

**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**

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**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 rationale 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

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Specific Contact Points for this report

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## **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.