approximately 9.5 metres in height, and would match the pitch of the lower roofs on the Victorian building. The forms and materials of the new works are proposed so that they would follow those of the existing school buildings. External facing materials would, therefore, include render with blue brick plinth, fibre cement wood effect cladding boards, aluminium and timber composite windows and louvres with main entrance doors in powder coated thermally broken aluminium to match existing with plain tile clay roof tiles.

89. Whilst the school site is in an elevated position, the proposed extension would be read in the context of the existing school building. Due to the proposed step back and the low ridge height when compared to the existing hall, the proposed extension would not be a notable or dominant feature in the landscape.

90. The County Landscape Officer has been consulted and has raised no objections to the proposal, subject to the imposition of appropriate conditions.

91. In respect to noise and dust impacts, Worcestershire Regulatory Services have raised no objections to the proposal.

92. In view of the above, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions, the scale, massing and design of the proposed development would not have an adverse or detrimental visual impact. Furthermore, it is considered that the proposed development due to the distances involved, would not cause any unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due its design, size and location.

Traffic and Highway Safety

93. A number of letters of representation objecting to the proposal have been received from local residents, as well as from Fairfield Village Community Association who have concerns including the parking in the vicinity of the site, the impact of additional traffic including on air quality, congestion, and highways safety reasons, as

well as potential concerns about the impact of construction traffic. Comments also relate to the lack of public transport links.

94. It is noted that paragraph 109 of the NPPF states *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

95. The planning application was accompanied by a School Travel Plan, which was developed using the County Council's Mode Shift Stars.

96. Parking for parents is available in the neighbouring recreation ground car park, by local agreement with Bromsgrove District Council.

97. Due to the positioning of the proposed new building on the existing car park, it is proposed that the existing car parking at the school would be provided in the adjacent field where the former agricultural building has been demolished. The applicant considers that as the tenant farmer does not now occupy the land, traffic using the land has reduced. The applicant is seeking to provide a total of eight car parking spaces, one of which would be an accessible space and one which would provide an electric vehicle charging point. This would provide two additional car parking spaces and provide one space per full-time teacher for the school.

98. The County Highways Officer has been consulted and has raised no highway objections to the proposal, subject to the imposition of appropriate conditions. They note that the existing First School site is located off the B4091 Stourbridge Road a classified road. It is noted that the school has restricted access off a very narrow drive with residential houses opening directly onto the drive leading to the school and the proposed development. There are no changes proposed to the existing vehicular or pedestrian access, good visibility is achieved in both directions from the exiting access. Stourbridge Road benefits from footpaths and street lighting on both sides of the road with parking restrictions in force located opposite the existing vehicular access in the vicinity. The applicant has indicated within the Design & Access Statement submitted that during the build, the area currently occupied by the tenant farmer would be used as the contractor's compound. Public consultation by the applicant highlighted the following concerns which have been considered within the School's new Travel Plan:

"There was some concern from the residents who share the school access road about the potential for disruption during construction. We will work with the school and the contractor to ensure disruption is minimised and that the contractor has a strict procedure for taking deliveries on to site."

Other comments concerned the increase in traffic from the increased pupil numbers to the school and the already difficult start and end to the day".

99. The applicant has confirmed that:

"The construction site access will be from the Stourbridge Road. The contractors will be advised that approach to the school for deliveries will be via a banksman service whereby every delivery is supervised from the road to the contractors'

compound to the rear of the site. The road to the front of the houses is not owned by Worcestershire County Council”.

100. The applicant has stated that the existing access driveway to the school is not registered with HM Land Registry and, therefore, it is not known who owns it. The access road is narrow and it is acknowledged that this is used by different users, including those seeking to access their properties, the school and as one of the routes to access the recreation ground.

101. The applicant has stated that there would be no deliveries between 07:30 and 9:00 hours and 14:30 and 16:00 hours on weekdays, in order to help keep the access clear. A condition is recommended to this effect.

102. The County Highways Officer states that they have undertaken a robust assessment of the planning application, and based on this analysis, they conclude that there would not be an unacceptable impact and, therefore, there are no justifiable grounds on which an objection could be maintained. The applicant has stated that the contractor would be instructed to bring only small vehicles up the drive and all deliveries must be accompanied by a banksman. They have also referenced that they have designed the building so it does not have any very large items and that, therefore, these would be able to be delivered via the existing access road. Furthermore, no objection has been received from Worcestershire Regulatory Services in respect of vibration or air quality.

103. Some members of staff use the bus services. The Travel Plan does recognise that historically pupils have not used public bus to access the school, but instead refers to other measures such as car share for example, to encourage modal shift. The Travel Plan also acknowledges that there is sometimes a conflict with staff cars and pedestrians. The County Travel Plan Officer has no objections and is content with the Travel Plan, subject to implementation of remaining actions.

104. The applicant has confirmed that during the build, the area formerly occupied by the tenant farmer would be used as the contractor’s compound.

105. In light of the above, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, subject to the imposition of appropriate conditions.

Other Matters

Crime

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

Historic Environment

107. The Grade II Listed Buildings of Fairfield House and barn, stable and granary are located about 400 metres, broadly to the north-west of the proposal. No. 188 Stourbridge Road also lies about 500 metres broadly north of the proposal and Yew Tree Farmhouse lies about 700 metres, broadly to the south of the proposal.

108. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

109. Paragraph 190 of the NPPF states that *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

110. Paragraphs 193 and 194 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) Grade II Listed Buildings...should be exceptional..."*.

111. Paragraph 196 of the NPPF states that *"where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

112. Paragraph 197 of the NPPF states that *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.

113. It is considered that the proposal, due to the change in ground levels and intervening building and boundary treatment, would be well screened from views from the Grade II Listed Buildings of Fairfield House and barn, stable and granary are located about 400 metres, broadly to the north-west of the proposal. No. 188 Stourbridge Road also lies about 500 metres broadly north of the proposal and Yew Tree Farmhouse lies about 700 metres, broadly to the south of the proposal. Therefore, it is considered that the proposal would not have any adverse impact upon the listed buildings.

114. With regard to the non-heritage assets of St Mark's Church and the original school buildings, due to the location, massing and proposed materials for the extension, it is considered that the proposed extension would not impact upon the setting and, therefore, significance of the original school buildings or St Mark's

Church. The removal of the temporary classrooms would also benefit the setting of the original school buildings.

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

Ecology and Biodiversity

116. The application was accompanied by a Preliminary Ecological Appraisal (PEA). The County Ecologist has been consulted and has no objections, subject to the imposition of appropriate conditions.

117. In view of the above, 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 ecology and biodiversity at the site or in the surrounding area, and would enhance the application site's value for biodiversity.

Water Environment

118. The applicant has set out that the new foul drainage to the extension would be connected to the existing sewers within the site which in turn would be connected to the Seven Trent Water Limited public sewer network in the Stourbridge Road. There would be a small increase in the peak flow rate from the site to the public sewer due to the increase in pupil numbers.

119. The storm drainage to the existing hall and to the new extension would be taken to a new soakaway on site. The existing soakaway for the hall would be abandoned as it would lie beneath the proposed extension. There would be no connection of storm water to the public sewer system. The applicant is proposing to use permeable paving and permeable blocks for the proposed car park area.

120. Severn Trent Water Limited (STWL) have been consulted and have raised no objections to the proposal, subject to the imposition of appropriate conditions. As North Worcestershire Water Management are satisfied with the drainage design, a condition is only recommended relating to the disposal of foul water fowls in order to satisfy STWL.

121. 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.

Waste

122. The applicant has stated that the existing arrangements are that there is a bi-weekly general waste collections by Bromsgrove District Council (yellow bin) and that they use R & S Recycling for their waste paper and cardboard (red bin). Any waste / leftover food from lunchtimes is taken back to the caterers' premises to be disposed of. The school also has three compost bins, which their Eco Committee use for decomposable waste, such as waste fruit. They also have a number of initiatives set up by their Eco Committee to seek to combat waste going to landfill. This includes

used battery collections, printer cartridges and school uniform collections. The applicant has confirmed that they do not envisage that the additional children and staff would create enough waste for these arrangements to change.

123. The proposed development would provide accommodation for an additional 32 pupils and two additional staff. It is considered that the existing waste and recycling arrangements would be sufficient to cater for the increase in pupil and staffing numbers.

Conclusion

124. The proposed development is located within the West Midlands Green Belt. It is considered that the proposal would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

125. The proposed height and scale of the proposal would limit the impact on the openness and visual amenity of the Green Belt. The proposal is for a site where there is existing built development and it is considered that the proposal would not result in urban sprawl or unacceptable encroachment into the countryside. The Head of Strategic Infrastructure and Economy considers 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, means that it is considered that very special circumstances have been demonstrated in this instance that would outweigh the harm to the Green Belt. Consequently, the Head of Economy and Infrastructure considers that the other considerations in this case clearly outweigh the harm to the Green Belt.

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

127. The County Highways Officer states that they have undertaken a robust assessment of the planning application, and based on this analysis, they conclude that there would not be an unacceptable impact and, therefore, there are no justifiable grounds on which an objection could be maintained. The Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, subject to the imposition of appropriate conditions.

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

129. The County Archaeologist has been consulted and has raised no objections to the proposal. The District Council's Conservation Officer also makes no adverse comments. In view of this, the Head of Strategic Infrastructure and Economic

considers that the proposal would not have an adverse impact upon the historic environment.

130. 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 ecology and biodiversity at the site or in the surrounding area, and would enhance the application site's value for biodiversity.

131. 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 ecology and biodiversity at the site or in the surrounding area, and would enhance the application site's value for biodiversity.

132. 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 is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

133. The Head of Strategic Infrastructure and Economy recommends 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.

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

Case Officer: John Spurling, Principal Planner, Development Management:

Tel: 01905 846809

Email: jspurling@worcestershire.gov.uk

Steven Aldridge, Team Manager – Development Management

Tel: 01905 843510

Email: saldridge@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 19/000035/REG3.



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Ordnance Survey 100024230.

0 50 250 500 metres

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.
19/000035/REG3

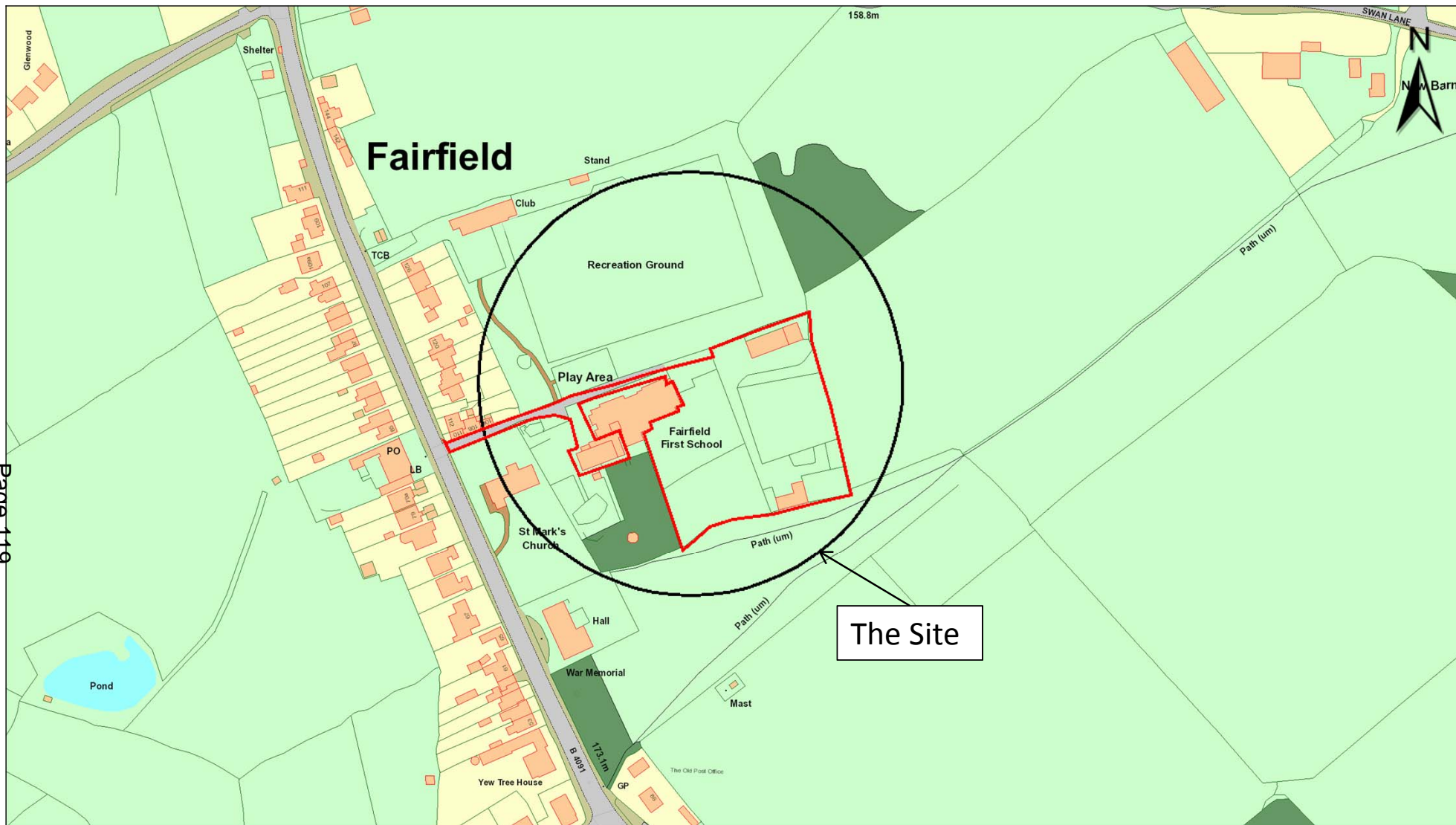
Indicative Scale: 1:10,000

Date Printed: 4/11/2019



Countryside Service
Worcester Woods Country
Park
Wildwood Drive
Worcester
WR5 2LG

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Ordnance Survey 100024230.

Indicative Scale: 1:2,500

Date Printed: 4/11/2019

0 20 100 200 metres

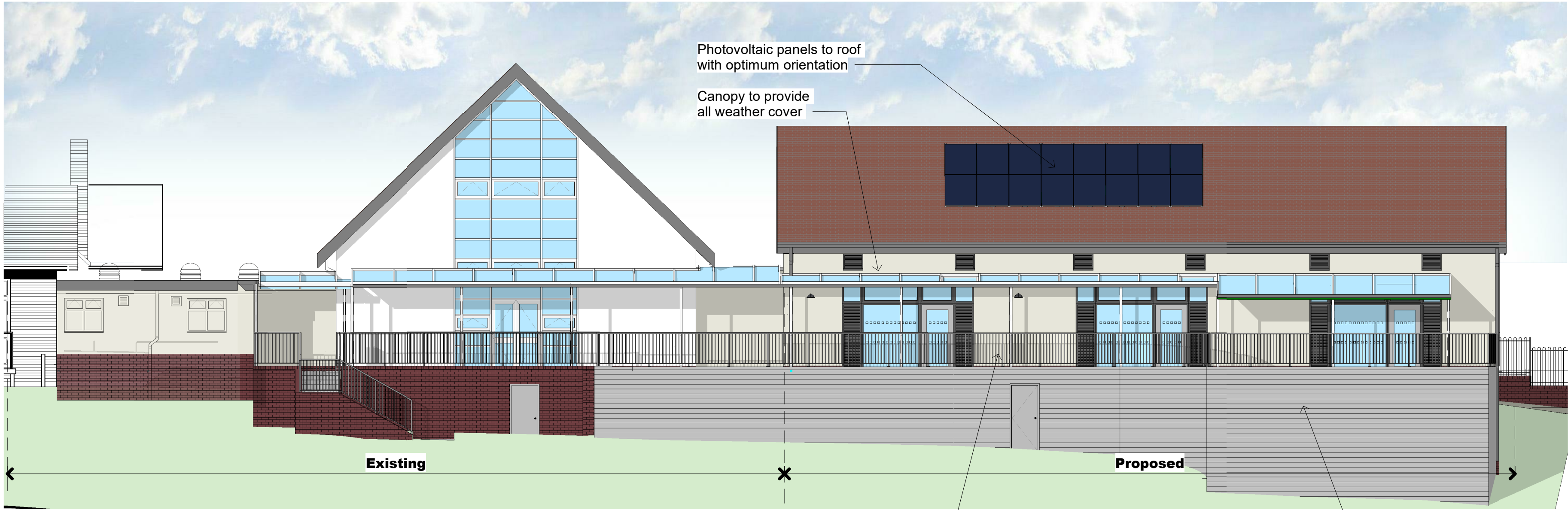
Proposed three classroom extension, demolition of temporary double mobile classrooms, new car park and Change of Use from Agriculture to Educational use for two adjacent fields at Fairfield First School, Stourbridge Road, Fairfield, Worcestershire.
19/000035/REG3

 **worcestershire**
county council

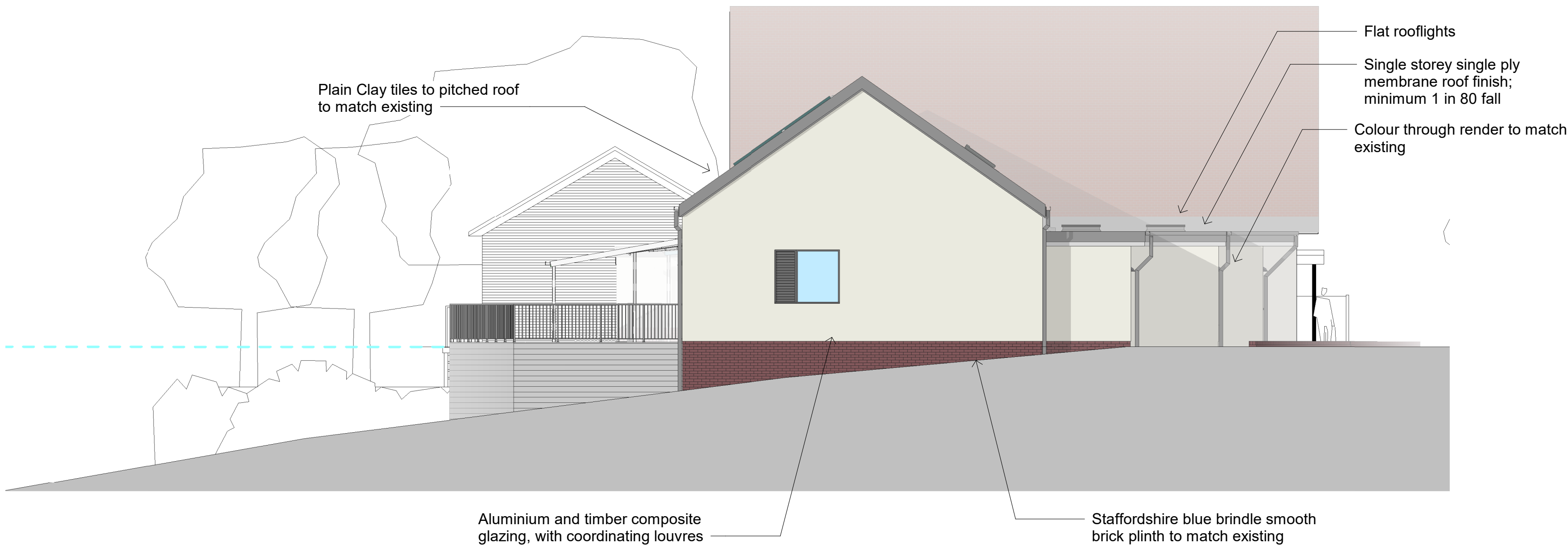
Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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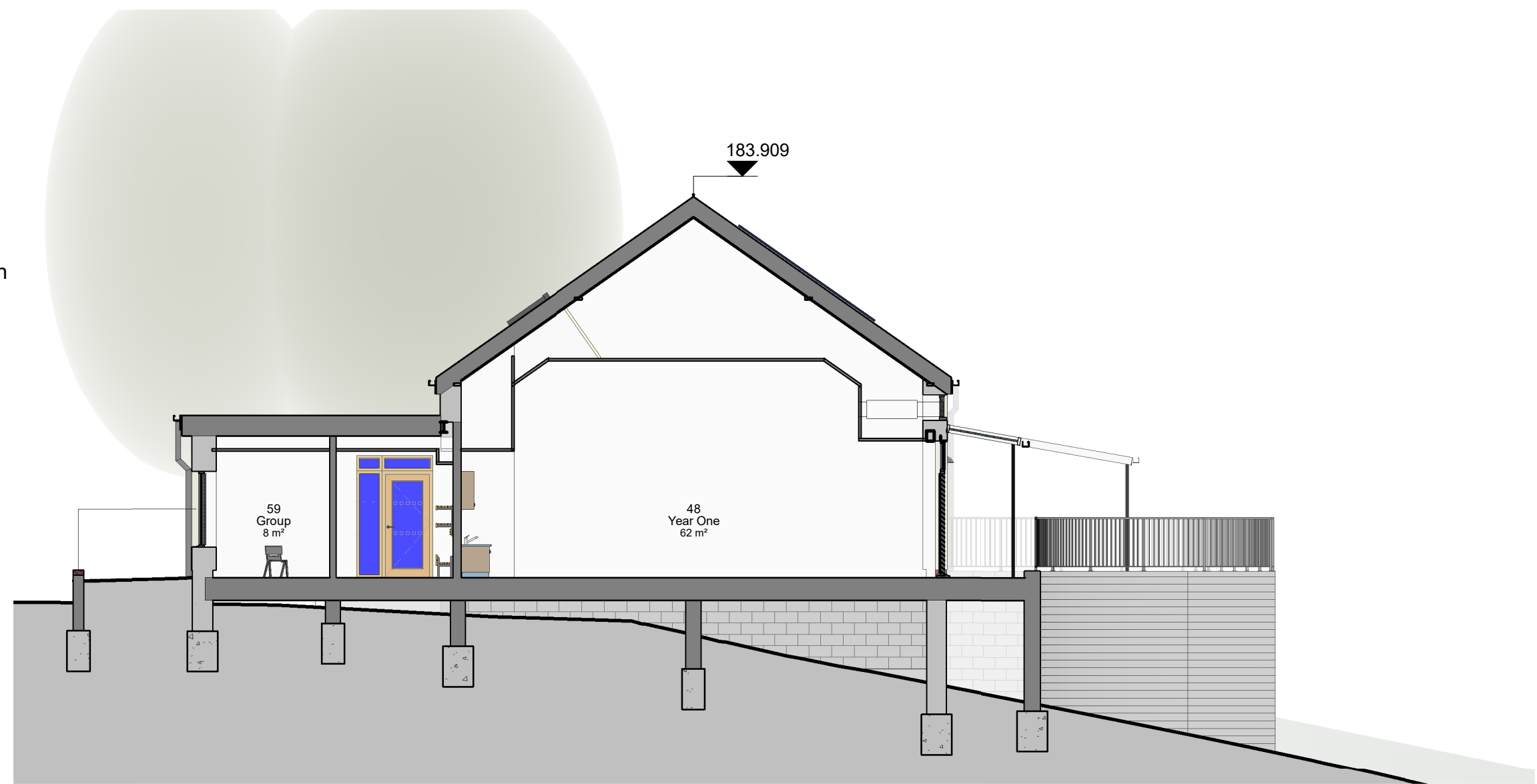
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1 Proposed South East Elevation
1 : 100



2 Proposed North East Elevation
1 : 100



4 Cross Section
1 : 100



3 Proposed North West Elevation
1 : 100

| Rev | Date | Description | Drawn | Issued | Rev'd | Aprv'd |
|--|------|-----------------------------------|-------|--------------|-------|--------|
| Revision Schedule | | | | | | |
| <div><div><div><div><div></div><div></div></div><div><div><div>JACOBS®</div><div>2 Colmore Square, 38 Colmore Circus, Queensway, Birmingham B46BN</div><div>Tel +44 (0)121 237 4000</div><div>www.jacobs.com</div></div></div></div></div></div> | | | | | | |
| Client | | | | | | |
| Worcestershire County Council | | | | | | |
| Project | | | | | | |
| Fairfield First School, Bromsgrove, Expansion to PAN 30 | | | | | | |
| Drawing title | | | | | | |
| Proposed Section and Elevations | | | | | | |
| Drawing Status | | | | | | |
| Planning | | | | | | |
| Scale | | 1 : 100 | | DO NOT SCALE | | |
| Jacobs No. | | | | | | |
| JPI No. | | BW40005L QCA-JAC-00-GF-DR-A- 0101 | | | | |
| Drawing Number | | Sheet No. | | | Rev | |
| BW40005L QCA-JAC-00-GF-DR-A- 0101 | | | | | | |
| This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions. | | | | | | |

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