

**PLANNING AND REGULATORY COMMITTEE
3 DECEMBER 2019****PART-RETROSPECTIVE APPLICATION FOR THE
OPERATION OF A MORTAR BATCHING PLANT, ERECTION
OF ASSOCIATED SILO STORAGE UNITS AND
AGGREGATE BINS AND VEHICLE REPAIRS WORKSHOP
AT WILDMOOR QUARRY, SANDY LANE, WILDMOOR,
NEAR BROMSGROVE, WORCESTERSHIRE**

Applicant

Mortar and Screed Company Limited

Local Member

Mrs S A Webb

Purpose of Report

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

Background

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

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

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

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

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

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

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

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

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

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

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

The Proposal

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

13. The mortar plant comprises plant and machinery including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Site

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

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

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

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

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

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

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

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

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

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

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

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

Summary of Issues

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

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

Planning Policy

National Planning Policy Framework (NPPF)

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

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

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

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

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

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

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

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

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

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

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

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

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

The Development Plan

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

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

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

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

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

Bromsgrove District Local Plan

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

Policy BDP1 Sustainable Development Principles

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

Emerging Minerals Local Plan

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

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

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

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

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

Consultations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Representations

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

Public Rights of Way

- Adverse impacts upon Public Rights of Way.

Traffic and Highway Safety

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

Air Pollution

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

Dust

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

Noise

- Adverse noise impacts from the plant and HGVs.

Light Pollution

- Adverse light pollution from the site.

Working Hours

- Extensive working hours.

Environment

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

Water Environment

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

Visual Impact

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

Green Belt

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

Economic Development

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

Consultation

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

Other Matters

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

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

The Head of Strategic Infrastructure and Economy's Comments

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

Green Belt

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

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

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

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

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

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

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

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

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

108. As the proposed development is for a mortar batching plant for the utilization of minerals, which is an industrial process (secondary processing), it is considered this is over and above what is necessary to facilitate the extraction of minerals from the

site. Whilst the development includes the extension of the yard area, which is an engineering operation, it is noted that it also includes substantial external fixed structures and plant, increasing the built appearance of the quarry and impacting upon the openness of the Green Belt.

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

110. In view of the above matters, it is considered that the development as a whole would also not fall within the categories of development set out in Paragraph 146 of the NPPF, and would constitute inappropriate development within the Green Belt.

111. In assessing the harm to the openness of the Green Belt, it is considered that the proposal would be visually contained to the immediate landscape setting of the quarry, which is well screened due to the topography of the site, intervening buildings and structures to the north and established trees and vegetation to the north and east of the site. The development partly re-uses an existing building, and the building extension only measures approximately 56 square metres in area, with a height of 6 metres. However, the proposal also includes the construction of substantial external plant and machinery, and associated infrastructure, with the cement silos being a prominent feature in the quarry, measuring approximately 15 metres high. The applicant is proposing that the whole development be removed upon completion of mineral extraction at Wildmoor Quarry and the site restored as part of the restoration of the wider quarry site, as required by extant planning permissions B.6048, 407219 and 107104, as such there would be no permanent spatial or visual impact on the Green Belt. The applicant has confirmed that the proposal generates a total of approximately 80 HGV movements and 46 staff car movements per day (40 HGVs and 23 staff cars entering the site and 40 HGVs and 23 staff cars exiting the site).

These HGV movements include mixer lorries, and mineral and cement imports to the site. The applicant has confirmed that the existing vehicle repairs workshop does not in itself create vehicle movements. Overall, it is considered that the degree of activity generated by the development would impact on the openness of the Green Belt.

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

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

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

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

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

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

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

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

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

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

Strategic Infrastructure and Economy considers that the mortar batching plant would be an ancillary operation to the existing and long established Wildmoor Quarry, involving the processing of at least 55% of the sand arising on site, being co-located and providing 'added value' to the wider mineral extraction operations at the site. Furthermore, it is considered that the proposal would provide a small number of direct employment opportunities (approximately 23 employees), as well as substantially contributing to the wider growth aspirations for the county through the supply of local mortar to the construction market.

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

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

Landscape character and visual impacts

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

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

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

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

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

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

127. Given the location of the development within the quarry void and being well screened by mature trees and hedgerows along the northern and eastern boundary, and intervening structures and plant associated with the Top Yard (District Council Ref: 17/00817/CPE) from views from Sandy Lane (A491), it is considered that the proposal would not have an adverse impact upon the character and appearance of the local area. Whilst views into the site are visible from along the Public Right of Way (Footpaths BB-675 and BB-676) and farmsteads located to the south and south-west of the quarry, it is considered that these are distant, transient and seen in the context of an operational quarry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Traffic, highway safety and impact upon Public Rights of Way

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

158. Based upon the advice of the County Highways Officer and County Footpath Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or users of the Public Right of Way, subject to the imposition of appropriate conditions.

Water environment

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

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

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

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

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

Ecology and biodiversity

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

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

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

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

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

Other matters

Economic impact

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

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

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

Heritage impacts

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

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

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

Infrastructure assets

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

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

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

Consultation

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

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

Monitoring and enforcement

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

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

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

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

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

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

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

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

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

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

Conclusion

188. The applicant is seeking planning permission for a part-retrospective application for the operation of a mortar batching plant, erection of associated silo storage units and aggregate bins and vehicle repairs workshop at Wildmoor Quarry, Sandy Lane, Wildmoor, Near Bromsgrove, Worcestershire.

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

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

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

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

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

193. With regards to visual impacts and landscape character, the Head of Strategic Infrastructure and Economy considers that given the location of the development within the quarry void and being well screened by mature trees and hedgerows along the northern and eastern boundary, and intervening structures and plant associated with the Top Yard (District Council Ref: 17/00817/CPE) from views from Sandy Lane (A491), it is considered that the proposal would not have an adverse impact upon the character and appearance of the local area. Whilst views into the site are visible from along the Public Right of Way (Footpaths BB-675 and BB-676) and farmsteads located to the south and south-west of the quarry, it is considered that these are distant, transient and seen in the context of an operational quarry.

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

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

emissions to air including dust emissions. Public Health England and the Environment Agency have also both raised no objections to the proposal. Based on this advice, and due to the location of the application within the void of Wildmoor Quarry, it is considered that, subject to the imposition of appropriate conditions that there would be no adverse air quality, noise, vibration or dust impacts on residential amenity or that of human health.

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

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

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

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

Recommendation

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

Approved Plans

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

Cessation

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

Throughput and Records

- c) **A maximum 33,750 tonnes per annum of sand shall be imported to the development hereby approved for the production of mortar, other than sand won from Wildmoor Quarry, planning permissions ref: 107104 and 407219;**
- d) **The quantity of sand imported to the development hereby approved for the production of mortar each day shall be maintained by the operator for the duration of the development, and made available to the County Planning Authority upon written request, within 5 working days of a request being made. An annual summary of these records for the period between 1 January to 31 December per year, shall be submitted to the County Planning Authority by the 31 January of the following year;**

Hours of Working

- e) **No operations, including any repair and maintenance of vehicles, plant and equipment within the development hereby approved shall take place outside the hours of 05:00 to 19:00 hours Mondays to Fridays, inclusive and between 05:00 to 13:00 hours on Saturdays and not at all on Sundays, Public or Bank Holidays. No machinery or equipment shall operate on the site outside these hours;**
- f) **Notwithstanding Condition e) above, no HGVs / mixer lorries associated with the development hereby approved, shall depart from or access the site except between the hours of:**
- **05:30 to 18:00 hours on Mondays to Fridays, inclusive; and**
 - **05:30 to 13:00 hours on Saturdays**

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

Construction Hours

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

Noise

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

Dust

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

Lighting

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

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

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

Pollution

- m) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels, overflow pipe outlets shall be detailed to discharge downwards into the bund;
- n) No materials shall be burnt on the site;

Highways

Within 3 months of the date of this permission, a scheme to prevent the deposit of mud, sand and debris on the public highway shall be submitted to the County Planning Authority for approval in writing. Thereafter, the approved scheme shall be implemented and maintained for the duration of the development hereby approve;

- o) All access to and egress from the site shall be via the existing quarry entrance and exit off the A491 Sandy Lane;**
- p) Signs shall be provided to the satisfaction of the County Planning Authority and erected on the applicant's own land, to ensure that drivers entering and leaving the site obey the west to east 'one way' system;**
- q) The access, turning areas and parking facilities shown on the drawing numbered: M11.119(f).D.044, Rev B shall be retained and kept available for staff, visitor and lorry parking at all times;**
- r) All loaded vehicles entering and leaving the site shall be enclosed or covered to prevent dust emission and spillage of materials on to the public highway;**
- s) Within 6 months of the date of this permission, the specification, location and timetable for the provision of at least 1 electric vehicle charging space to be provided on site, shall be submitted to the County Planning Authority for approval in writing. Thereafter, such spaces and power points shall be kept available and maintained for the use of electric vehicles only;**
- t) Within 6 months of the date of this permission, details, locations and a timetable for the provision of accessible car parking spaces to be provided on site, shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the spaces shall be kept available and maintained for use by disabled users only;**
- u) Within 6 months of the date of this permission, details, locations and a timetable for the provision of at least 1 secure motorcycle parking space shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the spaces shall be kept available and maintained for use by motorcycles only;**
- v) Within 6 months of the date of this permission, details, locations and a timetable for the provision of sheltered and secure cycle parking to comply with Worcestershire County Council's Streetscape Design Guide shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details and the cycle parking shall be kept available and maintained for use by bicycles only;**

Drainage

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

Biodiversity

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

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

Permitted Development Rights

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

Ancillary

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

Vehicle Maintenance and Repair Workshop

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

Planning Permission

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

Contact Points

County Council Contact Points

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Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

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:

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