

PLANNING AND REGULATORY COMMITTEE

25 OCTOBER 2022

PROPOSED DEMOLITION OF EXISTING SINGLE STOREY TEMPORARY CLASSROOM BLOCK, ERECTION OF NEW REPLACEMENT TWO-STOREY CLASSROOM BUILDING TO ACCOMMODATE 12 NO. CLASSROOMS, 4 OFFICES AND ANCILLARY SPACE, AND THE RELOCATION AND RECONFIGURATION OF THE EXISTING CAR PARK PROVISION AT WOLVERLEY CE SECONDARY SCHOOL, BLAKESHALL LANE, WOLVERLEY, WORCESTERSHIRE

Applicant

Worcestershire County Council

Local Members

Councillor Ian Hardiman

Purpose of Report

1. To consider an application under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for proposed demolition of existing single storey temporary classroom block, erection of new replacement two-storey classroom building to accommodate 12 no. classrooms, 4 offices and ancillary space, and the relocation and reconfiguration of the existing car park provision at Wolverley CE Secondary School, Blakeshall Lane, Wolverley, Kidderminster, Worcestershire.

Background

2. In 2006, Wyre Forest District Council saw the closure of its middle schools and the resultant was the rapid expansion of its secondary schools. The solution for the Wolverley CE Secondary School was the construction of temporary classrooms onsite.

3. The 14 temporary classrooms were erected on site in 2007 to accommodate 428 additional pupils and enable the school to change from a High School to a 7-form entry Secondary School (County Planning Authority (CPA) Ref: 07/000022/REG3, Minutes No. 516 refers). At the time, it was anticipated that permanent accommodation would be funded through the Government's Building Schools for the Future (BSF) programme.

4. Outline planning permission for the re-development of Wolverley CE Secondary School on this site (CPA Ref: 10/000004/REG3, Minute No. 692 refers) was granted in March 2010. However, due to the funding for the school redevelopment through the

BSF being withdrawn by the Government, and a decline in pupil numbers, the permission was not implemented and has since lapsed.

5. In May 2014, planning permission was granted to allow the retention of the temporary school buildings for a further period of two years, until 30 May 2016 (CPA Ref: 14/000008/REG3, Minute no. 875) with a requirement, under planning condition 3, that the land affected should be reinstated in accordance with details to be submitted and agreed with the County Council.

6. The applicant states that they carried out a review of all the temporary modular accommodation currently on Worcestershire County Council owned school sites. In conducting this audit, it transpired that consent for the mobile classroom block had expired. In view of this, and due to the condition of the temporary classroom block, the applicant is seeking to replace the temporary accommodation with a permanent classroom building.

7. To prevent re-occurrence of planning permissions for mobile classrooms expiring, the applicant has created a Master Programme for the mobile buildings currently on school sites, which highlights planning permission expiration dates, which will be monitored periodically to enable either planning applications to be submitted for renewal or to remove the building from the school site.

The Proposal

8. The proposed development consists of two key elements:

- Construction of a new school building; and
- Relocation of the school car parking area

9. The school has a Pupil Admission Number (PAN) of 150 pupils per academic year but in agreement with the Local Authority, the school has been taking 180 pupils per year group for the past 3 years to satisfy the demand for places. It is expected that the Local Authority will be requesting a permanent PAN increase to 180 pupils per year in 2023.

10. The new school building is proposed as a permanent replacement for the existing 14 temporary classroom facilities which would be demolished. The temporary classrooms (known as 'The Mall') consist of a block of 12 temporary classrooms and a separate double mobile classroom and are now at the end of their life. They are beyond viable repair and would require constant maintenance. The temporary classrooms are currently used for general teaching space as well as offices, toilets and storage. The proposed new 12 classroom block would provide a direct replacement for these classrooms and facilities.

11. Following the removal of the temporary buildings, the land currently occupied by these structures would be restored and part of this area would form a new car park, which would be surfaced with grasscrete and provide 33 parking bays (including 3 parking spaces for disabled users) with associated access route and partially planted to form amenity landscaping benefit.

12. The new school building is proposed to be located on land, adjacent to the school Sports Hall. The development site is integral to the school complex; it was previously occupied by a swimming pool and is now used to accommodate a temporary exam hall and storage containers as well as a car park for 31 vehicles.

13. The new building would comprise of a two-storey, flat roofed structure and provide approximately 1,178 square metres of floorspace for 12 new classrooms, 4 offices and ancillary space. The proposed building measures approximately 39.5 metres by 19.5 metres, and 8 metres high.

14. The elevation materials would match adjacent brickwork and stonework of the neighbouring school buildings (red brick and cream / buff brick) and include aluminium cladding features to complement the copper roof of the chapel also located within the school grounds. The doors and windows of the new structure are proposed to have dark grey aluminium frames.

15. The new building would be complemented with hard and soft landscaping features to aid circulation and accessibility as well as to enhance amenity.

16. As the proposed building would provide replacement facilities, there would be no increase in pupil numbers at this site, as a consequence of the development. Whilst the replacement parking area would provide a safer and more efficient parking layout, it would not give rise to any overall increase in parking numbers.

17. The construction programme would involve 5 phases of works over a period of approximately 11 months. They are as follows:

- Site Setup / Enabling Works (about 0 – 4 weeks in length)
- Piling / substructure (about 4 – 14 weeks in length)
- Superstructure / cladding (about 15 – 32 weeks in length)
- Internal Fit Out (about 20 – 33 weeks in length)
- External / completion works (about 31 – 48 weeks in length)

The Site

18. The Wolverley CE Secondary School site measures approximately 10.92 hectare in area, located on the northern edge of the village of Wolverley, located approximately 3 kilometres north of Kidderminster town centre. It provides education to approximately 870 pupils between the ages of 11 and 18, as well as providing facilities which are made available out of hours (on all days of the week) to external users including local community groups and sports clubs.

19. The school site consists of several buildings organised in two clusters:

- The main building complex:
 - Sebright building
 - Chapel
 - Sports Hall
- Additional building complex:

- Atwood buildings
- Woodfield House
- Ancillary structures

20. The school buildings are clustered towards the southern end of the wider school site. Access to these is taken from Blakeshall Lane (to the east) via a distinctive tree lined avenue and there is a separate pedestrian entrance to the south. The historic Seabright School and Woodfield House buildings are complemented by a mix of more modern school buildings, of varying styles and quality and characterised as one or two storeys in height.

21. The wider school site is bound by agricultural fields to the north, Blakeshall Lane to the east, Drakelow Lane to the south and woodland to the west, with agricultural fields immediately beyond.

22. Staff and visitor parking are located around the school site including on the northern side of the site access driveway, and the car park located in the southern part of the school site by the Sports Hall.

23. The northern edge of the built school site comprises of a single block of 12 temporary classrooms and a separate double mobile classroom.

24. The north and west of the wider school site is characterised by extensive outdoor sports facilities including several grass playing fields, an astro turf pitch, a hard surface sports court and a dry ski slope. The southern part of the site is grassland with unkept allotment, a small orchard and three ponds.

25. Immediately to the north of the main vehicular entrance there is a dedicated vehicular drop off area for school buses. Car parking within the site provides capacity for 86 vehicles (including 1 parking space for disabled users) with facilities also available for 30 parked bicycles.

26. The application site (red line boundary) measures approximately 0.76 hectares in area and is located in the south of the wider school site. Several trees and fields are located within the perimeter of the amenity grassland area which would be the location of the proposed new block, located to the south of the main Seabright building. This area also holds a single storey exam room with storage containers and an existing car park for 31 parking bays. To the north of the application site are temporary school mobiles that are proposed to be replaced with the relocated carpark. The application site (red line boundary) also includes the school access road and entrance.

27. The wider setting of the school site can be described as rural with open fields, mature trees and hedgerow extending from all its boundaries, with some distant dispersed residential dwellings.

28. Wolverley village is to the south and has a population of approximately 2,000 residents. It offers a variety of local amenities, including a primary school, church and public house.

29. The school is in a semi-rural location, with residential property being the most predominant feature. The nearest residential properties to the site include:

- Wolverley Cottage located approximately 70 metres to the east of the application site, and approximately 200 metres east of the proposed new car parking area
- Primrose and Fir Tree Cottages located approximately 80 metres to the east of the application site, and approximately 170 metres east of the proposed new car parking area
- Gardeners Cottage located approximately 80 metres to the south-east of the application site, and approximately 265 metres south-east of the proposed new classroom block
- Barn Piece located approximately 100 metres to the north-east of the application site, and approximately 115 metres east of the proposed new car parking area
- New Cottages 1 and 2 located approximately 115 metres to the north of the application site and proposed new car parking area
- The Birches located approximately 170 metres south of the application site, and approximately 250 metres south-east of the proposed new classroom block

30. There are a number of Listed Buildings in proximity to the application site. These include:

- The Grade II Listed Building of The Birches located approximately 170 metres south of the application site, and approximately 250 metres south-east of the proposed new classroom block
- The Grade II Listed Building of 'Gate Piers about 20 metres west of Wolverley House' located approximately 180 metres south of the application site, and approximately 300 metres south-east of the proposed new classroom block
- The Grade II* Listed Building of Wolverley House located approximately 170 metres south-east of the application site, and approximately 320 metres south-east of the proposed new classroom block
- The Grade II Listed Building of Lucas Buildings located approximately 215 metres south-east of the application site, and approximately 325 metres south-east of the proposed new classroom block
- The Grade II Listed Building of 'The Dovecote about 20 metres south of Wolverley House' located approximately 240 metres south-east of the application site, and approximately 375 metres south-east of the proposed new classroom block

31. The Scheduled Monument of 'Small Multivallete Hillfort on Drakelow Lane' is located approximately 900 metres north-west of the application site.

32. The wider school site also has several buildings within its grounds which are considered as being of local interest and are included on the Wyre Forest District Council Local Heritage List. These include the main schoolhouse built in 1930's originally as Sebright School. Also included is the original Woodfield House, constructed late 18th century.

33. The entirety of the site is located within the Green Belt and Wolverley Conservation Area.

34. The historic park and garden of Lea Castle and Blakeshall Hall are located approximately 800 metres south-east and approximately 1.1 kilometres north of the application site, respectively. They are not Registered Parks or Gardens, a designation that relates to international or national interest. They are, however, of considerable local interest and contribute to the landscape character and cultural and historical understanding of the Parish of Wolverley and Cookley.

35. There are three Sites of Special Scientific Interest (SSSI) within 2 kilometres from the application site. These include:

- Stourvale Marsh SSSI located approximately 1.2 kilometres to the south-east of the application site
- Puxton Marshes SSSI located approximately 1.6 kilometres to the south-east of the application site
- Kinver Edge SSSI located approximately 1.85 kilometres to the north of the application site

36. There are a number of Local Wildlife Sites (LWSs) in proximity to the site. These include:

- Gloucester Coppice LWS is located approximately 320 metres to the east of the application site
- Wolverley Marsh LWS is located approximately 320 metres south-east of the application site
- River Stour LWS is located approximately 450 metres south-east of the application site
- Kingsford Heath LWS is located approximately 900 metres north-west of the application site
- Cornhill Coppice LWS is located approximately 1.1 kilometres west of the application site
- The Staffordshire and Worcestershire Canal LWS is located approximately 495 metres south-east of the application site
- Puxton LWS is located approximately 1.1 kilometres south of the application site
- Wolverley Carr Lock LWS is located approximately 1.3 kilometres south-east of the application site

37. The site falls within Flood Zone 1 (low risk of flooding) of the Environment Agency's (EA's) Indicative Flood Risk Map.

38. There are no Public Rights of Ways (PROWs) within or abutting the development site. The closest PROWs include footpath WC-588 located approximately 60 metres north-east from the site entrance; footpath WC-619 located approximately 150 metres south and divided from the application site with Drakelow Lane; and footpath WC-567 located approximately 330 metres west from the site.

39. The application site and the wider school site falls within a Mineral Safeguarding Area for 'Solid Sand', and a Mineral Consultation Areas for 'Solid Sand' and southern

parts of the school site fall within Mineral Consultation Areas for 'Building Stone' and 'Terrace and Glacial Sand and Gravel'.

Summary of Issues

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

- Green Belt
- Historic Environment
- Residential Amenity, Visual Impact and Landscape Character
- Traffic and Highway Safety
- Ecology and biodiversity
- Water Environment including Flooding

Planning Policy

National Planning Policy Framework (NPPF)

41. The revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and replaces the previous NPPF published in March 2012 and July 2018 and February 2019. A National Model Design Code was also published on 20 July 2021. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

42. The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

43. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that "*The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication*".

44. 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

45. 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.

46. 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.

47. 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.

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

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 8: Promoting healthy and safe communities
- Section 9: promoting sustainable transport

- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

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

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

The Development Plan

50. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan that is relevant to this proposal consists of the adopted Worcestershire Minerals Local Plan, adopted Worcestershire Waste Core Strategy, and adopted Wyre Forest District Local Plan.

51. 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.

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

Worcestershire Minerals Local Plan (Adopted July 2022)

53. The Worcestershire Minerals Local Plan was adopted by the County Council on 14 July 2022 and replaces the minerals policies in the County of Hereford and Worcester Minerals Local Plan. The policy that is relevant to the proposal is listed below:

Policy MLP 41: Safeguarding Locally and Nationally Important Mineral Resources

Worcestershire Waste Core Strategy Development Plan Document 2012 – 2027 (Adopted November 2012)

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

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

Wyre Forest District Local Plan 2016 – 2036 (Adopted April 2022)

55. The Wyre Forest District Local Plan (2016 – 2036) was adopted by Wyre Forest District Council on 26 April 2022. It sets out the long-term vision and strategic context for managing and accommodating growth within Wyre Forest District until 2036 in order to contribute to the achievement of sustainable development. The aim of the Local Plan is to set out: the areas where development will take place; the areas that will be protected; and the policies that will be used to determine planning applications.

It replaces the previous adopted Local Plan, which included the Core Strategy (2010), Site Allocations and Policies Local Plan (2013) and the Kidderminster Central Area Action Plan (2013).

56. The Wyre Forest District Local Plan policies that are of relevance to the proposal are set out below:

Policy SP.1 - Spatial Development Strategy 2016 – 2036

Policy SP.2 - Locating New Development

Policy SP.7 - Strategic Green Belt Review

Policy SP.16 - Health and Wellbeing

Policy SP.20 - Quality Design and Local Distinctiveness

Policy SP.21 - Historic Environment

Policy SP.22 - Landscape Character

Policy SP.23 - Protecting and Enhancing Biodiversity

Policy SP.27 - Transport and Accessibility in Wyre Forest

Policy SP.28 - Green Infrastructure

Policy SP.29 - Water Conservation and Efficiency

Policy SP.30 - Sewerage Systems and Water Quality

Policy SP.31 - Flood Risk Management

Policy SP.32 - Sustainable Drainage Systems (SuDS)

Policy SP.33 - Pollution and Land Instability

Policy SP.34 - Minerals

Policy SP.35 - Waste

Policy SP.37 - Renewable and Low Carbon Energy

Policy DM.6 - Community Facilities

Policy DM.22 - Safeguarding the Green Belt

Policy DM.23 - Safeguarding the Historic Environment

Policy DM.24 - Quality Design and Local Distinctiveness

Policy DM.26 - Landscaping and Boundary Treatment

Other Documents

Worcestershire County Council's Worcestershire Green Infrastructure Strategy 2013-2018

57. Green Infrastructure is the planned and managed network of green spaces and natural elements that intersperse and connect our cities, towns and villages. Green Infrastructure comprises many different elements including biodiversity, the landscape, the historic environment, the water environment (also known as blue infrastructure) and publicly accessible green spaces and informal recreation sites.

58. The Green Infrastructure Strategy is a non-statutory county-wide guidance document which aims to direct and drive the delivery of Green Infrastructure in Worcestershire; and inform relevant strategies and plans of partner organisations over the next five years. The Strategy contains high-level priorities which should be explored in more detail at the local and site level.

Consultations

59. **County Councillor Ian Hardiman** does not wish to comment on the application at the current time, stating that he is a member of the Planning and Regulatory

Committee, which will have to consider this application in due course and wishes to hear all the evidence before forming an opinion.

60. **Wolverley and Cookley Parish Council** recommend approval of the proposal.

61. **Wyre Forest District Council** have no objections to the proposal from a planning policy perspective and having examined the details of the application they have no objections on the grounds of siting or design.

62. Further to the Wyre Forest District Council Conservation Officer comments (set out separately below), the District Council confirm that in terms of consultee comments, the District Council's Arboricultural Officer has no objections to the proposal. Wyre Forest District Council request that a condition be imposed detailing proposed planting works.

63. In terms of ecology, Wyre Forest District Council note that the Ecology Survey submitted with the application provides sufficient detail to ensure any harm to biodiversity is minimised and to achieve biodiversity net gain, subject to the measures and recommendations of the Ecology Survey being implemented.

64. No habitats of note would be impacted on, and no protected species would be directly harmed. The District Council recommend a condition related to the production of a lighting plan that does not impact on ecologically sensitive receptors would be needed to be produced and submitted to the CPA along with sufficient commentary from an experienced and qualified ecologist confirming the proposed lighting would not negatively impact on bat forage or commuting routes. The District Council recommend a Construction and Environmental Management Plan (CEMP) would be needed to protect itinerant animals from the effects of the development process.

65. **Wyre Forest District Council Conservation Officer** has no objections to the proposal, confirming that the applicant has provided a Heritage Statement in accordance with the NPPF and Wyre Forest District Council's Policy. They agree with the conclusion of the Heritage Statement which states that based on their assessment of nearby designated heritage assets, there would be "*no harm to Wolverley Conservation Area or The Birches*" Grade II Listed Building and based on their assessment of non-designated heritage assets on the site, there would be "*no harm to the Sebright School buildings or Woodfield House*" as such "*the significance of these assets would be sustained*".

66. **The County Archaeologist** has no objection to the proposals, stating that there is no indication that the site is in an area of below ground archaeological potential and the application does not involve physical impact to the historic buildings. The County Archaeologist recommends that the District Conservation Officer should be consulted on the design of the new build and whether there are any setting issues to the nearby Listed Buildings.

67. **Historic England** state that they do not wish to offer any comments on the application and recommend that the CPA seek the views of the District Council's / County Council's specialist conservation and archaeological advisors, as relevant.

68. **The Society for the Protection of Ancient Buildings** – no comments received.

69. **Historic Buildings & Places (formerly Ancient Monuments Society)** – no comments received.

70. **Wyre Forest District Council Nature Conservation Officer** has no objections to the proposal. The District Nature Conservation Officer has reviewed the application and the response put forward by the County Ecologist and are happy to concur with their advice and recommendation regarding conditions.

71. **The County Ecologist** has no objections to this proposal, subject to the imposition of conditions relating to the CEMP, Landscape and Ecological Management Plan (LEMP), Lighting Strategy, and Ecological Design Strategy.

72. The County Ecologist states that they have reviewed the scheme and supporting information, which includes a Preliminary Ecological Appraisal (PEA), a Preliminary Bat Roost Assessment, a Badger Survey report and a Biodiversity Net Gain Assessment.

73. The County Ecologist states that the above documents confirm that the ecological constraints present can be addressed through imposition of suitably worded conditions, and that the scheme poses a number of measures for ecological enhancement which would, if successfully implemented, result in a modest Biodiversity Net Gain. Recommendations pertaining to the mitigation hierarchy have been set out in the reports and would address: retention and protection of existing habitats, securing measures for biodiversity enhancement, integration of protection measures for wildlife during the scheme's construction phase and consideration of light-sensitive wildlife to be integrated within the design of the scheme's operational phase.

74. The County Ecologist is satisfied that the detailed specification of these measures can be resolved through condition, however there are a number of details which they would encourage early consideration of. Whilst the County Ecologist welcomes the proposed artificial bat roost opportunities, these should comprise both boxes designed for mounting on retained trees in the wider site boundaries, as well as integrated features within the fabric of the new building (such as those produced by Habitat, Vivara or Schwelger for roosting bats, and Vivara, Schwelger or Manthorpe for nesting birds). If appropriately located, these features would not compromise future management or maintenance of the building but would provide suitable opportunities for species which unlikely to utilise tree-mounted boxes. Nevertheless, location and specification of bat and bird features would need to be mapped and subsequently referenced within a Lighting Strategy for the scheme in order to demonstrate that any proposed external lighting (other than the proposed above-door security lighting required for statutory safety requirements), ensures these features are not unacceptably impacted.

75. **Natural England** wishes to make no comments stating that there is no requirement to consult them in this instance refer to their general standing advice regarding a number of matters including landscape, LWSs and priority habitats and species and PROWs.

76. **Worcestershire Wildlife Trust (WWT)** have no objections to this proposal.

77. WWT note the contents of the various documents and in particular the findings and recommendations set out in the PEA, Preliminary Bat Roost Assessment and Biodiversity Net Gain Assessment by Middlemarch Environmental. They also note that the site falls close to several LWSs.

78. Provided that appropriate steps are taken in line with the documents referenced above to mitigate for ecological impacts, protect nearby ecological features and prevent pollution during construction, WWT do not consider that there would be any overriding ecological constraints and they do not wish to object to the application. WWT are content to defer to the opinions of the County Ecologist for all on-site biodiversity considerations and they do not wish to comment in more detail on the application. However, in order to protect and enhance biodiversity and to meet planning policy expectations and legal obligations, WWT recommend the following conditions:

- CEMP: to include protection for retained ecological features and prevention of pollution during construction, especially in relation to any direct harm, runoff, noise, extraneous light or dust risks to the nearby LWS, habitats, retained trees and hedgerows. Appropriate consideration for protected species would also be needed.
- Lighting: to ensure that the development, both during construction and once operation, does not cause harm to nocturnal wildlife using the site, and commuting to and from nearby habitats.
- Sustainable Drainage Scheme (SuDS): to ensure that long-term drainage of the site does not cause harm to receiving waterbodies or nearby habitats and delivers biodiversity enhancements in line with good practice guidance
- LEMP: to include biodiversity enhancement in line with planning policy and recommendations in the submitted ecological reports, together with long term management of that enhancement where required.

79. **The Woodland Trust** – no comments received.

80. **Campaign to Protect Rural England (CPRE)** – no comments received.

81. **The County Highways Officer** has no objections to the proposal, subject to the imposition of conditions requiring the development to be carried out in accordance with the submitted Parking and Access During Construction Plan, Emissions Management Plan, and the mitigation measures set out in the Transport Technical Note.

82. The County Highways Officer based their comments on information provided by the applicant which states that there would be no increase in staff and pupil numbers as a result of this proposal, however as stated in the Design and Access Statement, there would be a permanent increase in the PAN intake from 150 to 180 students per year by 2023, although the school has already been taking 180 students for the last 3 years and staff numbers remain at 125 full-time equivalent. There is also no proposed increase in parking provision with up to 33 standard spaces relocated and an uplift to the disabled parking provision of 3 spaces.

83. **The County Footpaths Officer** has no objections to the proposal, confirming that no PROWs are recorded on the Definitive Map of Rights of Way crossing land within or immediately adjacent to the site of the proposed development, and there is no record of applications for change to the Definitive Map that may affect the land.

84. **Ramblers Association** – no comments received.

85. **British Horse Society** – no comments received.

86. **Open Space Society** – no comments received.

87. **The County Landscape Officer** has no objections to the scheme, subject to the imposition of conditions relating to root protection zones and LEMP.

88. The County Landscape Officer states that they have reviewed the Design and Access Statement, which includes Part 6 (Visual Impact Assessment). The scope of the assessment as presented is very limited, however, they accept that work has been carried out to isolate the more vulnerable view in order to illustrate the perceived impact of the scheme.

89. The Arboricultural Impact presents a thorough condition assessment of the established tree assemblage, which includes T.2, the sole tree identified for removal to accommodate the scheme. The County Landscape Officer recommends that root protection zones, as defined in the report, are either secured by a suitably worded condition, or included as measure within the context of a CEMP.

90. The County Landscape Officer recommends that the loss of T.2 should be compensated for with new tree planting. This should be included in a soft landscaping scheme that aims to provide landscape enhancements appropriate to the setting, and a net gain of habitat provision. The detailed landscape design should be set out in a LEMP, secured by condition.

91. **The Forestry Commission** comment that they provide no opinion supporting or objecting to this proposal. The Forestry Commission provide information on the potential impact that the proposed development would have on the ancient woodland. The Forestry Commission provide advice relating to Government policy relating to ancient woodland and information on the importance of designation of ancient woodland. They state that ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). It is government policy to refuse development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless *“there are wholly exceptional reasons and a suitable compensation strategy exists”* (NPPF paragraph 180c).

92. The Forestry Commission suggest that the CPA take regard of any points provided by Natural England about the biodiversity of the woodland.

93. **The Gardens Trust** – no comments received.

94. **Hereford and Worcester Gardens Trust** – no comments received.

95. **Herefordshire and Worcestershire Earth Heritage Trust** have no comments to make in relation to this application.

96. **North Worcestershire Water Management (NWWM)** have no objections to this proposal, subject to the imposition of a condition relating to scheme for surface water drainage.

97. NWWM state that to their knowledge the site is not at risk of flooding. It would be important that surface water generated on the site would be disposed of responsibly as to not to increase the risk of flooding elsewhere. This is extremely important as there are known flooding issues in the Horse Brook catchment downstream of this development site.

98. NWWM continues to state that the drawing submitted as part of the application (Drawing Ref: 101 Rev C, Baynham Meikle, June 2022 – Proposed Levels and Drainage Plan) details that it is the intention to discharge all roof water from the proposed classrooms building to a large underground (crate) soakaway (measuring approximately 10 metres long by 9 metres wide by 1.5 metres deep). This is said to be designed based upon a confirmed infiltration rate of 0.040 m/hr. No design criteria have been specified on the drawing and no further information or calculations have been submitted that would clarify the design criteria used. It is their understanding that the space available for green, above ground SuDS is limited especially as the Elan Valley aqueduct discharges just to the south of the proposed development.

99. NWWM also comment that the further drawing (Drawing Ref: 102, Baynham Meikle, June 2022 – Car Parks – Proposed Levels and Drainage Plan) details the surface water drainage proposals for the 2 car parking areas. The larger car park to the north of the school would discharge via permeable (grasscrete) pavement; the smaller car park to the east would discharge using existing gullies and drainage channels. It is their understanding that the proposed car parks would not result in an increase in impermeable area.

100. NWWM believe that there would be no reason to withhold approval of this application on flood risk or water management grounds. The surface water drainage arrangements would be part of a future Building Control application. However, the Building Regulations have not kept up with national practice regarding design return periods. The Building Regulations still refer to a 1 in 10-year period whereas it is national practice to ask for surface water drainage schemes to be designed to be able to deal with the 1 in 100 year design rainfall event on the site. This is for instance reflected in the BRE 365 soakaway design guide, which was revised in 2016. The NPPF states that the Local Planning Authority should only consider development that does not increase flood risk off site. Also, the effects of climate change need to be taken into account.

101. To address the above points, NWWM suggests that a condition relating to a surface water drainage scheme is attached to the planning permission.

102. **Severn Trent Water Limited (STWL)** have no objections to the proposal. They comment that they have no concerns with regards to the drainage proposals for the extension of the site; surface water is to discharge via existing gullies and infiltrate into the ground (soakaway) with foul sewage to discharge to existing private foul sewars.

103. STWL comment that although they have Strategic Supply Aqua ducts in the area, they are assured that the works would have no impact on this important asset, therefore, they do not require a drainage condition to be imposed in this instance.

104. **Worcestershire Regulatory Services (WRS)** have no objections to this proposal, subject to the imposition of a condition relating to reporting of unexpected contamination.

105. In relation to nuisance, WRS state that they have no objection to this application. They comment that the submitted Emissions Management Plan appears acceptable in terms of the proposed measures to monitor and minimise emissions of noise, vibration and dust during the demolition and construction phases.

106. In relation to contaminated land, WRS comment that the proposed development would be located on a brownfield parcel of land, adjacent to the school's gymnasium it was previously occupied by a swimming pool and is now used to accommodate a temporary exam hall and storage containers as well as a car park for 31 vehicles. They recommend a condition relating to reporting of unexpected contamination of land.

107. In relation to air quality, WRS comment that no potential issues have been identified and, therefore, they have no adverse comments with regard to air quality.

108. WRS state that the proposed development would create a new parking area in the location of the former temporary classrooms, providing parking provision for up to 33 vehicles.

109. WRS quote the NPPF Paragraph 186 which states: "*planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas*".

110. WRS recommend that the applicant incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. WRS recommend that in accordance with NPPF the following air quality mitigation measures should be secured by planning conditions:

- **Secure cycle parking:** It is recommended that secure cycle parking facilities are incorporated into the design of developments. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be provided.
- **Electric Vehicle Charging:** It is recommended that electric charging points be installed in 10% (as a minimum) of the allocated parking spaces at the development. The provision of more sustainable transport modes would help to reduce Carbon Dioxide (CO₂), Nitrogen Oxide (NO_x) and particulate emissions from transport.

111. **The County Public Health Officer** has no objection to this proposal.

112. **Sport England** have no objections to this application, commenting that it is a point of debate as to whether or not the above planning application constitutes a statutory consultation with Sport England. The applicant contends that the circumstances are such that there is no statutory requirement to consult Sport England, since the land has not been used as playing field in the past 5 years.

113. Sport England state that there is relevant planning history to consider. In 2007, a temporary planning consent was granted for the mobile classrooms to be sited on the playing field (CPA Ref: 07/000022/REG3). The terms of that consent required the removal of the mobile classrooms and reinstatement of the site by 31 March 2014. A further application was granted in 2014 (CPA Ref: 14/000008/REG3) which allowed the retention of the mobile classrooms until 30 May 2016 after which the land is to be reinstated in accordance with a scheme to be agreed. The planning condition is still enforceable. It is Sport England view that the land should be seen as part of wider playing field, and that they are a statutory consultee in respect of this application.

114. Even if the CPA were to disagree with Sport England position and to accept the applicant's case, Sport England advises that they apply their policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than 5 years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.

115. As such, it is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last 5 years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The consultation with Sport England is therefore a statutory requirement.

116. Sport England have considered the application in light of the NPPF (in particular Paragraph 99), and against its own playing fields policy, which states:

117. *'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- *All or any part of a playing field, or*
- *Land which has been used as a playing field and remains undeveloped, or*
- *Land allocated for use as a playing field*
- *Unless, in the judgement of SE, the development as a whole meets with one or more five specific exceptions.'*

118. The application consists of two elements, the first being the construction of a new school block on the southern side of the site, and secondly the removal of the mobile classroom blocks on the northern side of the school, to be replaced with the creation of a new car parking area.

119. Sport England does not wish to make any specific comments in relation to the school extension block, since this would not impact on the existing playing field and does not involve the provision on any new facilities for sport.

120. In respect of the proposed car parking area, the applicant explains that whilst the land has not been used as playing field since 2007 when the mobile classrooms were installed, they recognise the extant requirement within the previous planning consent to reinstate the playing field. The applicant has therefore put forward their case in respect of playing field loss.

121. The applicant puts forward the view that the proposal will benefit the use of the wider school playing field, by providing additional car parking in proximity to the playing field. The school have an extensive area of playing field with pitches provided further to the north that are made available for community use for local football teams. There is evidence on google earth images of cars driving across the playing field to park closer to those pitches, which brings with it a potential negative impact on the quality of the playing field due to compaction and contamination.

122. The applicant makes the case that the proposal would accord with Exception E2 of Sport England Playing Fields Policy and Guidance. This states:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

123. Sport England are aware that the school are working with Worcester Football Association (FA) and Football Foundation regarding a project to improve the gradients/levels across the playing field closest to the proposed car park (involving proposed cut and fill to create more usable plateaus). This would involve constructing additional pitches for the school and to facilitate additional community use by local teams. This is also likely to include the provision of a new changing room block. The provision of these additional pitches would bring with it demand for car parking to serve users, and so Sport England is broadly supportive of the case being put forward that the car parking areas would complement the use of the playing fields. However, it is also recognised that the provision of additional car parking is also motivated by the need for more parking for staff, which is unrelated to the use of the playing field.

124. A further point to consider is the extent to which the use of the land for car parking might accord with Exception E3 which states:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- *Reduce the size of any playing pitch,*
- *Result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas),*
- *Reduce the sporting capacity of the playing field to accommodate playing pitches or capability to rotate or reposition playing pitches to maintain their quality;*
- *Result in the loss of other sporting provision or ancillary facilities on the site; or*
- *Prejudice the use of any remaining areas of playing field on the site.'*

125. Notwithstanding the requirements of the existing planning condition to reinstate the land, Sport England are aware that the northern edge of the application site is currently defined by a bank and a section of retaining wall in the north-western corner, that would practically make it difficult for the land to be re-used for sport simply by reinstating the grass surface, due to the change in levels etc. the length and depth of

the area of land is such that there is limited capacity of itself, to accommodate a pitch. So, in practical terms, more substantial engineering works would be required to create a usable plateau area for a pitch to be provided in this area of the site. With this in mind, Sport England recognises that even with a scheme of reinstatement works to meet the terms of the planning condition, this might not necessarily result in the reinstated area of playing field being capable of accommodating a pitch or part of a pitch. In regard to this, Sport England consider that the proposal would also accord with Exception E3 of their Playing Field's Policy and Guidance.

126. Based on the above reasoning, Sport England are satisfied that the proposed development meets Exceptions E2 and E3 of their playing fields policy.

127. **Hereford and Worcester Fire and Rescue Service** have no objections to the proposal but provided comments in relation to the proposal.

128. They comment that if the proposed new building is subject to Building Regulations approval, then the Fire Service would be consulted either by Local Authority or Approved Inspector Building Control bodies, accordingly, they provide the following comments for information relating to Building Regulations requirements and matters to be addressed, under the Fire Safety Order (2005) once the building is occupied.

129. Fire Service vehicle access must comply with the requirements of ABD 2019 Vol. 2 B5, section 15 and Table 15.1. There should be Fire Service vehicle access for a Fire Appliance to:

- 15% of the perimeter of the building
- Within 45 metres of every point of the footprint of the building
- Access road to be in accordance with ABD 2019 Vol. 1 Table 15.2
- Water for firefighting purposes should be provided in accordance with ABD 2019 Vol.2 B5, section 16

130. **West Mercia Police** have no objections to the application.

131. **Cadent Gas** have no objections to this proposal, noting that their assets (low pressure gas pipelines) are located within and adjacent to the school vehicular access road.

132. **Western Power Distribution (WPD)** comments that their apparatus is located in the vicinity to the application site (11kV underground powerline located to the north of the school buildings); the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: 'Health & Safety Executive Guidance HS(G)47, Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

133. **Dial before you Dig (BT)** – no comments received.

Other Representations

134. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application has been advertised on site, in the press and by neighbour notification. To date, 3 letters of representation have been received, 2 of which are comments and 1 of which is an objection to the proposal. These letters of representation were made available to members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

Comments:

- Comments have been raised regarding working hours on site, asking for them to be limited to more suitable hours to avoid disruption to neighbours.
- Ask for the Emissions Management Plan to be updated to acknowledge more fully the impact of the proposed scheme on the residential properties that are located near the school's boundary.
- Concerns over the effect the proposed development may have in terms of noise and dust.
- Concerns regarding construction during school holidays to minimise disruption to pupils.
- Disappointment that the residents of the nearest properties were not consulted on the scheme by the applicant.

Objections:

- The proposed development is located in the Green Belt and Conservation Area.
- The development would be clearly visible from surrounding lanes.
- No previous provision for this development in the Wyre Forest District Council Local Plan 2016-36 Green Belt topic paper.
- Disruption to traffic movements during the construction period.
- Potential for increased school traffic if school numbers increase.

The Head of Planning and Transport Planning's Comments

135. 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.

136. Of particular relevance to this proposal is Paragraph 95 of the NPPF, which states that *"it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- a) Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) Work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted".*

Green Belt

137. The proposal is located within the West Midlands Green Belt. A letter of representation has been received objecting to the proposal on the grounds of adverse impacts upon the Green Belt.

138. In terms of the Development Plan, Policy SP.7 - 'Strategic Green Belt Review' of the adopted Wyre Forest District Local Plan states that *"there is a general presumption against inappropriate development within the Green Belt, and such development will not be permitted unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings in the Green Belt, will be assessed in relation to the relevant national planning policy"*. Policy DM.22 - 'Safeguarding the Green Belt' of the adopted Wyre Forest District Local Plan states that within the Green Belt, development will not be permitted, except in very special circumstances, or unless one of the specified exceptions applies, which are listed in the policy.

139. 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. Paragraph 138 of the NPPF states that "Green Belt serves five purposes:*

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

140. With regard to the consideration of proposals affecting the Green Belt, NPPF paragraph 147 states *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. Paragraph 148 of the NPPF states that *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.

141. Advice on what development might be considered as not constituting inappropriate development in the Green Belt is contained within paragraphs 149 and 150 of the NPPF. The former deals with new buildings and the latter deals with other forms of development.

142. The applicant states that it could be argued that the proposal meets the exception listed in paragraph 149 d) of the NPPF, namely *"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"*. They go to state that *"in this case, the proposals do involve a replacement school building, which would be used for exactly the same purpose as that which is currently undertaken within the portacabins. As the new block would, in fact, be smaller in size than the facilities which currently exist (proposed 1,178 square metres of gross internal area compared with the existing 1,476 square metres of gross internal area).*

143. The Head of Planning and Transport Planning notes that the proposal replaces temporary mobile classrooms which are required to be removed by condition, therefore, it is considered this exception does not apply.

144. The applicant also contends that the proposal meets the exception listed in paragraph 149 g) of the NPPF, namely *“limited infilling or the 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 the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.*

145. The Head of Planning and Transport Planning considers that due to the scale and permanence of the proposal it would have a greater impact on the openness of the Green Belt than the existing development, and thus would not meet this exception.

146. In view of the above, the Head of Planning and Transport Planning considers that none of the exceptions specified in paragraphs 149 and 150 of the NPPF or in Policy DM.22 - ‘Safeguarding the Green Belt’ of the adopted Wyre Forest District Local Plan would apply to the proposal in this instance. Consequently, the proposed development constitutes inappropriate development in the Green Belt.

147. Having established that the proposal is inappropriate development, the test in NPPF paragraph 148 effectively requires 4 questions to be answered:

- What is the extent of harm to the Green Belt?
- What is the extent of other harm resulting from the proposal?
- What planning considerations weigh in favour of the proposal?
- Do the positive considerations clearly outweigh the harm to the Green Belt and the other harm?

148. Looking at each of these questions, there are several established principles (including by virtue of case law) which need to be taken into account.

149. **Harm to the Green Belt:** Given an essential characteristic of Green Belt is ‘openness’, it is important to understand what this means. There has been significant argument around the concept of openness and the extent to which it encompasses visual effects as opposed to just the physical / volumetric effect of new development. This was largely resolved by the Court of Appeal in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466, where Sales LJ said: *“the concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach suggested by [counsel]. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents”.*

150. Subsequently, in February 2020, the Supreme Court in *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 generally supported the *Turner* decision, but provided further analysis of openness: “*The concept of “openness” in para 90 of the NPPF [2012 version] seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As Planning Policy Guidance 2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development...and: [Openness] is a matter not of legal principle but of planning judgement for the planning authority or the inspector”.*

151. Thus, harm to the Green Belt, and specifically its openness, is a planning judgement which can be shaped by a number of factors including:

- The extent to which there is urban sprawl
- How built up the Green Belt is now and would be
- The extent to which a proposal conflicts with the five purposes served by Green Belt
- Visual impact on the aspect of openness which the Green Belt presents

152. The PPG also provides useful guidance when “*assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

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

153. **Other Harm:** In *Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government* [2014] EWCA Civ 1386, the Court of Appeal held that the words “any other harm” in the NPPF were unqualified and that all “other considerations” (which by definition would be non-Green Belt factors) must be included in the weighing exercise.

154. **Planning Considerations:** It is an established principle that what may or may not be a material planning consideration is a matter of law, but the weight attached to such a consideration is a matter of judgment for the decision-maker. Further, considerations should be looked at cumulatively to ascertain whether, in combination, they clearly outweigh the overall harm, such that very special circumstances exist.

155. In terms of openness, the development proposal is for the development of the new 12 classroom block and 33 spaces replacement car park. Both elements of the proposal are located within the curtilage of the school.

156. The proposed new structure would be a two-storey building which would measure approximately 39.5 metres by 19.5 metres by 8 metres high. The height of the roof would be a similar height to that of the adjacent gymnasium of the Sports Complex, but smaller than the ridge height of the adjacent Sports Hall and due to the topography, would be lower than the chapel. The increase in built form would be minimised, thus not outweighed, with the removal of existing mobile classrooms. Whilst the new school building would be two storey which exceeds the height of existing single storey mobile classrooms, the footprint of the proposed new building would be significantly smaller than the footprint of all the temporary structures proposed to be removed (proposed 1,178 square metres of gross internal area compared with the existing 1,476 square metres of gross internal area). The proposed development would be contained within the curtilage of the existing school site.

157. In visual terms, the new school would be well screened from most of the views as a result of intervening buildings and mature vegetation. There would be only some glimpsed views from Drakelow Lane towards the building. Additionally, the new structure would be viewed in the context of a number of existing buildings on the wider school site.

158. The elevation materials would match brickwork and stonework of other school buildings on the site and would include aluminium cladding features to complement the roof finishes of the chapel sited within the school compound. The doors and windows would have dark grey aluminium frames. As such, it is expected that the new structure would complement and blend in within a mix of existing buildings on the school site.

159. In relation to the proposed car park, the development would result in the removal of existing mobile classrooms which are in a state of disrepair and as such their removal would improve the visual impact of the northern part of the development site. The applicant states that the area occupied by the existing mobile classrooms located to the north of the site, take up approximately 1,229 square metres whilst the surface of the new car park would amount to approximately 762 square metres which is substantially smaller.

160. In terms of the duration of the development, the application estimates that the demolition of the temporary mobile classrooms and construction of the new replacement building would take approximately 11 months to complete. The Head of Planning and Transport Planning considers that the proposal would have a permanent impact on the openness of the Green Belt.

161. In terms of a degree of activity likely to be generated, the applicant anticipates that during the construction period number of HGV movements would amount to, at worst case scenario, 20 HGV trips per day (10 HGV trip in and 10 HGV trips out). The Transport Technical Note identifies that the *“level of trips shown is not expected to materially impact on the operation of the surrounding highway network, given that movements will be spread throughout the typical day and unlikely to be concentrated*

within the highway peaks... anticipated that the primary route for construction and delivery vehicles will be via the B4189 / Wolverley Road and subsequently from Blakeshall Lane to the south of the site”.

162. The Wolverley CE Secondary School has 180 students per year group and 120 staff, however, the proposed development would not result in additional movements as a result of the new school building because the school does not anticipate an increase in student or staff levels. The proposed car park would replace the 33 car parking spaces already existing on site. Consequently, it is considered that once the development had been constructed it would not result in a material change in the degree of activity on the site.

163. In view of the above, on balance, the Head of Planning and Transport Planning considers that the proposed development, when considered in isolation and in combination with other developments, would have moderate impact on the openness of the Green Belt.

164. A balancing exercise needs to be undertaken weighing the above identified harm of the proposal (potential harm to the Green Belt and any other harm) with other considerations, in order to ascertain whether very special circumstances exist which justify granting planning permission.

165. The applicant's assessment of Green Belt and the very special circumstances are set out below:

- The existing portacabin structures are at the end of their useful life and are no longer fit for purposes. In order to sustain suitable and effective teaching provision at Wolverley CE Secondary School, there is an imperative for replacement facilities. The educational need in this location is of overriding importance
- There is an imperative for the need to be addressed within the existing school site, in order to achieve the necessary operational and management functionality. As the whole of the school site is within the Green Belt, no alternative 'non-Green Belt' option is available
- An assessment of all potential site options has been undertaken to identify the optimum location, taking account of factors including, in particular the safety of pupils but also the relationship to existing school buildings, setting of local heritage assets, visibility from main approaches and sports fields, impact on open space and natural habitats and the need to maintain continuity in school activities during the construction phases. It is evident that the application site is the most suitable site option to meet the identified need and no alternative is available. The scale of facility is the minimum necessary to meet the identified need, indeed, it would be smaller than the facilities it replaces
- The Planning Statement states that the “*very special circumstances outlined above are corroborated with reference to the accompanying Statement of Need*”. The Statement of Need states that the school has been accepting 180 students (above their 150 PAN) for the last three years on temporary basis and this number is expected to become permanent from 2023. The temporary mobile classrooms are at the end of their life, are beyond viable repair and would require

constant maintenance. The mobile classrooms are used for general teaching space housing a number of subject areas as well as offices, toilets and storage. The proposed new 12 classroom block would provide a direct replacement for these classrooms, office spaces and student/staff toilets. It also confirms that the chosen location would require the re-location of a current car parking area for health and safety reasons. The space outside of the new school building would create needed 'hard standing' close to the school building where children can mix, socialise and play. The proposed development would not increase car parking, but only relocate it within the site

166. The Head of Planning and Transport Planning considers that the applicant's considerations, such as the state of the existing mobile classrooms and the lack of available land within the school boundary outside of the Green Belt designation amount to very special circumstances. Accordingly, very special circumstances exist and, in relation to Green Belt matters, the granting of planning permission can be justified. As such, the proposed development meets the relevant policy requirements in the NPPF Section 13 and accords with Policies SP.7 and DM.22 of the adopted Wyre Forest Local Plan.

167. If planning permission is granted for this proposal, it would be a departure from the Development Plan, as the proposed development would be located within the Green Belt. Under The Town and Country Planning (Consultation) (England) Direction 2021, if this Committee is minded to approve the application, this Council must consult the Secretary of State for Levelling Up, Housing and Communities as the application proposes a new building with floor space in excess of 1,000 square metres in the Green Belt. The Council may not grant planning permission until the Secretary of State has notified the Council that he does not intend to call in the application for his own determination.

Historic Environment

168. A letter of representation has been received objecting to the proposals on heritage grounds, in particular impacts upon the Wolverley Conservation Area.

169. There are a number of heritage assets within the vicinity of the application site, as outlined within 'The Site' section of this report. The closest Listed Buildings to the application site are the Grade II Listed Building of The Birches located approximately 170 metres to the south, the Grade II Listed Building of Gate Piers about 20 metres west of Wolverley House' located approximately 180 metres to the south, and the Grade II* Listed Building of Wolverley House located approximately 170 metres to the south-east of the application site.

170. The main building of the Wolverley CE Secondary School is included on the Wyre Forest District Council Local Heritage List. The proposal is wholly located within the Wolverley Conservation Area.

171. The Scheduled Monument of 'Small Multivallete Hillfort on Drakelow Lane' is located approximately 900 metres north-west of the application site.

172. Policy SP.20 - 'Quality Design and Local Distinctiveness' of the adopted Wyre Forest District Local Plan states that "*all development within Wyre Forest District will be expected to exhibit high quality design... and where appropriate, enhance cultural and heritage assets and their settings*". Policy SP.21 – 'Historic Environment' of the

adopted Wyre Forest District Local Plan states that *“development proposals should protect, conserve and enhance all heritage assets and their settings, including assets of potential archaeological interest, subject to the provision of Policy DM.23 (Safeguarding the Historic Environment). Their contribution to the character of the landscape or townscape should be safeguarded and protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of Wyre Forest District”*. Policy DM.23 – ‘Safeguarding the Historic Environment’ of the adopted Wyre Forest District Local Plan states that *“proposals likely to affect the significance of a heritage asset (including the contribution made by its setting or any important vistas or views) should be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed by a qualified and / or experienced heritage professional. This will usually be in the form of a Heritage Statement. Where there is the potential for heritage assets with archaeological interest to be affected, this description should be informed by available evidence, desk-based assessment and, where appropriate, field evaluation to establish the significance of known or potential heritage assets”*.

173. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *“in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. Section 72 (1) imposes a general duty as respects Conservation Areas in the exercise of planning function stating, *“in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.

174. With regard to heritage assets, paragraph 195 of the NPPF states that *“local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”*.

175. Paragraphs 199 and 200 of the NPPF states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...a) grade II listed buildings... should be exceptional; b) assets of highest significance, notably schedule monuments...grade I and II* listed buildings...should be wholly exceptional”*.

176. Paragraph 201 of the NPPF states that *“where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated*

that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”.

177. The PPG at Paragraph Reference ID: 18a-018-20190723 states *“whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting...”.*

178. There is no statutory definition of setting for the purposes of Section 66 (1) of the Listed Buildings Act. Annex 2 of the NPPF describes the setting of a heritage asset as *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.* It goes on to describe significance for heritage policy, stating that this is *“the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting...”.*

179. The PPG at Paragraph Reference ID: 18a-013-20190723 states that *“the extent and importance of setting is often expressed by reference to visual relationship between the asset and the proposed development and associated visual / physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each...”.*

180. The application was accompanied by a Heritage Statement, which included information on heritage assets, a summary of history and development onsite, the significance of heritage assets, an impact assessment, as well as a summary and conclusions. The Heritage Statement identified 3 Listed Buildings in the study area (The Grade II Listed Buildings of ‘The Birches’, and locally significant Sebright School building and Woodfield House).

181. With regard to potential impacts upon The Birches, the Heritage Statement states that it is an early 19th century, three storey house of red brick construction in a broadly classical late Georgian style. The asset is set within a large garden surrounded by mature, substantial trees. To the front the asset faces onto Blakeshall Lane and is set behind a brick boundary wall and a landscaped garden and driveway. As a Grade II Listed Building the assessment considers the site to make no contribution to the significance of The Birches as setting given their distinct lack of intervisibility.

182. The Heritage Statement concludes that *“there would be no inter-visibility between the proposed development and the asset and there is no known historical connection between the site and the asset. The northern part of the site is screened from the asset by the intervening Sebright School building, other school buildings and substantial tree cover. The southern part of the site, while set at a considerably higher level than The Birches, is screened by a dense tree belt which precludes any intervisibility. It is considered that the proposed development would have no impact on the setting of the listed building therefore its significance will be sustained”*.

183. With regard to potential impact upon the locally listed main school building (former Sebright School building), the Heritage Statement states that it is a large, classical style red brick school building. The asset is significant as an early 20th century purpose-built school. Grand architectural styling reflects the cultural aspirations of its patrons. The school buildings forms part of Wolverley CE Secondary School, and is surrounded to the north, west and east by late 20th century school buildings. The removal of the temporary classrooms to the north of the school would remove built form that currently detracts from the setting of the Sebright School building. The location of the proposed new classroom block has been selected to ensure it has the minimum visual impact on the asset. The proposed block would be set behind the sports complex and so would maintain views of the asset. The sensitive design and choice of materials ensures that it reflects the design and materiality of the existing buildings and so would not detract from the setting of the asset, as such, the Heritage Statement concludes that *“it is therefore considered that the significance of the locally listed building will be sustained”*.

184. With regard to potential impacts upon the locally listed Woodfield House, the Heritage Statement states that it was built in the late 18th century / early 19th century as grand country residence with a large late 19th century extension added to the east side. The open aspect to the south and the wooded surroundings to Woodfield House are remnants of its historic rural setting and as such contribute to its significance. The modern school buildings form part of the physical surroundings of the asset and detract from its setting. There would be limited intervisibility between the new classroom block and the asset. The sensitive design and choice of materials ensure that it would reflect the design and materiality of the existing buildings, and so the impact of any filtered views would be minimised. Therefore, it is considered that the significance of the locally listed building would be sustained.

185. With regard to potential impacts upon Wolverley Conservation Area, the Heritage Statement states it is considered that the proposed development would preserve the significance of the Conservation Area by removing elements that detract from its significance (including temporary mobile classrooms and temporary exam hall) and replacing them with carefully designed proposals that better reflect the historic character and appearance of the Conservation Area. In view of this, the Heritage Statement considers that there would be no harm to Wolverley Conservation Area.

186. The Heritage Statement concludes in relation to designated heritage assets that based on the assessment of nearby designated heritage assets it is considered that there would be no harm to Wolverley Conservation Area or The Birches. The significance of these assets would be sustained. The proposed development would, therefore, meet the objectives of Paragraphs of the NPPF and the requirements of

Section 66 (1) and Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

187. With regard to impacts on non-designated heritage assets the Heritage Statement concludes that based on our assessment of non-designated heritage assets on the site it is concluded that there would be no harm to the Sebright School buildings or Woodfield House. The significance of these assets would be sustained. The proposed development will therefore meet the objectives of the NPPF.

188. Historic England do not wish to offer any comments on the application and recommend that the CPA seek the views of the District Council's / County Council's specialist conservation and archaeological advisors, as relevant.

189. The County Archaeologist has no objections to the proposal, stating that there is no indication that the site is in an area of below ground archaeological potential and the application does not involve physical impact to the historic buildings. The County Archaeologist recommends that the District Conservation Officer should be consulted on the design of the new build and whether there are any setting issues to the nearby Listed Buildings.

190. Wyre Forest District Council Conservation Officer has been consulted and has no objections to the proposal. The Conservation Officer confirms that the applicant has provided a Heritage Statement in accordance with the NPPF and Wyre Forest District Council Policy. The Conservation Officer agrees with the conclusion of the Heritage Statement which state that based on their assessment of nearby designated heritage assets, there would be "*no harm to Wolverley Conservation Area or The Birches*" and based on their assessment of non-designated heritage assets on the site, there would be "*no harm to the Sebright School buildings or Woodfield House*" as such "*the significance of these assets would be sustained*".

191. The Gardens Trust and Hereford and Worcester Gardens Trust have both been consulted but made no comments on this proposal. Due to the distance and intervening woodland blocks and built development, it is considered that the proposal would have no impacts upon the historic parks and gardens of Lea Castle and Blakeshall Hall.

192. Taking into account comments from the consultees including the County Archaeologist, Wyre Forest District Council Conservation Officer and Historic England, and due to the nature, scale and location of the proposal, together with the distance from heritage assets and intervening buildings, and established trees and vegetation, the Head of Planning and Transport Planning considers that the proposals would not lead to any material harm to any of the identified heritage assets.

193. In view of this, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse impact upon heritage assets, in accordance with Policies SP.20, SP.21, and DM.23 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

Residential Amenity, Visual Impact and Landscape Character

194. Letters of representation have been received objecting the proposal on the grounds of disruption from the construction traffic and comments relating to timing of the construction works.

195. 'The Site' section of this report sets out the nearest residential properties to the proposed development.

196. Policy SP.16 - 'Health and Wellbeing' of the adopted Wyre Forest District Local Plan refers to *"minimising and mitigating the impacts of negative air quality and reducing people's exposure to poor air quality"*.

197. Policy SP.20 - 'Quality Design and Local Distinctiveness' of the adopted Wyre Forest District Local Plan refers to *"all development within Wyre Forest District will be expected to exhibit high quality design"* and *"Wyre Forest District has an existing character that is determined by the qualities of the existing buildings and landscape. New development should respond to these existing qualities and ensure that it represents a positive addition to the streetscape or landscape"*.

198. Policy SP.22 - 'Landscape Character' of the adopted Wyre Forest District Local Plan states that *"new development must protect and where possible enhance the unique character of the landscape including individual settlements or hamlets located within it. Opportunities for landscape gain will be sought alongside new development, in order that landscape character is strengthened and enhanced"*.

199. Policy SP.28 - 'Green Infrastructure' of the adopted Wyre Forest District Local Plan refers to *"new development will be expected to retain, protect and enhance and provide Green Infrastructure (GI) assets (and associated blue infrastructure) by integrating GI into developments and contributing positively to the District's green infrastructure network"*.

200. Policy SP.33 - 'Pollution and Land Instability' of the adopted Wyre Forest District Local Plan states *"development proposal must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on any of the following: human health and wellbeing...the effective operation of neighbouring land uses. An existing or proposed Air Quality Management Area (AQMA)"*.

201. Policy DM.24 - 'Quality Design and Local Distinctiveness' of the adopted Wyre Forest District Local Plan refers to all development will be expected to be of a high design quality.

202. Paragraph 185 of the NPPF sets out that *"planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [Footnote: see Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010); b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation"*.

203. Paragraph 186 of the NPPF goes onto states that *“planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement....”*

204. The proposed building would be constructed to the south of the school site on a parcel of brownfield land adjacent to the school gymnasium. The development site was previously occupied by a swimming and is currently used to accommodate a temporary exam hall and storage containers, as well as a car park for 31 spaces.

205. In terms of landscape and visual impact, the proposed building would comprise of a two-storey block that measures approximately 39.5 metres by 19.5 metres by 8 metres high. The height of the roof would be a similar height to that of the adjacent gymnasium of the Sports Complex, but smaller than the ridge height of the adjacent Sports Hall and due to the topography, would be lower than the chapel. The proposed structure is set back from the front elevation of the Sebright School building and, therefore, screened from the northerly views. The Atwood building complex would partially screen the building from the views looking west from Blakeshall Lane. There would be some glimpsed views of the building from Drakelow Lane, but the structure would be seen in the context of a number of existing modern and historic school buildings on site. Additionally, in the summer months in particular, this would be further minimised by the existing trees and hedgerows.

206. The use of a two-storey building would allow the classroom block to have a smaller footprint than the existing temporary mobile buildings, and overall, there is a greater effectiveness in the use of space so that the gross internal area is also smaller measuring approximately 1,178 square metres as compared to all the existing temporary mobile buildings which have a gross internal area of approximately 1,476 square metres.

207. The design of the proposed classroom building, including the roof, stepped elevations and the proportions of the windows reflect the design of the locally listed Sebright School building. The elevation materials would match brickwork and stonework of adjacent building within the school site. It would also include aluminium cladding features to complement the copper green roof materials of the chapel also located within the school complex. The doors and windows would have dark grey aluminium frames. As such, it is expected that the new structure would complement and blend in within a mix of existing buildings on the school site. The combination of the design and materials of the proposed classroom block are considered to mitigate the potential visual impact of the greater height and massing of the proposed block.

208. The existing area of grasscrete car park to the south of the school buildings would be removed and replaced with soft landscaping which would also encompass the new building. As a result, the appearance of the area outside of the new building would be softened.

209. In relation to the proposed car park to the north of the school buildings, the development would result in the removal of existing mobile classrooms which are in a state of disrepair and as such improve the visual impact of the northern part of the

development site. Additionally, the car park surface is proposed to be 'grasscrete' which would soften the impact of this large hardstanding area. The demolition of the existing mobile classrooms and the creation of the car park on the same area of the ground as the classrooms would ensure that the visual impact of the proposed car park area would be minimised.

210. An Arboricultural Impact Assessment accompanied the application, which identified that a single tree (Norway spruce) would be required to be removed as a result of the proposed new classroom block, due to encroachment within its Root Protection Area is too great. This tree was considered to be of low quality and generally a poor specimen. The Planning Statement states that measures would "*be put in place to replace any trees impacted by the development or to ensure that, where trees are retained, appropriate protection measures are put in place*".

211. The applicant's Visual Impact Assessment submitted as part of the Design and Access Statement concludes that the building would have "*a negligible impact on the visual amenity of the surrounding areas*".

212. The County Landscape Officer has been consulted and has no objection to the scheme, subject to the imposition of conditions relating to root protection zones and a LEMP.

213. In view of the above, the Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions that the proposal would not have an unacceptable adverse or detrimental impact upon the character and appearance of the local area, and would not cause any unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due to its design, size and location.

214. In relation to nuisance and air quality, the submitted Emissions Management Plan covers mitigation to reduce noise, dust, odour and vibration degradation associated with excavation, demolition and construction works to be undertaken.

215. The submitted Emissions Management Plan considered the impacts of noise and dust emissions on the nearest sensitive receptors, which include the existing school population located to the northern boundary of the site using the gym and classroom block and neighbouring properties on the school boundary. The Emissions Management Plan states that demolition activities would be timed to be carried out during school holidays to minimise the impact from possible noise nuisance.

216. A letter of representation has been received in regard to hours of construction, dust and the effect on residential amenity. The applicant has since clarified that site working hours would be restricted between 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 12:30 hours on Saturdays, with no working on Sundays, Public or Bank Holidays. The applicant also confirms that the construction works are not constrained to school holiday periods, as it would take approximately 11 months to construct.

217. In relation to dust and air quality, the proposed development has the potential to generate dust and air quality from the construction activities such as demolition or groundworks and through the increased construction traffic, including HGV movements.

218. The highest sensitivity receptor is the existing school population located to the northern boundary of the site using the gym and classroom block, as well as neighbouring properties on the school boundary have the potential to be impacted during the demolition and construction works sensitivity to dust soiling.

219. The Emissions Management Plan summarised the risk of dust impact on dust soiling and human health, based upon the potential magnitude of dust emissions and the sensitivity to the area to dust, which are outlined in the table below:

Table 1: Risk of Dust Impact

Potential Effect	Risk			
	Demolition	Earthworks	Construction	Movement of dust/debris
Dust Soiling	Medium risk	Medium risk	Medium risk	Low risk
Human Health	Low risk	Low risk	Low risk	Low risk

220. The Emissions Management Plan goes on to state that the *“total volume of all buildings to be demolished is estimated to be between approximately 1,500 cubic metres and 2,500 cubic metres. Based on this, the potential dust emissions during demolition works would be of medium magnitude... The potential dust emissions during earthworks activities would be of a low magnitude”*.

221. The Emission Management Plan specifies the following dust mitigation measures:

- Employing a piled solution and prefabricated superstructure to minimise earthworks and movement of excavated materials
- Dampening or covering soil stockpiles
- Prioritising provision of hard surfacing
- Careful subcontractor management
- Maintaining high levels of site housekeeping
- Vehicle inspection prior to leaving site
- Local wheel cleaning
- Road sweeping as necessary
- Utilising modern methods of construction

222. Additionally, the Transport Technical Note submitted by the applicant specifies a number of mitigation measures that would be considered to minimise the impact the impact of construction traffic on the surrounding highway. They include:

- Regular highway sweeping of mud / debris deposited by construction traffic
- Wheel washing within the site, adequate sheeting of loads to prevent spill onto the carriageway and damping down with water and vapour sprays during dust generating activities
- Consolidated vehicle loads and use of local suppliers to minimise travel distance, where possible
- Re-use of material on site, where possible

- Appoint community liaison representative as point of contact for local people
- Scheduling of deliveries and re-timing outside of peak hours

223. With regard to potential vibration impacts the applicant states that a Continuous Flight Auger (CFA) piling method has been selected which is virtually vibration free. Other sources of possible vibration include demolition activities and the movement of tracked vehicles and this would be mitigated by minimising the duration of these activities and selecting low impact plant where practicable.

224. The submitted Sustainability Assessment states that the proposed development would aim to minimise any negative impacts on the natural environment considering the impacts of water use, materials and air quality and by maintaining and improving air quality by ensuring skips and trucks loaded with construction materials would be covered and continually damped down with low levels of water. The Sustainability Statement goes on further to comment that CEMP would be *“developed to ensure the use of measures to minimise waste during the construction phases of the development, including a strategy for recycling/disposing of waste arising from demolition and construction works”*.

225. WRS have been consulted and have no objections to the proposal, subject to the imposition of appropriate conditions relating to reporting of unexpected contamination of land, secure cycle parking and electric vehicle charges.

226. With regard to nuisance, WRS comment that the submitted Emissions Management Plan appears acceptable in terms of the proposed measures to monitor and minimise emissions of noise, vibration and dust during the demolition and construction phases.

227. In relation to air quality, WRS recommend that incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. They recommend secure cycle parking and electric vehicle charging.

228. WRS raise no objections to the proposal in regard to contaminated land but recommend a condition relating to reporting of unexpected contamination of land.

229. Wyre Forest District Council, Wolverley and Cookley Parish Council and the County Public Health Officer have all been consulted and raise no objections to this proposal.

230. In view of the above, and taking into account comments from the County Landscape Officer and WRS in particular, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, there would be no unacceptable adverse noise, dust, vibration, odour, air pollution impacts on residential amenity, visual impacts and landscape character, in accordance with Policies SP.16, SP.20, SP.22, SP.28, SP.33 and DM.24 of the adopted Wyre Forest District Local Plan.

Traffic and Highway Safety

231. Letters of representation have been received from local residents who have concerns around the impact of additional traffic including on air quality, congestion

and highways safety reasons, as well as the potential concerns about the impact of construction traffic.

232. It is noted that paragraph 111 of the NPPF states *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

233. Paragraphs 104 and 105 of the NPPF state: *"transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued"* and *"significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health"*.

234. Paragraphs 107 and 112 of the NPPF state: *"if setting local parking standards for residential and non-residential development, policies should take into account the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles"* and *"applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"*.

235. Paragraph 186 of the NPPF states: *"planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas"*.

236. Policy SP.27 - 'Transport and Accessibility' of the adopted Wyre Forest District Local Plan states that proposals which demonstrate that they address road safety issues and in particular they are consistent with the delivery of the Worcestershire Local Transport Plan Objectives. Policy DM.24 - 'Quality Design and Local Distinctiveness' of the adopted Wyre Forest District Local Plan refers to *"vehicular traffic from the development should be able to access the highway safety and the road network should have the capacity to accommodate the type and volume of traffic from the development"* and *"satisfactory access and provision for the parking, servicing and manoeuvring of vehicles should be provided in accordance with the recognised standards"*.

237. As stated in 'The Proposal' section of this report, the vehicular access to the application site is through the existing T-junction on Blakeshall Lane in the east of the site, with a separate pedestrian entrance to the south opposite the Blakeshall Lane / the Shortyard junction. The applicant states within the Transport Technical Note that the segregated access arrangement would remain following redevelopment of the site.

238. The school itself is located approximately 3 kilometres north of Kidderminster town centre and is accessible from both the local and strategic highway network, including access within 2 kilometres to both the A442 and A449 via Wolverley Road.

239. The Transport Technical Note state that *“Blakeshall Lane is subject to a 30 miles per hour speed limit, with traffic management measures including warning signage for school traffic and yellow ‘school keep clear’ zigzag road markings adjacent to the main pedestrian entrance. The current access into the school is a standard priority T-junction, with the road adjacent measuring approximately 4.8 metres in width”*.

240. The carriageway into the school site and towards the car park is approximately 150 metres in length and is subject to 5 miles per hour speed limit. There are also speed bumps and a pedestrian crossing to ensure the safe movement of pedestrians within the site. A dedicated bus pick-up and drop-off area with turning facilities is also present within adjacent to the main vehicular access. In the immediate vicinity of the vehicular access, the adjacent land uses are typically rural with small areas of residential properties and agricultural land. There are additional residential properties within the village of Wolverley adjacent to the main pedestrian access, which ensures that there is an existing level of pedestrian infrastructure to serve the site. This includes continuous footways and a dropped kerb crossing with tactile paving and guard railing to provide a direct southbound route towards Wolverley.

241. The Transport Technical Note highlights that currently on site, the site contains 86 parking spaces across the site, 43 of which are within the proposed red line boundary, including 1 parking space for disabled users. 31 of these spaces are located to the south of the main school buildings, and 12 parking spaces located along the main access road adjacent to the school reception, 10 of which are being retained with 2 parking spaces being relocated to the proposed new car park area, to enable 3 of the existing car parking spaces to be allocated as parking spaces for disabled users. A total of 30 cycle parking spaces are also present onsite.

242. The proposed development includes the creation of a new parking area accommodating 33 parking spaces. These parking spaces would directly replace 31 parking spaces lost to the construction of the new building and 2 bays located outside of the reception area which are proposed to be relocated.

243. The applicant states that the proposed new parking area would better accommodate community use of the sports pitches and facilities which are utilised outside of school hours (typically 17:00 to 22:00 hours on weekdays, and 09:00 to 18:00 hours on weekends). Ad hoc parking around the pitches currently occurs as a result of existing parking spaces being too far from the sports facilities, and therefore the proposed new parking area would rationalise this and offer formal parking opportunities directly adjacent to the pitches.

244. The Transport Technical Note concludes that that the proposal would *“not materially change the overall level of parking currently available at the site”*.

245. The Head of Planning and Transport Planning notes that the school currently operates with a PAN per year of 180 pupils and requires up to 125 staff (full-time equivalent), while the typical school day extends from 08:30 to 15:10 hours. No changes are proposed to the staff and pupil numbers at the site or school day, as a result of this proposal, with the school continuing to operate at its current capacity levels. Consequently, the proposal would not result in an increase in car parking demand or subsequent vehicle trips associated with the site.

246. The applicant states that with regard to the construction on-site, it is anticipated that the development would extend over a period of approximately 11 months. Works are anticipated to commence in October / November 2022, with the primary stages being:

- **Stage 1:** New classroom block construction (approximately October / November 2022 to July 2023)
- **Stage 2:** Demolishing of existing classroom (approximately May 2023 to September 2023)
- **Stage 3:** Creation of new car park area (approximately August 2023 to September 2023)

247. The applicant has provided a breakdown of the expected methodology for the main building construction works and an indicative number of construction staff on site for each phase:

- Site setup / enabling works (approximately 2 staff)
- Piling / substructure (approximately 12 staff)
- Super-structure / cladding (approximately 35 staff)
- Internal fit-out (approximately 20 staff)
- External / completion works (approximately 12 staff)

248. The applicant confirms that the maximum number of HGV movements would be 20 HGV trips per day (10 HGV trips to and 10 trips out of the site).

249. As set out in the 'Residential Amenity, Visual Impact and Landscape Character' section of this report, the applicant is proposing a number of mitigation measures, which would seek to minimise the impact of construction traffic on the surrounding highway network, these include use of a road sweeper, wheel washing facilities, sheeting of loaded vehicles, vapour sprays during dust generating construction activities and scheduling of deliveries outside peak hours.

250. The Transport Technical Note concludes that given the self-contained nature of the site, and limited extent of the works, the applicant anticipates that all construction traffic and related vehicles can be accommodated safely within the site, without the need for waiting, loading or turning in the surrounding highway network.

251. There are no PROWs located within or abutting the development site.

252. The County Highways Officer has been consulted and has no objections to the proposal, subject to the imposition of conditions relating to access, turning and parking, CEMP for highways and a highway condition survey.

253. The County Footpaths Officer has been consulted and has no objections to this proposal.

254. In view of the above and taking into account comments from the County Highways Officer and County Footpaths Officer, the Head of Planning and Transport Planning is satisfied that, subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse impact upon traffic, highways safety or PROWs, in accordance with Policies SP.27 and DM.24 of the adopted Wyre Forest District Local Plan.

Ecology and Biodiversity

255. Policy SP.22 - 'Landscape Character of the adopted Wyre Forest District Local Plan' refers to *"planning policies and decision should contribute to and enhance the national and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils"*.

256. Policy SP.23 - 'Protecting and Enhancing Biodiversity' of the adopted Wyre Forest District Local Plan refers to delivering measurable net gains in biodiversity through the promotion and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations.

257. Policy SP.28 - 'Green Infrastructure' of the adopted Wyre Forest District Local Plan states that the *"the existing green infrastructure (and associated blue infrastructure) network will be safeguarded from inappropriate development. New development will be expected to retain, protect, enhance and provide Green Infrastructure (GI) assets (and associated blue infrastructure) by integrating GI into developments and contributing positively to the District's green infrastructure network"*.

258. Policy DM.24 - 'Quality Design and Local Distinctiveness' of the adopted Wyre Forest District Local Plan refers to trees stating that *"existing trees should be incorporated into development or replacements provided where a tree survey demonstrates trees are not worth of retention or retention is not possible"*.

259. Policy DM.26 - 'Landscaping and Boundary Treatments' of the adopted Wyre Forest District Local Plan refers to landscape schemes must demonstrate a range of criteria including *"predominantly use local native species to protect and improve diversity"*.

260. Paragraph 131 of the NPPF states that *"trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that... opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible"*.

261. Section 15 of the NPPF, paragraph 174 states that *"planning policies and decisions should contribute to and enhance the natural and local environment by a number of measures including protecting and enhancing... sites of biodiversity (in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

262. Paragraph 180 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 (though 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.

263. Details of the nearest statutory and non-statutory designated wildlife site are set out in ‘The Site’ section of this report.

264. The application submission comprises a Planning Statement, which includes an ‘Ecology’ section, and accompanying PEA report. The applicant undertook ecological analysis of the current situation on-site with regards to habitats and species. Additional surveys and reports, including specific reports regarding bats, badgers and a Biodiversity Net Gain have also been prepared.

265. In terms of protected species, the PEA rules out any impacts on roosting bats are anticipated due to the buildings and trees onsite assessed as having negligible potential to support roosting bats. The hedgerow, scrub and trees on site provide suitable foraging and commuting habitat for bats and link to additional habitat in the surrounding landscape. The PEA recommends that a Lighting Strategy is developed to minimise any disruption to foraging and commuting bat routes.

266. Regarding badgers, the habitat suitability assessment identified suitable habitat for badger sett excavation along the scrub embankment, located adjacently to the southern boundary of the site. As no evidence of badger activity was found on site, no further survey or mitigation works with regard to these animals are required at this stage. However, as badgers are mobile animals and may pass through the area, the PEA makes recommendations to minimise any impacts on this species. Recommendations include the applicant being vigilant to any potential setts identified and contact an ecologist. Any excavation should be covered at night and fitted with suitable mammal ramps. Any open pipework with diameter above 150 millimetres must be covered at the end of each working day. The badger survey should be repeated should no work have commenced within 12 months.

267. The PEA states that there are records of brown hare, polecat and harvest mouse within 1 kilometre of the site. There were no records of hedgehogs near the site. The majority of the site was dominated by hardstanding and buildings which is of no value for these species. However, the PEA states that grassland, hedgerows and scrub in the southern part of the site may provide opportunity for refuge and foraging and is connected to more suitable habitat in the wider landscape. As such, the PEA recommends that any excavations (if required) that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 millimetres must be covered at the end of each workday to prevent animals entering/becoming trapped.

268. Regarding otters, the nearest record was located approximately 480 metres south-east of the site within the River Stour. No aquatic habitat suitable for this species was recorded on or adjacent to the site, therefore, the PEA considers the impact upon otters is not a notable consideration for this development.

269. In relation to amphibians, the desk study provided four records of common frog and two records of common toad within a 1-kilometre radius of the site. The nearest

records of both were approximately 320 metres south of the proposal. No records of great crested newt were provided. The scrub along the southern boundary of the site might provide some suitable habitat, however, it is limited and not connected to any suitable breeding habitat in the surrounding landscape. As such, the PEA considers it is highly unlikely that amphibians would be present onsite.

270. Regarding reptiles, the desk study provided one record of grass snake located approximately 400 metres south-east of the application site. The majority of the site is of low value habitat for reptiles as it is dominated by buildings, hardstanding and short-mown grassland. As such, they are not a notable consideration in relation to the proposed development.

271. In relation to birds, the desk study provided records of a small number of bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). The PEA states that these species are unlikely to nest onsite because it does not fall within their specific breeding ranges and / or contain their specific habitat requirements. A small number of common bird species were identified on site during the field survey. None of the buildings provided suitable nesting habitat for birds, however, the hedgerow, scrub and trees on site did provide suitable nesting habitat. As such the PEA recommends that vegetation clearance should be undertaken outside the nesting bird season.

272. Regarding invertebrates, the desk study provided a small number of moth and butterfly species within a 1-kilometre radius of the survey area. The floral diversity and plant species present within the survey area were not noted to hold particular ecological value and so the notable butterfly and moth species are unlikely to be significantly impacted by clearance of any habitats within the survey area. However, the PEA recommends that plant species to be incorporated within the proposed soft landscaping scheme should be of value to invertebrate species.

273. In relation to plants, species recorded within the survey were considered to be common and widespread and the habitats noted are unlikely to support notable species.

274. The PEA concludes that there would be no significant impact from the development on any national or local nature conservation or ancient woodland sites.

275. With regard to arboriculture, paragraph 131 of the NPPF states: *“trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that... opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”*.

276. In relation to ancient woodland and veteran trees, paragraph 180 of the NPPF states that *“when determining planning applications, local planning authorities should apply the following principles:... C) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons [Footnote: for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit*

would clearly outweigh the loss or deterioration of habitat] and a suitable compensation strategy exists”.

278. An Arboricultural Impact Assessment accompanies the planning application and considers that a single tree (Norway spruce) would be required to be removed as part of the development, however, this tree was identified as a low-quality specimen. The Arboricultural Impact Assessment also set out details of the measures which would be expected to be put in place to replace any trees impacted by the development or to ensure that, where trees are retained, appropriate protection measures are put in place.

279. The Planning Statement states that *“new areas of soft and hard landscaping are proposed under the current proposals, and these have been designed to complement and enhance the site and its wider setting, as well as to secure an overall increase in biodiversity”*. A Biodiversity Net Gain Assessment accompanies the application, which demonstrates that the proposal would result in a biodiversity net gain of approximately plus 25.89% above the current baseline habitat value.

280. Natural England have been consulted but wish to make no comments. WWT have no objections to this proposal and are content to defer to the opinions of the County Ecologist for all on-site biodiversity considerations. However, WWT recommend that the CPA impose conditions relating to CEMP, Lighting Strategy, SuDS and LEMP.

281. The County Ecologist raises no objections to the proposal, subject to the imposition of conditions relating to CEMP, LEMP, Lighting Strategy and Ecological Design Strategy.

282. Wyre Forest District Council have no objections to the proposal, noting that the Ecological Survey submitted provides sufficient detail to ensure any harm to biodiversity is minimised and to achieve biodiversity net gain, subject to the measures and recommendations set out in the Survey being implemented.

283. Wyre Forest District Council Nature Conservation Officer has no objections to the proposal. The Nature Conservation Officer concurs with the County Ecologist advice and recommendation regarding conditions.

284. The applicant has clarified that it is not envisaged that any additional lighting would be required over and above the proposed above-door emergency lighting, required for statutory safety requirements. In view of this, a precautionary condition is recommended requiring lighting details in the event additional lighting is subsequently deemed necessary.

285. Based on the advice of the Natural England, WWT, the County Ecologist, Wyre Forest District Council, and Wyre Forest District Council Nature Conservation Officer, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or the surrounding area, and would enhance the application site’s value for biodiversity, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development is in accordance with Policies SP.22, SP.23, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

Water Environment including Flooding

286. Policy SP.29 - 'Water Conservation and Efficiency' of the adopted Wyre Forest District Local Plan refers to *"the council will require development to demonstrate that it: A) incorporates design features that will reduce water consumption... B) incorporates design features that will support recycling / re-use of water through measures such as rainwater harvesting and grey water recycling..."*.

287. Policy SP.30 - 'Sewerage Systems and Water Quality' of the adopted Wyre Forest District Local Plan states that *"proposals that would result in an unacceptable risk to the quality and / or quantity of a watercourse or groundwater body will not be permitted. Strategies to help mitigate the impact of development on water quality will be required at planning application stage. Proposals should seek opportunities to improve water quality and help achieve good ecological Water Framework Directive (WFD) status"*.

288. Policy SP.31 - 'Flood Risk Management' of the adopted Wyre Forest District Local Plan states that *"in line with the NPPF and PPG the Council will steer new development to areas with the lowest probability of flooding. In order to minimise the impacts of and from all forms of flooding, the Council requires all development in areas thought to be at risk of flooding to: A) Ensure development proposals are located in accordance with the Sequential and Exception Test where appropriate and also take account of the latest versions of the Strategic Flood Risk Assessment, the Worcestershire Local Flood Risk Management Strategy, and the Worcestershire Surface Water Management Plan, b) Submit a site specific Flood Risk Assessment..."*.

289. Policy SP.32 - 'Sustainable Drainage Systems (SuDS)' of the adopted Wyre Forest District Local Plan states that *"effective on-site management of surface water can improve water quality, water conservation, the replenishment of ground water supplies and reduce instances of flooding... The Council therefore requires all development with surface water drainage impacts to ensure that flows and volumes of surface water runoff leaving a development site do not exceed Greenfield levels..."*.

290. Policy SP.33 - 'Pollution and Land Instability' of the adopted Wyre Forest District Local Plan states that *"development proposals must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on any of the following... the water environment..."*.

291. With regard to flood risk, the proposal is situated within Flood Zone 1 (low probability of flooding), as identified on the EA's Indicative Flood Risk Map. As the application site only measures approximately 0.76 hectares in area, a Flood Risk Assessment is not required to accompany the application, in accordance with paragraph 167 and Footnote 55 of the NPPF, as the site does not exceed 1 hectare in area.

292. The PPG at Paragraph Reference ID: 7-027-20220825 states that it should not be normally necessary to apply the Sequential Test to development proposals in an area at low risk from all sources. Annex 3: 'Flood risk vulnerability classification' of the NPPF identifies that educational establishments such as the proposed new school building and replacement carpark are classed as 'more vulnerable'. The PPG's Table 2: 'Flood risk vulnerability and flood zone 'compatibility'' specifies that 'more

vulnerable' developments in Flood Zone 1 are considered appropriate, and the Exception Test is not required.

293. The submitted Drainage Strategies for both the Classroom Proposed Levels and Drainage Plan and Car Park Proposed Levels and Drainage Plan provide details of the measures to ensure effective connections to existing systems and to manage future flood water flows in a sustainable manner.

294. The Classroom Proposed Levels and Drainage Plan indicate that the proposed drainage design would be based on a *“confirmed infiltration rate of 0.040 m/hr... Further infiltration testing (Bre 365 digest) would be carried out to confirm the rate, and drainage would be reviewed upon the receipt. SVP [Soil Vent Pipes] positions shown indicatively, with the exact positions to be confirmed”*. The Plan also indicates that the existing dished channel, concrete block paving would be remaining to the north of the site area; with the existing concrete block paving would be re-laid to new levels and falls. The infiltration trench soakaway (large underground crate soakaway area) is be proposed to be located to the east of the new classroom block, measuring approximately 10 metres long by 9 metres wide by 1.5 metres deep.

295. The Car Park Proposed Levels and Drainage Plan indicate that the proposed drainage design would be based on a *“confirmed infiltration rate of 0.040 m/hr... Further infiltration testing (Bre 365 digest) would be carried out to confirm the rates, and drainage would be reviewed upon the receipt. SPV [Soil Vent Pipes] positions shown indicatively, with the exact positions to be confirmed”*. The Plan also indicates that the proposed grasscrete car parking area would drain by infiltrating into the ground, with the existing car parking area that would be amended located along the school's vehicular access road to drain by the existing gullies and drainage channels.

296. STWL have raised no objections to the proposal, commenting that they have no concerns with regards to the drainage proposals for the extension of the site; surface water is to discharge via existing gullies and infiltrate into the ground (soakaway) with foul sewage to discharge to the existing private foul sewars. STWL also comment that although they have Strategic Supply Aqua ducts in the area, they are assured that the works would have no impact on the important asset, therefore do not require a drainage condition to be imposed at this time.

297. NWWM have no objections to this proposal, subject to the imposition of a condition relating to a scheme for surface water drainage. NWWM state that to their knowledge the site is not at risk of flooding. It would be important that surface water generated on the site would be disposed of responsibly as to not to increase the risk of flooding elsewhere. This is extremely important as there are known flooding issues in the Horse Brook catchment downstream of this development site.

298. NWWM consider that there would be no reason to withhold approval of this application on flood risk or water management grounds. The surface water drainage arrangements would be part of a future Building Control application. However, the Building Regulations have not kept up with national practice regarding design return periods. The Building Regulations still refer to a 1 in 10-year period whereas it is national practice to ask for surface water drainage schemes to be designed to be able to deal with the 1 in 100-year design rainfall event on the site. This is for instance reflected in the BRE 365 soakaway design guide, which was revised in 2016. The NPPF states that the Local Planning Authority should only consider development that

does not increase flood risk off site. Also, the effects of climate change need to be taken into account.

299. To address the above points, NWWM recommend that a condition relating to a surface water drainage scheme is imposed should planning permission be granted.

300. The County Ecologist and WWT have both been consulted and raise no objections to this proposal. WWT recommend that the CPA imposes a condition relating to SuDS. A condition is recommended to this effect.

301. Based on the advice of NWWM, STWL, the County Ecologist, and WWT, the Head of Planning and Transport Planning considers that the proposal would have no unacceptable adverse effects on the water environment, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development accords with Policies SP.29, SP.30, SP.31, SP.32 and SP.33 of the adopted Wyre Forest District Local Plan.

Other Matters

Playing Fields

302. Paragraph 99 of the NPPF states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.*

303. Policy DM.6 - ‘Community Facilities’ of the adopted Wyre Forest District Local Plan states a Part 7 c. of the policy that *“any proposal that would result in the loss of land or buildings currently or formerly used as a community facility will only be permitted if...c. The development is for alternative community facilities to meet local needs and, in the case of the loss of sports and recreational facilities, the benefits of which clearly outweigh the loss”*. The Reasoned Justification to this policy confirms that educational establishments such as schools and formal sports pitches constitute community facilities.

304. The land that the applicant proposes to locate a carpark and that currently hosts the existing temporary mobile classrooms has historically been used as playing field. Whilst this parcel of land has not been used as playing field for a period beyond five years (due to the presence of the mobile classrooms), it is noted that planning permission CPA Ref: 14/000008/REG3 imposed a condition requiring the mobile classrooms to be removed and the land reinstated. As such, the CPA consulted Sport England as the proposal affects the wider playing field.

305. Sport England have no objections to the proposal, stating that they do not wish to make any specific comments in relation to the proposed school classroom block, since this would not impact on the existing playing field, and does not involve the

provision on any new facilities for sport. In respect of the proposed car parking area, Sport England states that the applicant explains that whilst the land has not been used as playing field since 2007 when the mobile classrooms were installed, they recognise the extant requirement within the previous planning consent to reinstate the playing field. The applicant has, therefore, put forward their case in respect of playing field loss. The applicant states that the proposal would benefit the use of the wider school playing field, by providing additional car parking in proximity to the playing field. The school have an extensive area of playing field with pitches provided further to the north that are made available for community use for local football teams. There is evidence on google earth images of cars driving across the playing field to park closer to those pitches, which brings with it a potential negative impact on the quality of the playing field due to compaction and contamination.

306. Sport England further states that the applicant makes the case that the proposal would accord with Exception E2 of Sport England's Playing Fields Policy and Guidance. This states:

"The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use".

307. Sport England are aware that the school are working in partnership with Worcester FA and Football Foundation regarding a project to improve the gradients / levels across the playing field closest to the proposed car park (involving proposed cut and fill to create more usable plateaus) This would involve constructing additional pitches for the school and to facilitate additional community use by local teams. This is also likely to include the provision of a new changing room block. The provision of these additional pitches would bring with it demand for car parking to serve users, and, therefore, Sport England is broadly supportive of the case being put forward that the parking areas would complement the use of the playing fields.

308. Sport England further consider the extent to which the use of the land for car parking might accord with Exception E3 of their Playing Fields Policy and Guidance, which states: *"the proposed development affects only land incapable of forming part of a playing pitch and does not:*

- *reduce the size of any playing pitch*
- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- *result in the loss of other sporting provision or ancillary facilities on the site; or*
- *prejudice the use of any remaining areas of playing field on the site".*

309. Notwithstanding the requirements of the extant planning condition to reinstate the land, Sport England are aware that the northern edge of the application site is currently defined by a bank and a section of retaining wall in the north-western corner, that would practically make it difficult for the land to be re-used for sport simply by reinstating the grass surface, due to the change in levels. The length and depth of the area of land is such that there is limited capacity of itself, to accommodate a pitch, therefore, in practical terms substantial engineering works would be required to create a usable plateau area for a pitch to be provided in this area of the site. With this in

mind, Sport England recognises that even with a scheme of reinstatement works to meet the terms of the extant planning condition, this might not necessarily result in the reinstated area of playing field being capable of accommodating a pitch or part of a pitch. In this regard, Sport England consider the proposal would also accord with Exception E3 of their Playing Fields Policy and Guidance.

310. In view of the above, Sport England are satisfied that the proposed development meets Exceptions E2 and E3 of their Playing Fields Policy and Guidance.

311. Based on the advice of Sport England, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact on the school's playing fields and accords with paragraph 99 of the NPPF, and Policy DM.6 of the adopted Wyre Forest District Local Plan.

Minerals

312. The proposal and the wider school site falls within a Mineral Safeguarding Area for 'Solid Sand', and a Mineral Consultation Areas for 'Solid Sand' and southern parts of the site fall within Mineral Consultation Areas for 'Building Stone' and 'Terrace and Glacial Sand and Gravel'.

313. Paragraph 210 of the NPPF states that *"planning policies should... c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)"*.

314. Policy SP.34 - 'Minerals' of the adopted Wyre Forest District Local Plan states that *"proposed development in Minerals Consultation Areas will be required [excluding 'exempt development, as defined in the adopted Worcestershire Minerals Local Plan] to assess the potential for the proposed development to sterilise locally or nationally important mineral resources"*.

315. Policy MLP 41: 'Safeguarding Locally and Nationally Important Mineral Resources' of the adopted Worcestershire Minerals Local Plan states that *"a level of technical assessment appropriate to the proposed development and its potential impact on sterilising mineral resources, both within and beyond the boundary of the proposed development, will be required for all non-exempt development proposed within or partially within the Mineral Consultation Areas defined on the Policies Map"*.

316. Tables 7.1 and 7.2 in the adopted Worcestershire Minerals Local Plan set out where applications are or may be exempt development. Exempt development includes *"e) replacement of existing buildings with buildings of similar scale and within the same Use Class", "f) alterations or extensions to existing buildings where this is within their existing curtilage" and "g) provision of driveways, garages, car parks, hard standings and non-habitable structures within the curtilage of existing buildings"*.

317. The Head of Planning and Transport Planning considers that the proposed new classroom block would broadly fall within the above listed exemptions e) and f), and the proposed car park would fall within exemption g). It is noted that the proposed development would not extend the curtilage of the school site, with all development

being immediately adjacent to the existing school buildings. In view of this, the Head of Planning and Transport Planning is satisfied that it is unlikely the proposal would increase the risk of sterilising a mineral resource or supporting infrastructure.

Consultation

318. Letters of representation have been received commenting on the grounds of inadequacy of the applicant's pre-application public consultation.

319. 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 (October 2021).

320. The applicant states that in March 2022 a stand at a school career fayre was held with a key focus to present the proposed scheme to pupils. The event was attended by approximately 500 pupils and staff. The applicant states that due to many of the pupils living nearby to the school, information about the scheme would have spread early awareness of the proposed scheme to a number of nearby households.

321. The applicant also confirms that during June 2022, the school arranged for a pack of information to be sent out to the school community. The pack contained a letter which summarised the proposed scheme as well as proposed site plans, building floor plans and elevations. A dedicated email address was set up by the school to receive any comments or feedback arising. The applicant states that this email address will remain live even after the planning decision has been made to provide an alternative means of raising comments or requesting clarification as opposed to contacting the council.

322. The statutory requirements for consultation on planning applications by local planning authorities are outlined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

323. The statutory requirement is for a site display in at least one place on or near the land to which the application relates for not less than 21 days and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

324. Public consultation took place in July 2022, five Public Notices were erected on and in the vicinity of the application site; a Press Notice was published in the Kidderminster Shuttle, giving at least 21 days' notice and neighbour consultation letters were sent out to local residents in vicinity of the site. Consultation letters were also sent to the Parish Council and District Council.

325. In view of this, the Head of Planning and Transport Planning is satisfied that the CPA has complied with the appropriate consultation procedures.

Renewable Energy

326. Paragraph 152 of the NPPF states that "*the planning system should support the transition to a low carbon future in a changing climate (...) and support renewable and low carbon energy and associated infrastructure*".

327. Policy SP.37 -‘Renewable and Low Carbon Energy’ of the adopted Wyre Forest Local Plan states that “to reduce carbon emissions and secure sustainable energy solutions, all new developments over 100 square metres gross, or one or more dwellings, should incorporate the energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make development unviable”.

328. The applicant submitted the Sustainability Statement which states that the proposed development would include a number of design principles which support sustainable development, including, 20% of predicted energy consumption to be met through the use of low carbon energy generation. The applicant proposes the use of Air Source Heat Pumps as the most viable option for this development. The applicant demonstrated within the Sustainability Statement that this renewable energy source would be able to exceed the policy requirement of 10% predicted energy requirements.

329. The CPA recommends the imposition of a suitably worded planning condition requiring renewable or low carbon energy generating facilities to be incorporated as part of the development.

330. In view of this, the Head of Planning and Transport Planning is satisfied that this proposal, subject to the imposition of an appropriate condition, is in accordance with Policy SP.37 of the adopted Wyre Forest Local Plan.

Human Rights Act 1998

331. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

332. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

333. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the CPA would not detrimentally infringe the human rights of an individual or individuals.

Obligations under the Equality Act 2010

334. The CPA in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. The Head of Planning and Transport Planning considers that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with ‘protected

characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.

Conclusion

335. The applicant is seeking planning permission for the proposed demolition of existing single storey temporary classroom block, erection of new replacement two-storey classroom building to accommodate 12 no. classrooms, 4 offices and ancillary space, and the relocation and reconfiguration of the existing car park provision at Wolverley CE Secondary School, Blakeshall Lane, Wolverley, Kidderminster, Worcestershire.

336. On balance, the Head of Planning and Transport Planning considers that the proposed development, when considered in isolation and in combination with other developments, would have moderate impact on the openness of the Green Belt. The Head of Planning and Transport Planning considers that the applicant's considerations, such as the state of the existing mobile classrooms and the lack of available land within the school boundary outside of the Green Belt designation amount to very special circumstances. Accordingly, very special circumstances exist and, in relation to Green Belt matters, the granting of planning permission can be justified. As such, the proposed development meets the relevant policy requirements in the NPPF Section 13 and accords with Policies SP.7 and DM.22 of the adopted Wyre Forest Local Plan.

337. On review of the submitted information and taking into account comments from the consultees including the County Archaeologist, Wyre Forest District Council Conservation Officer and Historic England, and due to the nature, scale and location of the proposal, together with the distance from heritage assets and intervening buildings, and established trees and vegetation, the Head of Planning and Transport Planning considers that the proposals would not lead to any material harm to any of the identified heritage assets. In view of this, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse impact upon heritage assets, in accordance with Policies SP.20, SP.21, and DM.23 of the adopted Wyre Forest District Local Plan, subject to the imposition of appropriate conditions.

338. The Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions that the proposal would not have an unacceptable adverse or detrimental impact upon the character and appearance of the local area, and would not cause any unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due to its design, size and location.

339. On review of the submitted information and taking into account comments from the County Landscape Officer and WRS, the Head of Planning and Transport Planning considers that subject to the imposition of appropriate conditions, there would be no unacceptable adverse noise, dust, vibration, odour, air pollution impacts on residential amenity, visual impacts and landscape character, in accordance with Policies SP.16, SP.20, SP.22, SP.28, SP.33 and DM.24 of the adopted Wyre Forest District Local Plan.

340. On review of the submitted information and taking into account comments from the County Highways Officer and County Footpaths Officer, the Head of Planning and Transport Planning is satisfied that, subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable adverse impact upon traffic, highways safety or PROW, in accordance with Policies SP.27 and DM.24 of the adopted Wyre Forest District Local Plan.

341. On review of the submitted information and based on the advice of Natural England, WWT, the County Ecologists, Wyre Forest District Council, and Wyre Forest District Council Nature Conservation Officer, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or the surrounding area, and would enhance the application site's value for biodiversity, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development is in accordance with Policies SP.22, SP.23, SP.28, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan.

342. On review of the submitted information and based on the advice of NWWM, STWL, the County Ecologist, and WWT, the Head of Planning and Transport Planning considers that the proposal would have no unacceptable adverse effects on the water environment, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposed development accords with Policies SP.29, SP.30, SP.31, SP.32 and SP.33 of the adopted Wyre Forest District Local Plan.

343. In accordance with paragraph 11 c) of the NPPF, development proposals that accord with an up-to-date Development Plan should be approved without delay and taking into account the provisions of the Development Plan and in particular Policy MLP 41 of the adopted Worcestershire Minerals Local Plan, Policy WCS 17 of the adopted Worcestershire Waste Core Strategy and Policies SP.1, SP.2, SP.7, SP.16, SP.20, SP.21, SP.22, SP.23, SP.27, SP.28, SP.29, SP.30, SP.31, SP.32, SP.33, SP.34, SP.35, SP.37, DM.6, DM.22, DM.23, DM.24 and DM.26 of the adopted Wyre Forest District Local Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies. However, this council may not grant planning permission until the Secretary of State has notified the Council that he does not indeed to call in the application for his own determination.

Recommendation

344. The Head of Planning and Transport Planning recommends that:

- a) The Committee resolves that it is minded to grant approval for the proposed demolition of existing single storey temporary classroom block, erection of new replacement two-storey classroom building to accommodate 12 no. classrooms, 4 offices and ancillary space, and the relocation and reconfiguration of the existing car park provision at Wolverley CE Secondary School, Blakeshall Lane, Wolverley, Worcestershire, that the application be referred to the Secretary of State for Levelling Up, Housing and Communities, in accordance with The Town and Country Planning (Consultation) (England) Direction 2021; and**

- b) If the Secretary of State does not wish to intervene, planning permission be granted, subject to the following conditions:

Commencement

- 1) The development must be begun not later than the expiration of 3 years beginning with the date of this permission.
- 2) The developer shall notify the County Planning Authority of the start date of commencement of the development in writing within 5 working days following the commencement of the development.

Approved Plans

- 3) The development hereby permitted shall be carried out in accordance with the details shown on the following submitted and approved drawings, except where otherwise stipulated by conditions attached to this permission:

- Drawing number: WSK-RBA-NC-00-D-A-000103, Revision P05, titled: 'Replacement Classrooms Proposed Site Plan', dated June 2022;
- Drawing number: WCESS-RBA-NC-00-D-A-101, Revision P01, titled: 'Site Location Plan', dated June 2022;
- Drawing number: WCESS-RBA-IBL-00 DR-A-000102, titled: 'Existing Site Plan', Revision P01, dated June 2022;
- Drawing number: WCESS RA-IBL-00 DR-A-000105, Revision P01, titled: 'Replacement Classrooms Demolition Plan', dated: June 2022;
- Drawing number: WCESS-RBA-NC-D-A-000110, Revision P02, titled: 'Replacement Classrooms Proposed Ground Floor Plan' dated May 2022;
- Drawing number: WCESS-RBA-NC-01-D-A-000111, Revision P02, titled: 'Replacement Classrooms Proposed First Floor Plan', dated May 2022;
- Drawing number: WCESS-RBA-NC-RF-D-A-000112, Revision P01, titled: 'Replacement Classrooms Proposed Roof Plan', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-DR-A-000104, Revision P01, titled: 'Existing and Proposed Site Sections' dated June 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000115, Revision P02, titled: 'Replacement Classrooms Proposed Elevations Sheet 1 of 2', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000116, Revision P02, titled: 'Replacement Classrooms Proposed Elevations Sheet 2 of 2', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000117, Revision P01, titled: 'Replacement Classrooms Proposed Sections', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000118, Revision P01, titled: 'Replacement Classrooms Existing and Proposed South-East Elevations', dated May 2022;
- Drawing number: WCESS-RBA-NC-ZZ-D-A-000119, Revision P01, titled: 'Replacement Classrooms Existing and Proposed South-West Elevations', dated May 2022; and

- Drawing number: WCESS-KCL-EX-00-D-R-000100, Rev P01, titled: 'Parking and access during construction, dated June 2022, received by the County Planning Authority on 12 October 2022.

Working Hours

- 4) 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 12:30 hours on Saturdays, with no construction work on Sundays, Public or Bank Holidays.

Materials

- 5) Notwithstanding the submitted details, within 1 month of the commencement of the development hereby approved, a schedule and/or samples of the materials, colours and finishes of the development shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall not be carried out other than in accordance with the approved details.

Highways

- 6) The development hereby approved shall be carried out in accordance with the approved 'Emissions Management Plan', Rev B, dated 16 August 2022 for the duration of the construction works.
- 7) The development hereby approved shall be carried out in accordance with Section 5.3 'Mitigation Measures' of the approved 'Wolverley School, Kidderminster – Transport Technical Note', Rev V02, dated 15 June 2022 for the duration of the construction works.
- 8) Prior to the use of the development hereby approved, details of sheltered and secure cycle parking facilities, including details of the location, type of rack, spacing, numbers, method of installation and access in line with Worcestershire County Council Streetscape Design Guide (July 2022) 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.
- 9) Electric charging points shall be installed in at least 2 of allocated parking spaces for the opening of the development hereby approved, and at least 1 additional parking space shall be made ready for electric charging point installation (i.e., incorporating appropriate cabling) to allow additional provision to meet future demand. The charging points must comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. As a minimum, the charging points shall comply with Worcestershire County Council Streetscape Design Guide (July 2022) which requires 22 kilowatts charging points for non-residential developments.

Biodiversity and Landscape

- 10) Notwithstanding the submitted details, prior to commencement of development hereby approved, including demolition, ground works and vegetation clearance, a Construction Environmental Management Plan (CEMP) for biodiversity shall be submitted to and approved in writing by

the County Planning Authority. The approved CEMP for Biodiversity shall be implemented for the duration of the construction works. The CEMP for Biodiversity shall include the following:

- i. Risk assessment of potentially damaging construction activities;**
- ii. Identification of “biodiversity protection zones”;**
- iii. Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction. These shall be submitted in the form of a set of ‘Precautionary Method Statements’, which shall include:**
 - Methods for habitat manipulation, to remove suitability for reptiles and to provide contingency processes in the event of discovery of great crested newt, slow-worm, grass snake or other protected species;**
 - Precautionary working methods with regard to badgers and hedgehogs, to include both pre-commencement inspections in and around working areas and to confirm measures to be employed so as to protect badgers from becoming trapped in open excavations and/or pipes or culverts;**
 - Soft felling measures for any trees identified with a Potential Bat Roosting Features (low value Potential Roosting Feature only);**
 - Vegetation clearance with regards nesting birds; confirming that no vegetation clearance shall take place between March 1st and August 31st inclusively, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds shall be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation to be submitted to the County Planning Authority; and**
 - A biosecurity protocol to detail measures to minimise or remove the risk of introducing non-native species into a particular area during construction, operational or decommissioning phases of a project;**
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;**
- v. The times during construction when specialist ecologists need to be onsite to oversee works;**
- vi. Responsible person and lines of communication;**
- vii. The role, responsibilities and external reporting requirements of an on-site Ecological Clerk of Works (ECoW) or similar competent person; and**
- viii. Use of protective fences, exclusion barriers and warning signs.**

On completion of the CEMP a brief Statement of Conformity is to be submitted by the ECoW to the County Planning Authority confirming successful implementation of CEMP biodiversity measures, and any records of wildlife generated to be returned to the Worcestershire Biological Record Centre.

11) Notwithstanding the submitted details, within 3 months of the commencement of development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved plans. The LEMP shall include the following:

- i. Description and evaluation of features to be managed for their biodiversity value, as outlined in the Biodiversity Net Gain Assessment. To include both created and retained vegetation. The LEMP shall illustrate the location, extent and planting specifications of these habitats. Hedgerow and trees should be underplanted with an appropriate ground flora mix;**
- ii. Aims and objectives of management;**
- iii. Appropriate management options for achieving aims and objectives;**
- iv. Prescriptions for management actions;**
- v. Preparation of a work schedule (including an annual work plan, capable of being rolled forward over the full period specified as being required in order for features to reach the target condition specified);**
- vi. Details of the body or organisation responsible for the implementation of the plan; and**
- vii. Ongoing monitoring and remedial measures including clearly defined and appropriate criteria and measures of 'success' against which the performance and effectiveness of the LEMP can be judged;**

Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be native species of local provenance, unless otherwise agreed in writing with the County Planning Authority. No peat or insecticides or fungicides to be used. No fertilisers to be used in areas of wildflowers, any topsoil used in these locations should be of low fertility. Tree guards should be biodegradable or, the LEMP shall identify a date at the termination of aftercare period when all plastic tree guards are to be removed. Monitoring of ecological features including trees, hedgerow, grassland and any installed boxes or habitat refuges are to be undertaken and reported by a Suitable Qualified Ecologist. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the body(ies) responsible for LEMP delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or any remedial action shall be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details; A brief Statement of Conformity is to be submitted to the County Planning Authority which reviews measures implemented and their effectiveness against stated success criteria at the end of the LEMP aftercare period.

- 12) The development hereby approved shall be carried out in accordance with the tree mitigation and protections measures as identified in the Arboricultural Impact Assessment (Report No: RT-MME-157527-02, Dated: May 2022).
- 13) Details of any new lighting to be installed at the site, other than emergency above-door lighting required for statutory safety requirements, shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include the following:
- i. Height of the lighting;
 - 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, in particular bats; and
 - vi. Times when the lighting would be illuminated.
- 14) No development shall take place until an Ecological Design Strategy (EDS) addressing habitat enhancement measures to include bird and bat box specifications and measures which contribute towards the conservation of hedgehogs and invertebrates has been submitted to and approved in writing by the County Planning Authority. The EDS shall include the following:
- i. Purpose and conservation objectives for the proposed works;
 - ii. Review of site potential and constraints, including up-to-date surveys for mobile wildlife (such as badgers) to be undertaken by a competent and appropriately accredited specialist;
 - iii. Detailed design(s) and/or working method(s) to achieve stated objectives;
 - iv. Extent and location/area of proposed works on appropriate scale maps and plans;
 - v. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - vii. Persons responsible for implementing the works;
 - viii. Details of initial aftercare and long-term maintenance;
 - ix. Details for monitoring and remedial measures; and
 - x. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Sustainable Drainage System (SuDS)

- 15) No works in relation to site drainage shall take place until a scheme for surface water drainage for all impermeable areas has been submitted to and approved in writing by the County Planning Authority. This scheme shall be indicated on a drainage plan. If possible, infiltration techniques are

to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100-year event plus an allowance for climate change. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Renewable Energy

- 16) Prior to the use of the development hereby approved, details of renewable or low carbon energy generating facilities to be incorporated as part of the approved development shall be submitted to and approved in writing by the County Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to the use of the development hereby approved.

Unexpected Contamination

- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the County Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation. No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, until requirements a) to d) below have been complied with:
- a) Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the County Planning Authority prior to any further development taking place;
 - b) Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared and is subject to the approval of the County Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
 - c) The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas suspected contamination, other than that work required to carry out remediation; and

- d) Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried must be produced and is subject to the approval of the County Planning Authority prior to the use of the development hereby approved.

Contact Points

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Development Team Manager) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 22/000032/REG3, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.