

Regulatory Committee

Date: Tuesday, 7 July 2020
Time: 10.30 am
Venue: Microsoft Teams

Membership

Councillor Mark Cargill (Vice-Chair, in the Chair)
Councillor John Cooke
Councillor Neil Dirveiks
Councillor Bill Gifford
Councillor Anne Parry
Councillor Caroline Phillips
Councillor David Reilly
Councillor Clive Rickhards
Councillor Kate Rolfe
Councillor Jill Simpson-Vince
Councillor Adrian Warwick
Councillor Chris Williams

Items on the agenda: -

1. General

(1) Apologies

To receive any apologies from Members of the Committee.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests.

Members are required to register their disclosable pecuniary interests within 28 days of their election or appointment to the Council. A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with (Standing Order 39).
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting Non-pecuniary interests must

still be declared in accordance with the Code of Conduct. These should be declared at the commencement of the meeting.

(3) Minutes of the Previous Meeting

5 - 10

2. Delegated Decisions

None.

Planning Applications

- | | |
|--|----------------|
| 3. Planning application NWB/20CC002 Installation of a Second Temporary Classroom and Retention of Existing Temporary Classroom Until September 2022, High Meadow Community School, Norton Road, Coleshill, B46 1ES. | 11 - 44 |
| 4. Planning Application : NWB/19CM020 - Kingsbury Quarry | 45 - 96 |

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

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Disclosures of Pecuniary and Non-Pecuniary Interests

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Non-pecuniary interests must still be declared in accordance with the Code of Conduct.

These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

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Regulatory Committee

Tuesday, 26 May 2020

Minutes

Attendance

Committee Members

Councillor Mark Cargill (Vice-Chair)
Councillor John Cooke
Councillor Neil Dirveiks
Councillor Bill Gifford
Councillor Anne Parry
Councillor David Reilly
Councillor Clive Rickhards
Councillor Kate Rolfe
Councillor Jill Simpson-Vince
Councillor Adrian Warwick
Councillor Chris Williams

Officers

Helen Barnsley, Democratic Services Officer
Steve Buckley, Senior Architectural Technologist
John Cole, Trainee Democratic Services Officer
Carl Hipkiss, Development and Analysis Team Manager
Jasbir Kaur, Planning Manager
Ian Marriott, Legal Service Manager
Isabelle Moorhouse, Trainee Democratic Services Officer
Sally Panayi, Planning Assistant
Scott Jasbir Kaur, Planning Manager
Helen Barnsley, Democratic Services Officer
Ian Marriott, Legal Service Manager
Sally Panayi, Planning Assistant
Matthew Williams, Senior Planning Officer
Victoria Barnard, Strategy and Commissioning Manager (Infrastructure & Sustainable Communities)
Scott Tompkins, Assistant Director for Environment Services
Nic Vine, Strategy & Commissioning Manager, Legal and Democratic
Matthew Williams, Senior Planning Officer
Tracy Zbilut, Project Manager

Others Present

Andrew Hardcastle, Architectural Technologist, Lungfish Architects

1. General

Before the meeting started Councillor Mark Cargill welcomed everyone to the first virtual meeting of the Regulatory Committee and explained some of the protocols for virtual meetings and general housekeeping for the new way of working.

The Committee held a minute's silence for Councillor Bill Olnier who passed away on the 18 May 2020. Members took the time to comment on how much Councillor Olnier will be missed, particularly by his colleagues on the Committee. Councillor Mark Cargill remembered how Councillor Olnier had amazing knowledge in relation to planning and that he was someone you could always go to for advice.

Councillor Jill Simpson-Vince remembered that you could talk to Councillor Olnier about anything to do with the history of planning – he knew about all the main planning areas of Warwickshire. Councillor John Cooke added that he had personally known Councillor Olnier for many years and that he will be greatly missed by not only everyone at Warwickshire County Council but also all those who knew him.

The Planning Officers thanked Councillor Olnier for all his guidance and diplomacy in the handling of planning applications over the years; it was always a pleasure to work with him.

Democratic Services Officers also said what a pleasure it had been to work with Councillor Olnier, not only as part of the regulatory committee but with other committees and meetings. He will be very much missed.

The Committee was then told that Ian Grace, Principal Planner would be retiring in June 2020. The Committee wished their thanks to be noted for all the advice, support and detailed explanations Mr Grace had supplied over the years. It was noted that he knew every application down to the very last detail and could always be counted on for sound advice. The Committee wishes Ian a long and lovely retirement.

(1) Apologies

Apologies were received from Councillor Caroline Phillips

(2) Disclosures of Pecuniary and Non-Pecuniary Interests.

In relation to Agenda Item 4 (Paynes Lane, Rugby) it was noted that Councillor Jill Simpson-Vince is a Portfolio Holder at Rugby Borough Council for Growth and Investment.

It was noted that Councillor Neil Dirveiks is a member of the Planning Committee for North Warwickshire Borough Council

(3) Minutes of the Previous Meeting

The Committee agreed that the minutes of the Regulatory Committee meeting held on Tuesday, 3 March 2020 were a true and accurate record.

There were no matters arising.

2. Delegated Decisions

The Committee noted the delegated decisions made by officers since the last meeting as presented in the report.

3. Planning Application WDC/20CC001 Provision of one temporary classroom for educational use whilst second phase of Heathcote School is completed.

Sally Panayi, Planning Assistant presented the report to the Committee confirming that the application was for the provision of a single, temporary classroom while phase two of the development of the school is completed.

It was noted by the Committee that development under phase one had been completed in 2017. It was confirmed that construction had started on phase two but that there had been delays which were made significantly worse due to the Coronavirus Pandemic. Construction has now restarted but it was acknowledged that this now may take longer than originally planned due to social distancing regulations.

Debate

The Chair moved the meeting into debate and confirmed the following points;

- No objections have been received in relation to the application.
- There is adequate parking on site, including disabled parking spaces, electric charging points and bike racks.
- Phase two of the construction is due for completion during the October 2020 school half term holidays; although due to issues relating to the pandemic and the resulting delays, this date may change.

The recommendation was proposed by Councillor Anne Parry and was seconded by Councillor John Cooke. A vote was held, and the Committee voted unanimously in favour of the recommendation to grant planning permission.

4. Planning application for proposed use of land at Paynes Lane Rugby for WCC Highways Depot, Paynes Lane Highways Depot (Land and chipping store), Paynes Lane, Rugby, CV21 2UH.

Sally Panayi, Planning Assistant presented the report to the Committee confirming that the application was for the provision of a gritter vehicle store (plus vehicle wash), salt dome and office building on land at Paynes Lane in Rugby for use by Warwickshire County Council's Highways depot.

The Committee was shown a detailed presentation which included the location of the proposed car park, salt dome and details of a willow tree which would need to be removed should permission be granted.

The Committee noted that a condition had been added to the application for additional tree protection fencing to be used. Officers felt that the current fencing may not be adequate during the construction phase.

The following points were noted by the Committee –

- There is no landscaping scheme within the application. Officers stated that the current planting on site is still young and is healthy and growing well. In time this would provide enough screening of the site and the addition of extra landscaping may damage what is already on site.
- Should the application be approved, construction would have no impact on the public footpath highlighted on the presentation to the Committee.
- There had been no objections received from Environmental Health

Following a question from Councillor Jill Simpson-Vince it was confirmed that due to the sui generis use of the site, the car parking facilities had been deemed to be appropriate; and would include one disabled parking space and two electric charging points.

Debate

Moving into debate, Councillor Jill Simpson-Vince stated that the application would be beneficial to the area and provide a proper use for the derelict site.

Scott Tompkins, Assistant Director for Environment Services confirmed to the Committee that should permission be granted, Warwickshire County Council would be able to suspend gritting services in Dunchurch; the area currently in use is not suitable for the large HGV movement often at unsocial times of the day and night.

The recommendation was proposed by Councillor Jill Simpson-Vince and was seconded by Councillor Adrian Warwick. A vote was held, and the Committee voted unanimously in favour of the recommendation to grant planning permission.

5. Reports Containing Exempt or Confidential Information

Resolved

That members of the public be excluded from the meeting for the items below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in Paragraph 2, Schedule 12A of the Local Government Act 1972 as amended.

6. Exempt Minutes of the Previous Meeting

The Committee agreed that the exempt minutes of the Regulatory Committee meeting held on Tuesday, 3 March 2020 were a true and accurate record.

There were no matters arising.

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Regulatory Committee - 07 July 2020**Installation of a 2nd Temporary Classroom and retention of existing Temporary Classroom until September 2022****High Meadow Infant School, Norton Road, Coleshill, B46 1ES.****NWB/20CC002**

Application No.: NWB/20CC002

Advertised date: 18 May 2020

Applicant Mr Craig Cusack,
Warwickshire County Council
Shire Hall
Warwick
CV34 4RL

Agent Mr Paul Sanders
Ashby & Croft
Yard 5 Oliver Road
Riverside Industrial Estate
West Thurrock
RM20 3ED

Registered by: The Strategic Director for Communities on 13 May 2020

Proposal: Installation of a 2nd Temporary Classroom and retention of existing Temporary Classroom until September 2022

Site & location: High Meadow Infant School, Norton Road, Coleshill, B46 1ES. [Grid ref: 419744.289886].

See plan in Appendix A**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the installation of a second temporary classroom and retention of the existing temporary classroom until September 2022 at High Meadow Community School, Norton Road, Coleshill, B46 1ES, subject to the

conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 The planning application seeks consent to retain the existing temporary classroom (in the current location); for the installation of a second temporary classroom and for both temporary classrooms to be retained until September 2022.
- 1.2 The existing temporary classroom was installed on site in August 2019 (see planning history below) and has been in use by Year 3 pupils (soon to be Year 4) since September 2019. The classroom is positioned on the south eastern corner of the school playground.
- 1.3 The second temporary classroom is proposed for use by the new class of year 3 pupils from September 2020. This additional classroom would be positioned to the west of, and at 90 degrees to the existing temporary classroom. The site of this building is to the west of the playground and is currently an area of sloping grass bank with a young hornbeam tree and a tyre play area which would both be removed in order to accommodate the additional building.
- 1.4 Both the existing and the new classroom are 6 m by 12 m with an overall floor area of 74 m². Each building is 3.9 metres in height, however as a result of the sloping nature of the site, when installed level on pad foundations, the maximum height (on the eastern side) of each building is in excess of 3.9 metres.
- 1.5 The maximum height of the existing classroom has been measured on site to be 4.06 m above the ground level of the playground. The information submitted with the current planning application indicates that the maximum height of the second classroom would be 5.14 metres on the eastern side of the building as a result of the sloping nature of the grass bank.

2. Consultation

- 2.1 **North Warwickshire Borough Council – Planning:** No objection given the circumstances at this particular school.
- 2.2 **North Warwickshire Borough Council – Environmental Health:** No response received.
- 2.3 **Coleshill Town Council:** Objection. While committee members had sympathies with the County Council in trying to expand the number of Junior /Infants school spaces in the town, it did not think it had to be on the existing site, to the detriment of residents in the area. There were concerns that continued further school growth would exacerbate the

issues such that a new build should be the option. Also, there were worries that temporary classrooms tended to become permanent.

The Town Council recommended rejection of the application on the following grounds:

- That there were already highways disturbance with car movements along Norton Road and inadequate capacity for turning in the school car park or the road. Another 30 children being driven to and from school would make it worse. Other residents further afield were also being affected.
- The site is not suitable for the expansion unless the huge expanse at the other end of it was used, although the land contours made this more difficult and expensive.
- With only one entrance and exit into the car park, there were health and safety considerations for so many children crossing the roads with many vehicles manoeuvring in tight spaces.

There had previously been County Council consideration of encouraging parents to park at the Community Centre car park at Temple Way and walk in. Committee members thought this was non-viable for parents and, it should be added, this had never been agreed to by the Town Council as the landowner.

There was also a concern for the Town Council Planning Committee that the initial temporary classroom had not been 90 degree rotated, as agreed. The Covid-19 issues did not appear to be a valid reason for this not taking place as the contractors for this work were now back in operations. The committee wished the rotation to be pursued.

Members voted unanimously to recommend the REJECTION of the application. Furthermore, in relation to temporary classrooms, it was normal for planning permission be granted with retention for a finite period (e.g. 3 years). The original classroom was already well into this limited retention period and the committee wished to know when this expired.

- 2.4 **Councillor David Reilly:** No comments received by 25 June 2020.2.5
WCC Equality and Diversity: No comments to add.
- 2.6 **WCC Fire and Rescue Service - Water Supply Officer:** No comment.
- 2.7 **WCC Fire and Rescue Service:** No objection subject to the inclusion of an advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service.
- 2.8 **WCC Highways:** No objection.
Subject to conditions, planning permission has been granted for the school to become a primary. Therefore, there is already permission for

the children who will use the temporary classrooms to be there. All that is being considered as part of this application is the temporary status of the classrooms. The temporary classrooms will be removed prior to the permanent extension being opened. As such, the effect on the public highway will not be any more than permitted.

That being said, a Green Travel Plan was conditioned as part of Planning Permission NWB/19CC006. The condition (13) was to be implemented prior to the first occupation of the approved classroom block. The condition should be included for this temporary classroom. Every school should have a live plan, so there is no reason why this condition would be considered unreasonable.

Concerns have been raised about a new Transport Assessment being required. The Highway Authority does not consider this necessary. As stated, permission has already been granted for the children to attend with no further highway improvements required. The children using the temporary classrooms should be considered natural fill. So, all that the Highway Authority is considering with this application is the effect of the temporary classroom on the public highway.

The biggest concern is the delivery and collection of the classrooms. The initial temporary classroom was delivered by articulated vehicle. This office was informed that it had to be reversed into site and the manoeuvre was not simple. The same process will be required to deliver the new classroom and collect both classrooms. The structure of the highway will suffer. A dilapidation report should be done, and any significant damage rectified immediately, with any minor damage rectified upon completion of the extension and removal of the classrooms.

There is another concern. With the current Covid situation there may be many more people at home. Which means there could be more vehicles parked on the approaches to the school. Consideration will be needed to ensure the vehicle does not get obstructed on route to the school or when trying to enter or leave the school. A plan is required to ensure that the vehicle can get in and out of the site.

The Highway response is no objection subject to conditions requiring submission of a Green Travel Plan before occupation of the approved classroom and for a joint survey of the condition of the public highway prior to delivery and collection of the temporary classrooms.

- 2.9 **WCC Ecology:** There are trees on the site and it appears that a young tree is to be removed for the works. We always recommend that all trees remain if at all possible and if they do remain they should be protected with a tree protection condition. However, the tree that is to be removed will need to be compensated for by planting at least two trees for one somewhere within the school site to ensure a net biodiversity gain, and this can be enacted through a LEMP condition.

It is also recommended that works take place outside the bird nesting season which is from March to September and if this is not possible then any vegetation and trees to be removed will be inspected immediately prior to any works taking place, and this can be enacted through a Nesting bird timings/supervision option condition. In addition a note relating to hedgehogs as a protected species should be added to any consent granted.

- 2.10 No site notices were posted for this planning application due to the Covid 19 virus. In a Written Ministerial Statement (HLWS231) 'Virtual working and planning – Responding to Covid – 19 Restrictions' by the Secretary of State for the Ministry of Housing, Communities and Local Government (Robert Jenrick) made on 13 May 2020, the Minister stated that from 14 May 2020 the Government would introduce temporary regulations to supplement the existing statutory publicity arrangements for planning applications. Local Planning Authorities now have the flexibility to take other reasonable steps to publicise applications if they cannot discharge the specific requirements for site notices, neighbour notifications or newspaper publicity. These steps will notify people who are likely to have an interest in the application and indicate where further information about it can be viewed online. These steps can include the use of social media and other electronic communications and must be proportionate to the scale and nature of the proposed development.
- 2.11 12 emails were sent to neighbouring residents on 14 May 2020 with neighbour notification letter attached.
- 2.12 5 neighbour consultation letters were posted to residents in Rose Road whose email addresses were unknown.
- 2.13 The Coleshill Town Council displayed a copy of the Site Notice on their Notice Board at the Community Centre on Temple Way and on their website from 21 May 2020.

3. Representations

- 3.1 71 comments in support were received making the following points:
- I support the application as my child attends High Meadow. This effectively provides a non-permanent solution to children receiving the education they are entitled to.
 - The second classroom will not impact any of the neighbour's views in the long term and only partially in the short term.
 - Understand the local residents concern but appreciate that this will be for the short term only and for the good of the school's long-term plan.
 - The school needs to be able to accommodate the children that it provides an education to from our community.
 - High Meadow is a lovely school and more children should be able to experience it.

- Both my children attend High Meadow and are happy and doing well. Without this extra classroom they would be separated and would be unhappy, as well as the logistical problems.
 - I fully support the application to retain the Year 3 classroom and the need for the temporary Year 4 classroom. The children have had an emotional few months, giving them something positive can only be a good thing.
 - Unfortunately delays on the school building mean a further temp. classroom has been unavoidable. High Meadow is an outstanding school which brings much to the community as a whole and is a huge positive for Coleshill.
 - I support the application; my children attend this outstanding school. It is much needed to further their education whilst waiting for the new build to be completed.
 - As a local resident and as a parent whose child attends this school I support the application. The new build has not even started and there are now going to be two year groups that have nowhere to be taught without the use of a temporary classroom.
 - Any objections around vision are short-term and only partial.
 - I fully advocate the proposal. I'm sure the residents will moan about parking but I have been up that road on non-school days, particularly weekends, and it's just like school drop off and pick up time. They are just using it to fit an agenda.
 - I understand that this may be a small inconvenience for nearby residents but this is temporary and the long term build will benefit local children for many years to come.
 - If this proposal isn't granted, then I can only imagine the negative effect it will have on the children's mental health after all the changes and uncertainties that they have already had to face during the Covid pandemic.
 - The amazing staff have supported the children and parents of the community during the Covid pandemic and we should now support them to future proof to nurture a new generation of local children.
 - Some of those objecting sent their children to the school – please do not allow the short-sighted view and voice of a few.
 - The advantages for the children far outweigh the temporary concerns.
 - I fully support this. While not ideal, it is the only option until the permanent building is completed. It has proved from the current temporary classroom that very little impact has been made to neighbours and has been welcomed by the majority.
 - I support this as it's the only option until the permanent classroom. The current temporary classroom has had little impact and it's a solution caused by poor planning to expand the school sooner.
3. 7 comments of objection from local residents making the following points:

Overlooking / Loss of Privacy / Visual Amenity:

- This will lead to a loss of light and a loss of privacy.

- We already have the 1st classroom which can be seen from our property & garden now the location of the 2nd one is going to block us in & all natural light out.
- We already suffer with loss of light into our property from the Silver birch tree causing us to have lights on after 4 o'clock even in the summer months, now as the proposed location for the 2nd classroom is elevated we are going to suffer lack of light issues even more.
- Because the location area for the 2nd classroom is elevated your plans state there are going to be steps leading up to the classroom entrance, meaning when pupils, teachers, teaching assistants & parents enter & leave the classroom they are able to look directly into our property & garden because of the slope leading down to our property, what about our privacy & the privacy laws, Our bathroom, bedroom & kitchen are all located at the back of our property are we expected to live with blinds & curtains closed at all times, these are rooms where Our personal Living & duties takes place which could cause embarrassment to both parties.
- Your plans show that the 2 windows on the steps side are going to be obscured with window film but not the one on the side that overlooks our property, we demand that this window if the installation goes ahead is obscured as well.
- Request for the classroom to be the same colour all round.
- We can't understand why this elevated position has been chosen to install the 2nd temporary classroom when it could be positioned on a flat level area alongside the gardens in the adjoining road where there are conifers & high trees so would not affect the view for those residents. We feel that there are other areas where this temp classroom could be positioned with a bit more thought to lessen the impact on the residents of Rose Road.
- It seems the staff car parking area is more important to you then our privacy & outlook. We have to live with it 24/7 52 weeks of the year.
- I have been informed that the 2nd classroom will be higher so this may impact on the neighbour's privacy.
- There is continued impact on my loss of amenity, light, noise, right to enjoy my property, it does not meet single storey status as it is 4.2m in height, the separation amenity to my property continues to be 4m and 12 m from my building which is less than the permitted 22m. I would like all my previous and still very relevant objections to be carried through into this application please. I feel I am in ground hog day.

- The location of both temporary classrooms means that windows facing north or east (i.e. onto the playground) can see into my house and garden and therefore can substantially impact our privacy. Given that the second classroom will be elevated further, this is a massive concern. My own property had to have obscure glass on the windows overlooking the school. Should permission be granted then the same criteria must be considered essential in order to ensure that some privacy is retained.

Noise:

- We have additional noise from older children and noise is already an issue for nearby residents.
- Under the conditions set out in planning application NWB/19CC007 as well as moving the temporary classroom 90 degrees, mitigating noise reduction was installed, I thank the committee for their consideration of this, however we are not sure if it has had the desired effect as the children have not been in school since.
- Noise generated has not been considered.
- There will be additional noise and disturbance resulting from use. This includes use outside school hours (including weekends), which impact my household. Use of the school at weekends has caused considerable disruption and disturbance for my household with additional traffic and parking issues on Norton Road.
- If this planning proposal is passed, expect WCC to mitigate the noise emissions and noise impacts of both temporary classrooms by installing a 2 m high acoustic fence along the boundary of 41 Norton Road, as has been done alongside Rose Road.
- The properties to the right of us have all had a noise reduction fence installed which stops at our garden, you said to us in our telephone conversation with you that the fence would not be extended to cover our property because of the silver birch roots, surely it can be installed up to the tree somehow without disturbing them.
- We also note that the 1st classroom has underneath sound proofing installed because of the noise levels when in use, we demand if the installation goes ahead the same sound proofing.
- I understand an acoustic fence has been erected along Rose Road to reduce the noise levels from the contractors. I understand that the school need access to my property for some of the underpinning/tree removal at 41 Norton Road but following this, I would expect that an acoustic fence would also be placed along the boundary to number 41.

- As an immediate neighbour, the location of both this proposed temporary classroom and the existing one already on site, are along the whole length of my garden, thereby creating additional noise and disturbance from use, not only during normal school hours and including weekends.
- I would expect WCC to mitigate as far as possible the noise emissions and noise impacts of both the existing and the second classroom by installing 2.1 m high acoustic fencing along the boundary of 29 Norton Road as has been done alongside the gardens of Rose Road.

Highway and Parking Issues:

- Highway safety analysis has not been conducted nor a satisfactory outcome been reached.
- Parking and traffic are already an issue.
- I am unsure when the traffic survey was completed as we have been in lock down since 22nd March 2020 therefore the school has been closed and the road would have been very quiet. I thought this was still awaited to be repeated prior to Lockdown.
- They state in the supporting documents that car parking has been secured for teachers off site can they confirm where this is? Aldi car parking cannot be conditioned and the community car park is owned by the Town Council and they have not authorised its use therefore further assertions may not be correct.
- The supporting document states that the second classroom cannot be sited anywhere else on the playground due to construction traffic, it was made very clear in the application for the main extension all construction traffic will be going around the back of the school via the route by house 44 Norton Road, this was also confirmed during a meeting with Scott Tomkins, Education Lead Ian Budd and Clare Gibb meeting on the 22.01.2020. Therefore, this assertion is incorrect and should be removed as it could mislead the regulatory committee with incorrect information.
- A further increase in traffic is not acceptable. The last planning approval was based on a known incorrect Curtins report and was only passed on the basis of an extra 20 - 30 cars. Now it will be an extra 40 - 60 cars based on the last assumption of planning. Highways objected to any further traffic. NWBC objected to any further traffic. NWBC objected based on their environmental plan. The required traffic survey has not been completed as I understand. The greener / safer routes to school plan has not been completed to my knowledge.

- Parking at Aldi has been withdrawn and no other parking is available. The drop off parking at the community centre in Station Road is not going to be available as Coleshill Town Council don't seem to be in agreement with using their land.
- The secret Facebook group for parents is still active and still identifying houses where residents go to work so parents can park illegally on the driveways.
- Previous planning applications stated that the Police had been requested to attend to parking issues in Norton Road following the temporary classroom being occupied but NO police have attended and I believe WCC never requested them to attend.

Comments regarding the temporary period:

- The proposal is that both classrooms would remain in situ until summer 2022. If the extension work is commencing in summer 2020 and predicted to take 12 months, then there would be no need for either of the temporary classrooms to stay for longer than summer 2021. If planning permission is granted it should be on the basis that BOTH temporary classrooms are removed by the end of summer 2021.
- The fact that the first temporary classroom has caused issues with the residents by it first being placed incorrectly and then not moved when it should have been, would suggest that we need clarity on the planned removal of both the temporary classrooms.
- The unauthorised temporary classroom was installed without proper planning authorisation and was then promised to be moved 6 weeks later, to then be extended to be moved to the authorised position by October 2019 and then Feb 2020 then April 2020. Meaning that it has been in an unauthorised position for 32 weeks. The current proposal will mean it will extend from the original promise of 6 weeks to be in position for 156 weeks, this is completely unreasonable. The regulatory committee also granted upon 52 weeks in situ. Relocation of existing unauthorised temporary classroom not referred to in supporting document as the need to flip 90 degrees in order to meet planning condition, misleading to regulatory committee.
- The delay was not just down to Covid 19 as a new contractor was not in place until March 2020, it is not acceptable to use Covid as an excuse for length of time to be increased.
- Leaving the unauthorised temporary classroom in its current position goes against all the considerations at Regulatory committee meetings 06.08.19, 03.09.19 and 07.01.20, all my previous objections remain as current to this application, I wish you to include the photographs previously supplied and presented at the regulatory committee.

- If permission is granted, both temporary classrooms should be removed by the start of the new term in September 2021 when the new permanent classrooms will be fully available for use.
- Previous guarantees regarding temporary classroom re-location and also removal dates have all been deceitful as residents could see there would be an issue accommodating additional children and build issues, yet this application blames covid19 which is again deceitful. WCC were fully aware of the issues and the consequences 2 years ago.

Other Issues Raised by Objectors:

- We still have the anti-social behaviour situation which will get worse as intake numbers increase.
- I have no confidence that either/both the temporary classroom(s) would be removed by the planned dates given that WCC breached their own planning conditions regarding the current temporary classroom and did not re-site the classroom into the position that had been approved (following retrospective planning permission).
- It is my view that the temporary classroom(s) have been viewed as additional facilities that can be used for out of school activities (privately or by the school itself) and that the intention is for them to be kept in situ beyond any agreed dates and used out of school time. Have no objection to the provision of out of school activities for the community, but I do object to the additional traffic, noise and disturbance this will undoubtedly cause.
- As the planned work has been delayed due to various reasons including establishing the contractor and the unexpected COVID situation, I cannot comprehend why additional places have been offered to new pupils who have not got the provision of a classroom in existence. I am unsure if alternative schools have been considered rather than adding another temporary classroom to an area in which the first one was not placed in the agreed location.
- I am led to believe that if a temporary building is in situ for longer than 2 years, it can remain without any planning permission which is a huge concern to the residents. This would suggest that if the structure was there for this duration, it may never be moved and will remain as part of the school which would impact by the additional noise, traffic and activity and would continue indefinitely.
- I agreed to the third party wall agreement because we had been assured by WCC that the 1st temporary classroom would be moved from its existing location. I feel as if the intention all along was to add

another classroom which is why it was placed incorrectly to begin with.

- It is stated in the supporting evidence that there was a full consultation in 2017 this is incorrect and I would like to see the evidence of this. However if we were to take this as a line of intent by the Education Department I believe that they have failed in their duty to parents, children and the residents where they have failed to adequately plan for the known number of children starting in years 3 and 4 2019/2020 intakes. This is immoral and unethical Educational strategy. There is no real evidence as to what else has been considered as an option and this has been presented as a 'fait accompli' without any report to back up as evidence, I do not believe a report with an option appraisal exists. If it does it should be submitted for scrutiny as part of this process.
- The supporting document suggests increase of children attending to 210, where it has been stated 245 including school clubs and care facilities from 07:30- 18:30 Monday to Friday- fact incorrect.
- This is yet another opportunity for the regulatory committee to do the right thing and stand by their previous decisions otherwise this calls into question the validity of all their decisions.
- The school governor told Committee that the school was not used for activities at weekends. This is clearly not the case and the school has used the school at weekends for some time (other than during Covid-19 restrictions). This has caused considerable disruption and disturbance for my household with additional traffic and parking issues on Norton Road.
- The current application states no additional staff will be taken on yet there will be additional staff.

4. Previous Planning History

- 4.1 The school was constructed during the late 1960s using a timber modular construction.
- 4.2 Conversion of High Meadow Infant School to a Primary School:
In September 2019 High Meadow Infant School expanded from a one form entry Infant School to a one form entry Primary School with a requirement for 4 additional classrooms to accommodate year groups 3, 4, 5 and 6. The school is to grow incrementally, with one additional year group added per academic year as the Year 2 pupils move up to Year 3. The school changed its name in September 2019 to High Meadow Community School.

- 4.3 Planning consent granted for 4 classroom extension:
Consent was granted on 16 September 2019 (Ref: NWB/19CC006) for an extension to the school to create 4 additional classrooms to accommodate the increased number of pupils following the expansion of the school to a Primary. At the time, the expansion works were scheduled to be completed by September 2020.
- 4.4 First planning application for Temporary classroom accommodation:
In order to accommodate the 30 additional pupils starting at the school in the new Year 3 class in September 2019, a temporary classroom was required until the construction of the four permanent classrooms was completed. An initial planning application for the temporary classroom (NWB/19CC007) was submitted for the building to be positioned on the south-eastern side of the playground (the location it currently stands in). The application was submitted on 29 May 2019, 13 weeks before the start of term. The application was presented to Regulatory Committee in August 2019 with a recommendation of approval. In the fortnight prior to that Committee meeting the temporary classroom was installed on site because it was needed for the start of term. As a result, the planning application became a retrospective matter.
- 4.5 In response to comments and objections to that application (NWB/19CC007), Regulatory Committee resolved that the planning application should be deferred to allow negotiations to be undertaken to re-position the classroom, preferably by moving the rear elevation away from Rose Road. A revised scheme was produced turning the classroom by 90 degrees to the west. This amended scheme was presented to Regulatory Committee at its meeting in September 2019. Planning permission was granted for the temporary classroom to be re-located on the western side of the school playground with the rear elevation of the building facing east. A condition was imposed requiring the classroom be removed in September 2020. At that meeting in September 2019, the Committee also considered and approved the planning application for the permanent extension to the school (NWB/19CC006) subject to a condition requiring the submission of a Green Travel Plan before occupation of the classroom block, with instructions from Committee that when submitted, the travel plan should be brought back to the Committee for approval and that the Committee receive a preliminary report on the preparation of the travel plan before Christmas.
- 4.6 As a result of the complexities of deconstructing, moving and reconstructing the building, which the applicant advised would require at least 10 working days and for the school not to be in use during that time, it proved not to be possible for the temporary classroom to be moved and repositioned into the location approved by the planning consent NWB/19CC007 until the Easter Holiday in 2020. During that holiday period the school would not be open for pupils for two weeks, giving adequate time for the work to be carried out.

4.7 Planning application to regularise unauthorised temporary classroom:
A second planning application (NWB/19CC015) was granted consent in January 2020 which regularised the previously unauthorised building in the position in which it had been installed in August 2019 until it could be moved during the Easter holiday. The approval was subject to a condition requiring the building be re-located by 20 April 2020. In response to the issue raised by neighbours at Committee relating to noise generated by pupils moving around within the classroom, a planning condition was imposed requiring noise mitigation measures to be undertaken to reduce noise from the building. In addition, a condition required the building to be coloured grey. These planning conditions were discharged, with the subsequent installation of a 2 m high acoustic fence along a section of the boundary of the school with the rear gardens of Rose Road and installation of insulating material beneath the building to reduce noise emissions.

4.8 Impact of Coronavirus:

In March 2020 a National Emergency was declared as a result of the Covid19 pandemic.

4.9 On 31 March 2020 Ashby Croft, the company installing and relocating the temporary classroom sent an email advising that due to the restrictions in place as a result of the Covid19 pandemic coming into force at that time, it was not possible for the classroom to be moved during the Easter holiday as had been scheduled. The company explained that if the works had been commenced and then not completed as a result of the lockdown, the situation would be disastrous. It was advised that the relocation would have to be rescheduled for the summer holiday 2020.

4.10 During February and March 2020, the contract for the building works for the permanent expansion of the school (NWB/19CC006) was approved and signed. However, work was suspended at the start of April 2020 when the project's Principal Contractor, Speller Metcalfe closed down works as a result of the pandemic.

4.11 The temporary classroom remains to date in the position in which it was installed during the school summer holiday 2019, with the rear elevation facing towards Rose Road. The temporary consent regularised the retention of the building in this location until 20 April 2020, therefore the building as it stands has an expired permission.

4.12 As a result of the pandemic the construction works for the permanent extension to the school (a 52-week project) are considerably behind the scheduled programme. It is currently anticipated that the classroom block construction would be completed by June 2021 and for the building to be ready to set up and occupy from June and ready for use in September 2021.

- 4.13 The current application seeks permission to retain the temporary classroom in its current position and for the installation of a second temporary classroom in order to provide the accommodation for the next intake of 30 pupils starting school in Year 3 in September 2020 in addition to the 30 pupils in the current Year 3 class.
- 4.14 Planning permission has been granted for the permanent extension to the school to provide the necessary 4 classrooms subject to planning conditions including a requirement for a Green Travel Plan to be provided prior to the occupation of the four classrooms. The current planning application is not re-examining the principle of the school expansion but is solely for the installation of the temporary accommodation to meet the needs of the 60 pupils in years 3 and 4 that will be attending the school in September 2020.

5. Assessment and Observations

Site and Surroundings

- 5.1 High Meadow School is located in the Grimstock Hill area to the north of the centre of Coleshill, positioned north-east of the roundabout on the A446 junction with the B4117, Gilson Road and Lichfield Road. The application site is to the east of the school buildings and includes the hard-surfaced playground and the grass area between the playground and the school buildings. The area is not within the Green Belt and is not a Conservation Area.
- 5.2 The existing temporary classroom to be retained is positioned on the playground with the rear elevation of the building facing towards the rear elevations of the two storey houses of Rose Road. There is a separation distance of 4.8 metres between the rear of the classroom and the school boundary fence. The rear gardens of Rose Road are over 11 metres in length. As a result, the separation distance between the rear elevations is some 16 metres. An acoustic fence 2 metres in height has been erected between the rear elevation of the classroom and the school boundary fence and runs parallel to the boundary between the school and the neighbouring gardens of Rose Road.
- 5.3 The site of the proposed second temporary classroom is a sloping area of the school site, between the western side of the playground and the eastern side of the school buildings. The area is laid to grass with a Bird Cherry tree; Hornbeam tree; a tyre play area and a lamp column.

Planning Policy

- 5.4 Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:

- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
- (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
 - the application of policies in the Framework 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.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.5 **Paragraph 12** goes on to explain that 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.
- 5.6 **Paragraph 48** explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.
- 5.7 In this case, there is a development plan in place which has relevant policies that are considered to be up to date so far as they relate to this proposal. Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise. The Development Plan relevant to the proposal is the North Warwickshire Local Plan Core Strategy, saved policies of North Warwickshire Local Plan 2006 and Coleshill Neighbourhood Plan 2015 – 2030.

National Planning Policy Framework

- 5.8 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are

interdependent and need to be pursued in mutually supportive ways. 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.

- 5.9 **Paragraph 91** of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible, so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion.
- 5.10 **Paragraph 94** 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 school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- 5.11 **Paragraph 109** states the 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.
- 5.12 **Paragraph 127** states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive, sympathetic to local character and create places that are safe, inclusive and accessible.

National Design Guide – Ministry of Housing, Communities & Local Government Published in Oct 2019

- 5.13 In October 2019 the Government published the National Design Guide encouraging good design to achieve the objectives set out in section 12 of the NPPF. The Design Guide does not however give prescriptive standards of separation between buildings. The document does advise that a National Model Design Code is to be published for consultation early in 2020, setting out detailed standards for key elements of successful design. However, there is at present no Design Code.

The Development Plan

- 5.14 The Development Plan relevant to the proposal in this case consists of the 'saved' policies of the North Warwickshire Local Plan 2006 and the Local Plan for North Warwickshire – Core Strategy adopted October 2014 and Coleshill Neighbourhood Plan 2015 – 2030.

North Warwickshire Local Plan Core Strategy – Adopted Oct 2014

- 5.15 **NW2 - Settlement Hierarchy:** Defines Coleshill as a Green Belt Market Town where development will be permitted within the development boundary.
- 5.16 **NW10 - Development Considerations:** States that development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life to that the present generation aspires to. Development should:
- encourage sustainable forms of transport focusing on pedestrian access and provision of bike facilities; and,
 - provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards; and,
 - avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution
- 5.17 **NW12 - Quality of Development:** states that all development proposals must demonstrate a high quality of sustainable design that positively improves the individual settlement's character; appearance and environmental quality of an area.

North Warwickshire Borough Local Plan 2006

- 5.18 The following saved policies of the North Warwickshire Local Plan are considered to be relevant in the assessment of the proposed development.
- 5.19 **ENV11 - Neighbour Amenity:** seeks to protect the amenities of neighbouring occupiers from significant loss of amenity, including overlooking, loss of privacy or disturbance due to traffic, offensive smells, noise, light, dust or fumes.
- 5.20 **ENV12 - Urban Design:** states that development will only be permitted if all elements of the proposal are well related to each other and harmonise with both the immediate setting and wider surroundings to present a visually attractive environment.
- 5.21 **ENV13 - Building Design:** seeks to secure satisfactory standards of design and external appearance requiring that materials and detailing used respect and enhance local distinctiveness
- 5.22 **ENV14 - Access Design:** requires safe and convenient access arrangements.

Colehill Neighbourhood Plan 2015 – 2030.

- 5.23 There are no policies in the Neighbourhood Plan that relate directly to this planning application.

Scope of the current planning application

- 5.24 Planning permission has already been granted for the permanent extension to High Meadow School to provide the 4-classroom accommodation needed for the additional 120 pupils (by September 2024) that will be attending the school following its conversion from an infant to a primary school.
- 5.25 The current planning application is solely considering the retention of the existing, albeit unauthorised temporary classroom and the installation of a second temporary classroom in order to provide temporary teaching accommodation for 60 Year 3 and 4 pupils who have places at the school from September 2020 and for whom there is no alternative accommodation within the school grounds or in the local area.
- 5.26 The current planning application is not re-examining the principle of the school expansion as this was determined by application NWB/19CC006 and covered by the planning conditions imposed on that consent. Nor does the application re-open the issue of highway impacts since the additional classroom does not increase the number of pupils, parents, staff or visitors beyond the figure that was expected when permission was granted for four additional, permanent classrooms.

Need and Pupil Numbers

- 5.27 The existing temporary classroom has been in use since September 2019 when it was occupied by the first class of year 2 pupils to stay at the school to become the first Year 3 class at High Meadow School following the conversion from an Infant to Primary School.
- 5.28 During the Covid19 pandemic, the school has been operating for the education of a small number of children of key workers.
- 5.29 From 01 June the Government announced that schools would be able to re-open for a Reception, Year 1 and Year 6 pupils. There are currently no Year 6 pupils at High Meadow Community School, but pupils from Reception and Year 1 have been able to return to school on a part-time basis subject to social distancing rules. The school will be operating, with pupils on the premises until the summer holidays begin in July.
- 5.30 Previously it had been considered a possibility that a section of the permanent extension to the school may have been available before the

final completion of the project in order to provide classroom space for years 3 and 4 from September 2020, enabling the removal of the temporary classroom. Given the delays to construction work on the 4-classroom extension caused by the complexities of the site to develop and the pandemic lockdown; the programme of works is now considerably behind schedule and there is no possibility of using the classrooms under construction as a solution for pupils from September 2020.

- 5.31 In the planning statement submitted with the application, the applicant advised that alternative solutions were investigated before seeking permission to retain the existing classroom and provide a second on the school site. These alternatives included using spare accommodation within the existing building at High Meadow School; installing a temporary classroom at alternative local school; using existing spare accommodation at alternative local school and looking at other Warwickshire County Council owned sites in the area with spare accommodation.
- 5.32 The alternative solution study concluded that the existing school building at High Meadow is full to capacity with no additional spare internal space that could be used for teaching. Alternative off site solutions would all require a high level of supervised pupil transport (walking or by vehicle) which would be disruptive to the teaching day, cause logistical problems at lunchtimes etc. and would detrimentally impact the overall quality of education for pupils. Some existing pupils also have Education Health Care Plans (EHCPs) which would be difficult to fulfil at alternative premises. To ensure pupil safety, wellbeing and continuity of good educational outcomes the Assistant Directors of Enabling Services, Environment Services & Education Services and the Head Teacher & Governors of High Meadow Community School all agreed and supported the proposed solution to install a 2nd temporary classroom at High Meadow Community School for use from September 2020.

Reason for not relocating the first temporary classroom to the approved location

- 5.33 Relocation of the existing temporary classroom was concluded in the previous planning application (NWB/19CC015) to only be possible while the school was not in use. The relocation of the building would be a difficult technical and logistical operation on the small site requiring 10 working days to complete. The works would have to be undertaken in a set sequence requiring space for the disassembly; storage of; craning and reassembly of the sectional units that make up the temporary classroom, including disconnection and reconnection of all electrical, mechanical and drainage services that serve the building. The cost of the relocation would be £35,000, in addition to the £85,000 for the original installation cost.

- 5.34 The applicant has advised that due to the very restricted space on site and the complicated logistics of moving a sectional temporary classroom, it is no longer feasible to install a second temporary classroom *and* move the existing temporary classroom during the 6-week school summer holiday.
- 5.35 In addition to the works to install the additional temporary classroom, the use of the small playground space is essential during the summer holiday by the contractors for the works on the permanent extension. The playground will be used as manoeuvring space for the crane, delivery vehicles, welfare facilities and other plant and equipment to be set up for the main extension works. The site compound for the construction works will be located to the east of the main school buildings, however, that area of the school site is not accessible until an access route has been created along the northern boundary of the school, adjacent to 41 Norton Road. The necessary works required to create this access route include excavation of the sloping land between the school and the neighbouring property and the creation of a retaining wall. Only when these works have been completed will it be possible to set up the site compound for the construction of the main extension to the school.
- 5.36 There is limited time and space within the site for both sets of contractors to work; for the existing temporary building to be relocated and a second installed during the summer holiday.
- 5.37 In addition, the applicant has advised that if the temporary classroom were to be moved into the location approved by planning application NWB/19CC007, it would landlock the area proposed for the second temporary classroom.

Proposed time period for retention of temporary classrooms

- 5.38 Objections have been received with regard to the time period proposed for the temporary classrooms to be retained on the school site. The retention of the buildings until September 2022 is felt to be too long and should be reduced to match the construction period of 52 weeks. Also, there is concern that the temporary classrooms will never be removed from the site.
- 5.39 The applicant has applied for permission for the classrooms to remain on the school site until September 2022 and for them to be removed from the site once the permanent accommodation is completed.
- 5.40 The construction and completion of the 4-classroom extension is scheduled to take a year and for this reason it would appear logical for the temporary permission to be granted until a year from the commencement of construction works, say September 2021. However, given the current uncertainties that the Covid19 pandemic has brought to our lives, it is not possible to foresee the impact it will have in the

future. At the time of writing, lockdown is beginning to ease, and it is possible for construction works to be undertaken subject to appropriate social distancing. The new methods of working are adding to the complexities of working on an already complicated and restricted site, the result of which is likely to be that the works will take longer to complete than originally scheduled. In addition, if the number of Coronavirus cases rises again it is likely that there could be further periods of lockdown which would again potentially restrict or prevent working on site. For this reason, it is not possible to guarantee how long it is going to take to build the school extension.

- 5.41 The applicant has confirmed that the classroom would be removed from the site on completion of the main works. Removal of the temporary buildings would require the school to be closed in order for those works to be carried out safely. Depending on the ultimate timing of the completion of construction, it is possible that the temporary buildings would remain on site after completion, until a school holiday was available for the deconstruction and removal works.
- 5.42 Given the unhappy history that both local residents and the school have endured recently during the consideration of the various planning applications for this school, it would be an uncomfortable and unfortunate series of events that would see the need for the submission of yet another planning application for the further retention of the temporary classrooms as a result of setting too close a time restriction. It seems prudent and kinder to all to recommend approval for a longer temporary period until September 2022 which aims to allow for all potential eventualities, but subject to a condition that the building is removed by September 2022 or at the earliest opportunity following completion of the extension to the school (condition 2).
- 5.43 Even if an application were made, planning permission would not be recommended for the permanent retention of temporary classrooms in the locations proposed.

Amenity and Environmental Issues

- 5.44 Objections have been received from neighbours concerned at the adverse impact of both the existing and the proposed second classroom in terms of loss of light, overlooking; loss of privacy and noise.

Proposed retention of existing temporary classroom

- 5.45 The existing temporary classroom is proposed to be retained in the current location and not moved to the revised position approved in September 2019 (NWB/19CC007).
- 5.46 This building has been the subject of considerable debate in terms of its position and height in relation to the neighbouring residential

properties in Rose Road and Norton Road and the levels of noise generated by use of the building. It was concluded in the most recent planning application that while the height of the building as installed was higher than had originally been indicated as a result of the sloping ground levels across the school site, the building would not cause overshadowing of the gardens or houses in Rose Road as they are located to the south. The window on the rear elevation of the classroom facing towards Rose Road has been fixed in order not to open and the glazing is obscured to prevent any overlooking between the occupants of the classroom and the neighbouring residents. As a result of the issues of noise generated by use of the classroom which were raised by a local resident speaking at Regulatory Committee in January 2020, noise attenuation measures were required by planning condition. A 2 metre high acoustic fence has since been erected along the length of the building, on the boundary between the school and the rear gardens of houses in Rose Road. In addition, insulation has been installed in the void area beneath the temporary classroom in order to reduce the transmission of the noise of pupils moving around inside the building.

- 5.47 The appearance of the classroom is acknowledged to have an adverse impact on the visual amenity of the houses to the south. While the retention of the classroom for a further temporary period, possibly a further 2 years is far from ideal, the impact is not considered so severe as to warrant a recommendation of refusal, particularly given the measures already taken to mitigate the impact of the building.

Proposed installation of second temporary classroom

- 5.48 At Regulatory Committee in September 2019 the installation of a temporary classroom on the western side of the playground was agreed by members to be acceptable by the approval of the amended location scheme (NWB/19CC007). The distance between that approved classroom and the rear wall of houses in Rose Road was 20 metres and between the rear elevation of the classroom and the rear elevation of 29 Norton Road was 13.75 metres.
- 5.49 The current proposal for the installation of the second temporary classroom sites the building to the west of that previously approved classroom; to the west of the playground, on the sloping grass bank adjacent to the playground. As a result of the more westerly positioning, the separation distance between the rear elevation of the classroom and the rear elevation of 29 Norton Road would be increased to 23 metres. The distance between the side elevation of the proposed building and the rear of houses in Rose Road would be marginally less than previously approved at 19.1 metres.
- 5.50 As a result of the sloping nature of the site the maximum height of the building, on the eastern side is indicated to be 5.14 metres above the

level of the playground. The building would be 1.1 metre higher than the existing temporary classroom.

- 5.51 The gardens of Rose Road slope down from the rear fences on the school boundary to the rear elevation of the houses. A silver birch tree is growing within the school grounds close to the boundary with Rose Road which provides a degree of visual screening between the school and the neighbouring houses. The boundary fences would also provide some screening of the proposed additional classroom from the houses in Rose Road. However, the elevated height of the classroom is such that it would have an adverse visual impact on the dwellings to the south in terms of the visual appearance as it would be clearly seen above the boundary fences. The rear gardens of Rose Road are generally north facing. As a result of the position of the buildings in relation to each other and the movement of the sun; the classrooms would not cause overshadowing of the gardens or houses to the south.
- 5.52 The applicant has advised that the two windows in the south-east elevation of the second classroom, facing towards Rose Road would be obscured to prevent overlooking.
- 5.53 The elevation of the classroom facing east towards the garden of 29 Norton Road has one window and the entrance door which is accessed via steps and a platform entrance to the classroom. The impact of the window facing towards 29 Norton Road is not considered to be significantly detrimental in terms of overlooking given the distance to the boundary and the amount of vegetation along the boundary within the neighbour's garden. There would only be an oblique view from that east facing window towards the houses in Rose Road. It is considered however, that there could be overlooking of neighbouring houses from the vantage point of the raised step/platform area at the entrance door to the classroom. A condition is recommended that screening in some form should be erected to prevent any such overlooking (condition 3).
- 5.54 The applicant has indicated that the void beneath the classroom is to be insulated in the same manner as the first classroom, in order to reduce any noise generated by movement within the classroom.
- 5.55 Neighbours to the north, east and south of this second classroom have all called for the installation of an acoustic fence close to their respective boundary fences in order to reduce the impact of noise from the classroom.
- 5.56 The erection of an acoustic fence along the northern boundary would not serve to reduce the impact of noise from the classroom given the distance between the two properties. In addition, the northern boundary of the school site is the access route for the construction of the main extension to the school. The site is already restricted with little space for manoeuvring. The erection of an acoustic fence in this location would add a further restriction to movement.

- 5.57 The erection of an acoustic fence along the eastern boundary was not considered necessary on the previous planning application (NWB/19CC015). The proposed second classroom would be positioned at a greater distance from the eastern boundary than the existing classroom and for this reason it not considered to be necessary to erect an acoustic fence in this case.
- 5.58 The extension of the acoustic fencing further west along the school's southern boundary with Rose Road has been requested by residents. The erection of such a fence in this location could have the potential disbenefit of causing damage to the roots of the silver birch tree growing close to the boundary. Noise mitigation measures are being taken by adding insulation beneath the building, also, the building is located a further 3 metres beyond the rear elevations of the houses in Rose Road than the existing classroom. On balance it is considered that an acoustic fence in this location would not be required as the impact of the temporary classroom is for a limited time and the removal or damage to the silver birch tree would have a greater potential for a long term detrimental impact on visual amenity.
- 5.59 The appearance of the second classroom is acknowledged to have an adverse impact on the visual amenity of houses in Rose Road being 1 metre greater in height than the existing temporary classroom, although also at a greater distance from the rear garden boundaries of Rose Road than the existing classroom. However, the severity of the impact for a temporary period is not considered on balance to be so great as to warrant a recommendation of refusal.

Ecology issues

- 5.60 The siting of the proposed second temporary classroom is on the sloping grass area to the west of the playground. The building would be positioned between a Bird Cherry tree to the north and a silver birch tree to the south requiring the removal of a young hornbeam tree that is growing between the two. The hornbeam is some 7 metres in height, estimated to be over 10 years in age with the crown encroaching and competing with the crown of the cherry tree (as detailed in the Tree Survey and Arboricultural Impact Assessment submitted in support of application NWB/19CC006).
- 5.61 A condition is recommended for the hornbeam tree to be inspected for nesting birds immediately prior to any works taking place (condition 7). In addition, a condition is recommended for the planting of at least two trees on the school site to compensate for the loss of the hornbeam, these details to be secured by a Landscape and Ecological Management Plan (condition 6).

Highway Issues

- 5.62 Planning consent was granted, subject to conditions, in September 2019 (NWB/19CC006) for the permanent expansion of the school from an infant to primary school. Highways advise that there is already permission for the children who will use the temporary classrooms to be there. Therefore, all that is being considered as part of this application is the temporary status of the classrooms which will be removed prior to the permanent extension being opened. As such, the affect on the public highway will not be any more than permitted. No objection has been raised by the County Highway Authority to the current application.
- 5.63 Planning condition 13 of the consent NWB/19CC006 required a Green Travel Plan prior to the first occupation of the approved classroom block. A Green Travel Plan is a live document that should be updated regularly to reflect the current circumstances of a school. For this reason a condition requiring a Green Travel Plan to take into account the temporary classroom is also recommended (condition 4).
- 5.64 Concerns have been raised about a new Transport Assessment being required, however, the Highway Authority advised that this was not considered necessary. Permission has already been granted for the children to attend with no further highway improvements required. The children using the temporary classrooms are already included in the approved additional number of pupils at the school and do not represent a further increase in numbers. The Highway Authority advised that in this case, it is considering only the effect of the temporary classrooms on the public highway.
- 5.65 The Highway Authority also says that when the first temporary classroom was delivered to the school in August 2019 it is understood that the articulated vehicle delivering had to reverse into the site which is not a simple manoeuvre. During the Covid19 Lockdown residents have been at home and as a result there may be more cars parked on the road than would normally be the case during the day. The applicant should be aware of the need to ensure that the route to the school is not obstructed when trying to enter or leave the school site.
- 5.66 Given the difficulty for an articulated vehicle to manoeuvre into and out of the school site there is the potential for damage to the highway. A condition is recommended for a joint survey of the condition of the highway be undertaken before and after delivery of the classrooms to ensure any damage is rectified (condition 5).

Heritage

- 5.67 The Coleshill Conservation Area is located 75 metres to the south of the application site. There is no view of the temporary buildings from the Conservation Area and no impact on the character and appearance

of the Conservation Area as a result of the retention of the temporary classroom and installation of an additional temporary classroom.

Resolving the current situation

- 5.68 The circumstances that have brought about the need for the current planning application are both complicated and extraordinary. The works for the main extension to the school have been delayed by the Covid19 pandemic with the result that the construction works are only commencing during the summer of 2020. Social distancing requirements will have an impact on the speed of construction and may extend the project by an unknown amount of time.
- 5.69 There is now neither sufficient time while the school is closed during the coming summer holidays or sufficient space on the playground area to relocate the first and install a second classroom before September as well as undertake the works required to set up the contractor's compound area for the main construction works.
- 5.70 Despite the current circumstances the following issues are required to be resolved:
- i) The existing classroom is required to remain in its current location, where it does not currently have planning permission.
 - ii) A second temporary classroom is required for the 30 additional pupils that will be at the school from September 2020 for whom WCC has a statutory obligation to provide school places.
- 5.71 Since temporary approval of the existing classroom in January 2020, the installation of sound insulation beneath the building; erection of acoustic fencing; re-colouring the building and obscuring the rear windows have all been undertaken to reduce the impact on the neighbours. While it is acknowledged that the building does still have a visual impact on the neighbouring properties, that impact is not considered to be severe so as to outweigh the need for it and your planning officers again recommend approval of the temporary classroom in this location.
- 5.72 An additional 30 pupils will be arriving at the school in September 2020 for whom the second temporary classroom is now a necessity. The location of this second building is a compromise between the impact it would have on the neighbouring residents; the limited space available to carry out necessary works on the site, maintaining a play area for pupils and retaining the trees in this area of the school grounds. It is again acknowledged that there would be a visual impact on the amenities of neighbouring residents by the installation of this building. However, given the proposed sound insulation beneath the building, by obscuring the south facing windows and by screening views from the top entrance step it is considered that the impact of this building for a

temporary period is not so severe as to warrant a recommendation of refusal.

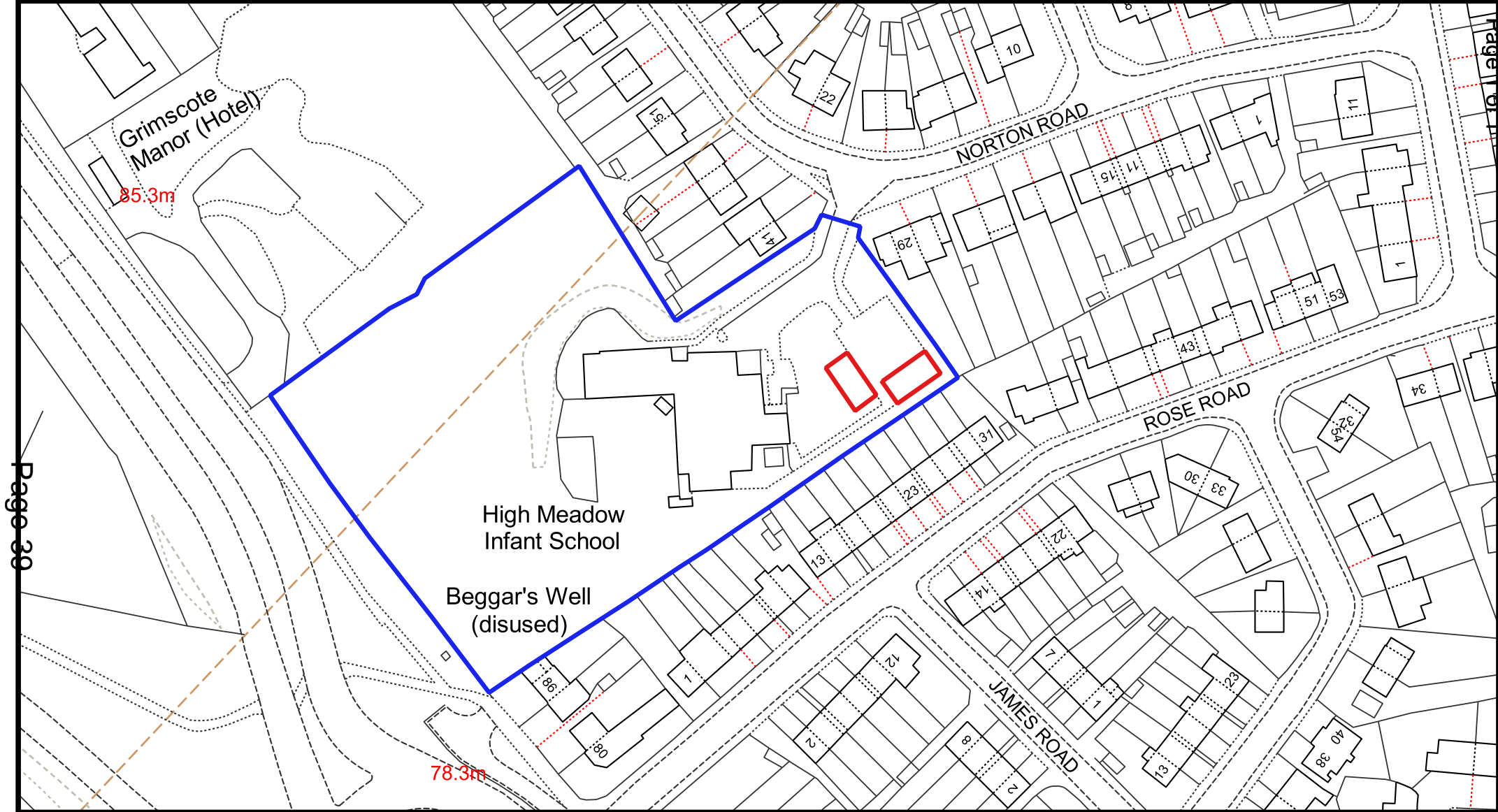
6. Conclusions

- 6.1 This application has been assessed against planning policy and considered on its merits. It is concluded that, on balance, the development is acceptable in planning terms.
- 6.2 It is considered that the development would not overshadow neighbouring land use; would have an acceptable impact on neighbour privacy subject to the recommended conditions to prevent overlooking; and would be a visually acceptable addition to the locality but only on a temporary basis.
- 6.3 The development is for a temporary period to provide necessary accommodation to meet the educational needs of pupils who will be attending the school from September 2020 and is recommended for approval subject to the suggested conditions.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference NWB/20CC002
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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Portfolio Holder	Cllr Jeff Clarke	



Application No: NWB/20CC002
High Meadow School, Coleshill
Installation of 2nd temp. and retention of temporary classroom until Sept 2022

Regulatory Committee 07 July 2020
Scale 1:1250 Drawn by: SP Dept: Communities

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Appendix B

Installation of a 2nd Temporary Classroom and Retention of Existing Temporary Classroom Until September 2022

**High Meadow Infant School,
Norton Road, Coleshill, B46 1ES.**

NWB/20CC002

Planning Conditions.

1. The development hereby approved shall be carried out in accordance with the drawings numbered:
 - AC00652-1001 Proposed Location and Site Plan
 - AC00652-101 Classroom Building 1 (Existing Retained) & Classroom Building 2 (Proposed) – Floor Plan
 - AC00652-201 Classroom Building 1 (Existing Retained) & Classroom Building 2 (Propose) – Elevations

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to ensure a satisfactory standard of design.

2. This permission shall be for a temporary period and the two temporary classrooms shall be removed:
 - Before 05 September 2022 or,
 - At the first practicable opportunity following the completed construction of the standalone 4 classroom block (NWB/19CC006)

whichever is the earlier.

Reason: The development hereby approved is not considered suitable for permanent retention by reason of the design, external appearance and type of construction.

3. Notwithstanding the approved details, the second classroom shall not be occupied until details of appropriate screening around the stepped entrance to the second classroom have been submitted to and agreed in writing by the County Planning Authority.

Reason: To prevent overlooking of neighbouring residents.

4. No later than first occupation of the approved second classroom a Green Travel Plan shall have been submitted to and approved by the planning authority.

Reason: In order to minimise traffic, congestion and potential parking issues in and around the school site and to preserve highway safety.

5. Prior to and following delivery and collection of the classroom(s) a survey shall be undertaken in consultation with the Highway Locality Officer to agree the condition of the public highway. Should the public highway be damaged as a consequence of the movement of the classroom carrying vehicles, the damage shall be repaired.

Reason: For highway safety.

6. The development hereby approved shall not be occupied until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the County Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of trees to be planted in compensation for those removed. Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF.

7. The development hereby approved shall either:
 - Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - Not commence until a qualified ecologist has been appointed by the applicant to inspect the trees/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

Reason: To ensure that protected species are not harmed by the development.

8. The two temporary classrooms hereby approved shall not be used by pupils outside the hours of 07:30 to 16:00 Monday to Friday, unless otherwise agreed in writing by the County Planning Authority.

Reason: In the interests of the amenity of neighbouring residents.

Notes

Hedgehog note:

In view of the nearby hedgehog record(s)/and/suitable habitat, care should be taken when clearing the ground prior to development, particularly piles of deadwood /leaves /bonfire mounds. If a hedgehog is found, work should stop until WCC Ecological Services is contacted. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC Act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of purpose-built hedgehog shelters. More details can be provided by the WCC Ecological Services if required.

Development Plan Policies Relevant to the Decision.

North Warwickshire Local Plan Core Strategy – Adopted Oct 2014

NW 2 - Settlement Hierarchy

NW10 - Development Considerations

NW12 - Quality of Development

North Warwickshire Borough Local Plan 2006

ENV11 - Neighbour Amenities

ENV12 - Urban Design

ENV13 - Building Design

ENV14 - Access Design

Coleshill Neighbourhood Plan 2015 – 2030

No policies relevant to this application

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019

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Regulatory Committee – 07 July 2020**Kingsbury Quarry, Dosthill
Extension to Quarry to provide brick making material****NWB/19CM020**

Application No.: NWB/19CM020

Advertised date: 17 October 2019

Applicant Wienerberger Ltd
Wienerberger House
Brooks Drive
Cheadle
Cheshire
SK8 3SA

Agent(s) Mr Steve Lamb,
Quarryplan (GB) Ltd
Unit 12A, The Borough Mall
Wedmore
Somerset
BS28 4EB

Registered by: The Strategic Director for Communities on 09 October 2019

Proposal: Extension to Kingsbury Quarry to provide brick making material and to extend the end date for extraction and restoration.

Site & location: Kingsbury Quarry , Rush Lane, Dosthill, Warwickshire, B77 1LT.
[Grid ref: 422133.298943].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission to extend Kingsbury Quarry to provide brick making material and to extend the end date for extraction and restoration on land at Kingsbury Quarry, Rush Lane, Dosthill subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application Details

- 1.1 This application proposes the extension of the mineral workings at Kingsbury Quarry along with an extension to the overall working life of the quarry from that currently permitted.
- 1.2 Kingsbury Quarry is a source of a high quality clay (Etruria Marl) and sandstone located to the north of Kingsbury used in the adjoining Kingsbury Brickworks to produce blue engineering brick products. Products produced include facing bricks, engineering bricks, pavers and hand cut special shaped bricks. However, remaining reserves of minerals suitable for making blue bricks amount to 200,000 tonnes only, which is sufficient to supply the Brickworks for less than two years.
- 1.3 The purpose of the extension area development is to provide a source of brick making material to supply the adjacent Kingsbury Brickworks into the future. Kingsbury is the only brickworks remaining in Warwickshire.
- 1.4 The proposal seeks to extend the quarry workings into an area of agricultural land to the immediate east of the Brickworks, and to the north-east of existing Kingsbury Quarry workings from where raw materials are currently sourced. The quarry extension area is formed of a rectangular arable field which rises gently eastwards towards the hamlet of Whateley.
- 1.5 The total area of the application is 52.4ha, which encompasses much of the existing quarry as well as the proposed extension area. Around 27ha would form the proposed extraction and materials storage area, the remainder relating to the existing quarry area which would be used for overburden and soils storage prior to use in site restoration.
- 1.6 The extension area contains 5.6 million tonnes of Etruria Marl, and 1.0 million tonnes of sandstone that would be used in the brick making process.
- 1.7 This would be sufficient to supply the brickworks for approximately 33 years and also allow for the export of some Etruria Marl to other brickworks operated by the applicant.

- 1.8 Restoration would be completed within two years of the cessation of mineral extraction and would involve backfilling mineral workings with overburden and any other on-site materials. No materials (waste) would be imported to the quarry in order to secure infill and restoration of the site.
- 1.9 The extension area would be restored to agricultural land and woodland with nature conservation habitats and biodiversity benefits.
- 1.10 The current planning permission end date for extraction and restoration at Kingsbury Quarry would need to be extended by 13 years from the current end date of 2042 to 2055.
- 1.11 The application site contains an existing geological Site of Special Scientific Interest (SSSI). This designation relates to a steep quarry face, located on the western edge of the extension area, which adjoins the Brickworks. The SSSI is designated for the exposure of the Halesowen Sandstones and the underlying Etruria Marls. Development of the quarry extension would require the removal of this existing geological exposure. The application proposes the creation of a replacement geological exposure elsewhere within the site.
- 1.12 The application site would be worked in a series of phases. Following initial removal of soils and overburden, extraction would commence in the north-west sector of the extension area and continue eastwards before progressing southwards. Pre-commencement works would include gap planting and management of the hedgerows around the north, east and south sides of the extraction area. The existing mature hedges would be allowed to grow untrimmed.
- 1.13 Development Stage A (approximately year 8)
Topsoils and subsoils from the extraction and storage areas would be stripped and placed in storage mounds around the north and eastern perimeter. Topsoil mounds would be between 2 and 4 metres high and subsoil mounds up to 6 metres high. An overburden sandstone stockpile up to 6 metres high would be covered with a layer of topsoil and subsoil on the outer slopes visible from eastern and southern directions. All topsoil and subsoil surfaces would be seeded to low-maintenance grassland and regularly cut to prevent perennial weeds from establishing. Excavations would be contained within the north-west and west sector of the extension area, with the southern half of the excavation area used for material storage. The two areas to be excavated in this phase would be linked by a new haul road passing through the geological SSSI, which would be relocated to the northern boundary of the site where the same geological feature that is the subject of the existing SSSI would be exposed.
- 1.14 Development Stage B (approximately year 17)
Excavations would continue mostly eastwards during this phase of development. Restoration backfilling would enable approximately 2

hectares to be returned to agricultural use in the northwest corner of the extraction area. This area would abut the reformed geological SSSI on the northern boundary. The soils storage mounds would remain unchanged during this phase. Sandstone overburden storage mounds would extend up to approximately 13 metres in height and would be grassed on the outer side-slopes.

- 1.15 Development Stage C (approximately year 25)
Excavations would continue in a southerly direction during this phase with backfilling continuing eastwards to complete restoration of the northern half of the extension void back to agricultural land. Most of the perimeter soil storage mounds would remain in place. Sandstone storage mounds would be reduced in area and height by this stage with areas restored to agricultural use.
- 1.16 Final Restoration (Approximately year 35)
The backfilling and restoration of the existing Kingsbury Quarry is due to be completed before excavations are completed in the extension area. The restored landform of the extension area would predominantly slope downwards from east to west at varying gradients. The restoration profile of the extension site would taper into the restored landform of the existing quarry creating a valley feature between the existing and proposed quarries. This valley would form a stream course, picking up surface water that currently follows a ditch along the southern edge of the extension area. The gentler gradients, which would account for the majority of the restored site (25 hectares), would be returning to agricultural use. A more steeply sloping wedge of land crossing through the middle of the restored site would be used to create 3 hectares of woodland. A further 5.5 hectares of the restored site would be set aside for species-rich and wet marginal grassland (including several catchment and satellite ponds for the surface water management system), water courses and ditch banks, hedgerows and retained/new woodland plantations. 0.3 hectares of the site would be given over to the retained faces and benches of the recreated Geological SSSI. A further 18.5 hectares of restored grassland and woodland would be created within the restoration scheme for the existing Kingsbury Quarry.
- 1.17 Mineral extraction at the quarry would remain at the existing level of up to 200,000 tonnes per year. Kingsbury Brickworks has the capacity to process around 100,000 cubic metres of mineral per annum. There are no proposed changes to the capacity or output of the factory at this stage. Therefore, up to 100,000 tonnes per annum would continue to be fed directly in the adjoining brickworks, with the remainder continuing to be transported off site to supply other brickworks. The existing planning permission allowing mineral extraction at Kingsbury Quarry allows up to 100,000 tonnes of 'as-dug' clay to be exported from the site per annum. It is proposed that this situation would continue going forward with the exported clays transported to other

brickworks operated by the applicant. The current application therefore seeks to continue this situation going forward.

- 1.18 Mineral extraction is undertaken at Kingsbury Quarry on a campaign basis, generally twice a year for a period of eight weeks. This method of operation would continue within the extension site following initial site set up. Extracted materials are stockpiled on land between the Quarry and Brickworks from where it is fed into the brick manufacturing process.
- 1.19 Overburden stripping, mineral extraction and materials handling is undertaken at Kingsbury Quarry using mobile equipment usually associated with quarrying, including hydraulic excavators, dump trucks and bulldozers. No blasting is carried out on site. There are no alterations proposed to the method of extraction, other than operations moving to land to the east of the existing extraction area.
- 1.20 Kingsbury Quarry and Brickworks is accessed from the A51 via Rush Lane to the west of the site. This situation would remain unchanged whilst working the extension site. The access road into the site itself from Rush Lane crosses the Birmingham to Derby railway line by an overbridge.
- 1.21 Production and output from the Quarry and Brickworks would remain at existing levels thus there would be no change to the vehicle numbers and movements at the site.
- 1.22 It is proposed that the extension site in accordance with the existing permitted hours of operation at Kingsbury Quarry. The existing planning permission restricts soil stripping and overburden removal to between 0700 hours and 1800 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays. Minerals extraction operations are currently permitted to be undertaken over longer periods of time of 0600 hours to 2000 hours Monday to Sunday. A condition is recommended for the hours of mineral extraction operations to be restricted to 0630 hours to 1830 hours Monday to Saturday with no extraction on Sundays or Public holidays.
- 1.23 In support of the application the applicant makes the following statement of need for the proposed quarry extension:
 - Kingsbury Brickworks is one of the major brick producers for the applicant (Wienerberger) in the UK and is one of the most efficient brickworks. It is the only Wienerberger factory that produces blue brick products and is of great importance to the business. The clay present on site (Etruria Marl), is of particularly high quality and is of very limited occurrence nationally.
 - Kingsbury produces a range of high-quality bricks, pavers and special brick products which are distributed throughout the UK. Brick production is currently just over 40 million bricks per year

including 1 million special products. The majority of products are blue bricks, include facing bricks, engineering bricks, pavers and hand cut special shaped bricks.

- Recently over £9.5 million was invested in improvements to the Kingsbury Brickworks to improve energy efficiency and lower emissions. A further £1 million is to be spent in 2019 to improve the production process.
- The Kingsbury site currently employs over 75 people in manufacture, distribution and associated roles. In addition a further 10 people are contracted externally to carry out quarry extraction at the site. The running costs of the Kingsbury site contributes over £8.5 million annually to the economy in terms of expenditure on fuel, purchases, wages, business rates, etc some of which benefits the local economy.
- The Kingsbury Brickworks relies on the adjacent quarry for the supply of raw materials and would not be able to remain open without the readily available resources of Etruria Marl and sandstone from the quarry.

1.24 The applicant has undertaken an Environmental Impact Assessment (EIA) of the proposed development. The planning application is accompanied by an environmental statement (ES) and a Non - Technical Summary which have been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and report the findings of the EIA. The ES contains a number of sections and is accompanied by a series of technical reports covering areas including:

- Geology and Stability;
- Highways and Traffic;
- Landscape and Visual Impact;
- Ecology;
- Noise;
- Blast Vibration;
- Air Quality and Dust;
- Flood Risk and Hydrology;
- Archaeology and Cultural Heritage;
- Soils and Agricultural Land Quality.

2. Consultation

2.1 **North Warwickshire Borough Council (Plg)** – no objection in principle to the proposal, but requests that you review the planning conditions that may be attached to any planning permission such that they reflect the location rather than replicate existing conditions. This is in respect of working hours and excavation periods in view of the proximity to the established residential properties in Whateley.

2.2 **North Warwickshire Borough Council (EHO)** – no comments received.

- 2.3 **Kingsbury Parish Council** – no comments to make other than wishing to ensure that no public rights of way are blocked off or obstructed.
- 2.4 **Councillor Andy Jenns** – no comments received as of 11/05/2020.
- 2.5 **Staffordshire County Council** – Kingsbury Quarry lies entirely within Warwickshire, immediately adjacent to the Staffordshire / Warwickshire border south of Tamworth. The quarry supplies Etruria Marl and sandstone for the Kingsbury Brickworks on the same site. However, remaining reserves of minerals suitable for making blue bricks amount to 200,000 tonnes, which is sufficient to supply the Brickworks for less than two years.

The proposal seeks to extend workings into an area to the east of the brickworks, and the north-east of existing workings. The total area of the application is 52.4ha of which 27ha would form the proposed extraction and materials storage area. This would permit the extraction of 5.6 million tonnes of marl, and 1.0 million tonnes of sandstone over a period of 35 years.

Restoration would be completed within two years of the cessation of working and would involve backfilling mineral workings with overburden and any other on-site materials, but not imported wastes.

The northern boundary of Kingsbury Quarry follows Rush Lane. This highway forms the county boundary at that point, and also marks the southern limit of Wilnecote Quarry in Staffordshire. Given the location of the proposed extension, with phases of extraction taking the workings eastwards then southwards, it is reasonable to conclude that there would not be any significant adverse impact on sensitive receptors within Staffordshire or on mineral resources at Wilnecote Quarry.

It was advised that the assessment of visual and landscape impacts should also take into account how the proposed extension can be worked alongside permitted workings within Staffordshire. In this matter, you should consider restoration proposals for Wilnecote Quarry and opportunities for landscape enhancement and ecological networks.

Having regard to the observations above, it is reasonable to conclude that the proposed development would not significantly adversely affect sensitive receptors or significant mineral resources within Staffordshire.

Therefore, Staffordshire County Council, acting as the Mineral and Waste Planning Authority for that county, has no objection to the planning application for an extension to Kingsbury Quarry to provide brick making material and to extend the end date for extraction and restoration, for the reasons described above.

- 2.6 **Tamworth Borough Council** – with the exception of the need for the company to ensure dust suppression during dry periods of extraction, the noise elements seem to be sufficient as not to cause any undue effect on our area. No further comments to make with regards to this application.
- 2.7 **WCC Highways** – no objection, as it has not been shown that the existing uses on site have a severe detrimental impact on the public highway network.
- 2.8 **WCC Flood Risk Management** – No Objection subject to the following comments and conditions.
The applicant's agent has provided clarification on the previously submitted 'Kingsbury Extension EIA – Hydrology and Hydrogeology'. We are now satisfied that this document suitably addresses surface water drainage and flood risk. We would support a compliance-type condition requiring the applicant to follow the information and drawings in the above document so that flood risk and surface water drainage is adequately managed throughout the lifetime of the development. In addition to the above, we also recommend a condition relating to a 6 m easement from the ordinary watercourse south-east of the site located along the red line boundary in the vicinity of Holt Hall Farm and the proposed blue sandstone stockpiling area. This is to ensure adequate space is provided for maintenance access and flood flows along the river corridor.
- 2.9 **WCC Ecology** – seek the imposition of conditions to secure a Construction and Environmental Management Plan (CEMP), Landscape and Ecological Management Plan (LEMP) and measures to secure Biodiversity Net Gain.

There is a geological SSSI on site which is proposed to be removed in phases 1a and 1b, and replaced in another area of the site. Natural England have been consulted and have no objection to re-locating the SSSI and therefore we have no objection to this. NE have asked for a management plan for long term maintenance of the relocated SSSI which should be submitted and agreed prior to the commencement of any works on site. They have asked that this be conditioned and therefore will be part of the LEMP Condition.

Reptile surveys were carried out in 2019 which identified no Grass Snakes on site. Surveys for Great Crested Newts identified no GCNs, with no suitable habitat in the existing quarry and limited suitable habitat within the extension area. However, GCNs being present on site cannot be discounted. A Method Statement for GCNs is therefore required as part of the CEMP.

There is nesting bird habitat on site and therefore pre-checks for nesting birds should be part of the CEMP. Surveys found no evidence of badgers, otter or water vole on site. However, pre-checks would be

appropriate and should be part of the CEMP. Surveys identify that the area is used by bats for foraging and therefore the proposals could result in the loss of foraging habitat. Installation of bat boxes is suggested and this could be secured as part of the LEMP. An invertebrate survey carried out found no scarce invertebrates on site, therefore no further surveys are required. It is recommended that the roots of trees and hedgerow to be retained are protected through the CEMP.

The Defra and WCC Biodiversity Impact Assessment (BIA) tool is not well suited to multi-phased developments over a long time period (such as the development now proposed). The BIAs carried out by the applicant and WCC Ecology (which differ in their conclusions) show that this application has the potential to make a biodiversity net gain or biodiversity net loss. The reality is likely to be somewhere between the two and depends on how the site is brought forward, when any nature conservation activities are implemented and how soon they reach their target condition. The County Ecologist therefore suggests the inclusion of a condition which would ensure that the biodiversity gains predicted are secured. A suitably worded condition is suggested.

- 2.10 **WCC Archaeology** – the proposed development will result in the destruction of or have a significant impact on the archaeological features which previous archaeological fieldwork has established survive across this site.

As set out in the Andrew Josephs Associate's Heritage Statement submitted with this application, aerial photography of this site shows an extensive cropmark complex within the site boundary. The Heritage Statement concluded that they probably represented different phases of field systems, former tracks and geological features.

An archaeological geophysical survey was subsequently undertaken across the site. A summary of the results of the survey is included in the Heritage Statement submitted in support of this application. This survey identified features interpreted as being related to several phases of landscape organisation and a number of ditches forming enclosures. A number of other anomalies of probable archaeological origin were also recorded, including some with characteristics suggestive of industrial activity which could represent kilns or brick clamps.

Subsequently archaeological trial trenching was undertaken across the site by Archaeology Warwickshire to further characterise the archaeological features across the site. The results of the fieldwork was detailed in a report which has been provided to this office.

The trial trenching recorded a series of ditched enclosures across part of the site, however their use has not been established. Whilst some Late Iron Age pottery was recovered from some of the ditches, there

was limited evidence for occupation, however, the report does highlight that only a small proportion of the interiors of these were examined, therefore it is possible that the activity was more intensive than initially suggested by this phase of fieldwork. It was concluded that the geophysical anomalies that were suggestive of industrial activity probably represent post-medieval brick clamps. A number of the anomalies identified by the geophysical survey were of geological origin.

The archaeological assessment work to date has established that archaeological features survive across this site. The proposed development will have a significant impact on these and any other, as yet unidentified, features which survive across the site.

Although I do not wish to object to the principle of development, I do consider that some archaeological work should be required if consent is forthcoming in order to mitigate the impact that the proposal will have on the archaeology which survives across the site. I therefore recommend that a condition is imposed to secure this. I would envisage the archaeological work secured by this condition including archaeological excavation and the archaeological monitoring and recording during the removal of topsoil and subsoil across the remainder of the site.

- 2.11 **WCC Public Health** – no comments received.
- 2.12 **WCC Public Rights of Way** – no objection, but seek an advisory note is placed on any planning permission granted to ensure that public rights of way T67 and T69, which run adjacent to the application site must remain open and unobstructed at all times.
- 2.13 **Environment Agency** – no objection.
- 2.14 **Natural England** – is satisfied that the proposed creation of a new geological exposure in the specified location, with improved access and secured long term management, would be considered to be appropriate compensation for the loss of the existing SSSI exposure, which should be submitted prior to the commencement of any works on site. They also note and accept the fact that creation of the access road (into the quarry extension) will be required prior to the proposed operations being able to take place. In principle we have no objection to the proposed time frame of twelve months for the creation of the new SSSI, provided suitable mechanisms are available through the planning process such as a section 106 agreement or suitable planning condition to ensure that the SSSI will be adequately protected in an acceptable timescale.

The agricultural land area of the application site comprises about 26 hectares of which 15 ha (58%) is Grade 1 (excellent quality), 10 ha (38%) Grade 2 (very good quality) and 1 ha (4%) subgrade 3b

(moderate quality). Clearly there is a substantial amount of best and most versatile (ALC grades 1,2 or 3a) agricultural land involved, including land of the highest quality nationally (Grade 1). The proposals aim to restore about 23 ha (of 26 ha agricultural field) back to best and most versatile quality (BMV), with net loss of about 3ha of BMV due to the creation of a steep face at the edge of the restored area which would be re-contoured at a lower level compared to the current landform. Natural England confirms that it would be appropriate to specify agriculture as an afteruse, and for the land to be reclaimed such that the physical characteristics of the land be, so far as practicable, restored to what they were when last used for agriculture. Although we are generally satisfied that the BMV land should be capable of being reclaimed without loss of quality, the submitted soil handling, restoration and aftercare proposals do not meet the requirements for sustainable minerals development. Natural England therefore advise that any grant of planning permission should be made subject to conditions to address these points, safeguard soil resources and promote a satisfactory standard of reclamation appropriate to the proposed afteruses.

- 2.15 **Highways England** – no objection.
- 2.16 **Network Rail** – seek funding to resurface the carriageway on the bridge over the railway line which forms part of the access road into the quarry/brickworks. Initially raised a holding objection on the basis of concerns they had regarding stability of existing quarry faces and slopes along the boundary with the railway line. Following the submission of further supporting information and technical data which confirmed that any slope failures were unlikely to impact upon the railway line, Network Rail have withdrawn this objection.
- 2.17 **HS2 Limited** – no objection under the Safeguarding Directions. The applicant is advised that the application site is in close proximity to land that may be required to construct and/or operate Phase 2b of a high speed rail line from Crewe to Manchester and the West Midlands to Leeds, known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament.
- 2.18 **National Grid/Western Power Distribution** – no comments received.
- 2.19 **The Coal Authority** – no objections to the planning application on the basis that the area of the proposed quarry extension is outside of the Defined High Risk Area.

3. Representations

- 3.1 The application was publicised by way of a press notice in the Tamworth Herald, 13 Site Notices displayed around the site and in

nearby residential areas and the nearest residential and business properties were notified directly.

- 3.2 Three emails and letters of representation have been received from local residents raising concerns and objection to the application.
- 3.3 Two residents of Whateley (hamlet located around 300 metres to the east of the application site) raise the following concerns:
- The quarry extension is in a Green Belt area.
 - It will be detrimental to properties fronting Whateley Lane, directly overlooking the site.
 - It will introduce noise and dust into a residential area.
 - The lanes of Whateley must not be used for access.
 - HGVs driving down Whateley Lane to get to the quarry often get stuck and take out hedgerows and trees.
 - Constant rubbish from the landfill.
 - Noise and light pollution horrendous.
 - Residents of Whateley suffer enough with the threat of HS2 ruining rural villages.
- 3.4 A resident of the High Street, Dosthill, Staffordshire (located a little over half a kilometre to the north of the site entrance) makes a number of observations and raises concern regarding the traffic impact of the proposed development on the A51 through Dosthill. Points raised include:
- Questions the validity of some of the existing/permitted vehicle numbers and movements quoted in the Transport Statement.
 - The Transport Statement states that ‘there would be no changes associated with vehicular movements to/from either the Quarry or Brickworks when compared with the current planning permissions’. It also states that the existing permitted working hours will remain unchanged and the proposed development represents a continuation of existing, established activities, which have been permitted and satisfactorily accommodated on the local road network for many years – this represents no concern as it stands.
 - However, seeks to ensure that Staffordshire County Council have been consulted.
 - Though much of the application states that there will be no change in vehicle movements as presently permitted as a result of the application, considers that some of the documentation is ambiguous in terms of output from the quarry.
 - Whilst the Transport Statement gives likely direction of vehicles, this could potentially change over time. If waste imports, which are stated as presently all coming from the south through Kingsbury, were to change and to increase in movements from the north through Dosthill, then it may be that this could happen with no recourse being available, and which may be to the detriment of road safety in Dosthill.

4. Assessment and Observations

Background and Planning History

- 4.1 Kingsbury Quarry has been operational for many years. Mineral extraction has taken place at the site under the provisions of a number of planning permissions over the years. In 1998 these were consolidated into one consent incorporating an extension of mineral extraction and restoration of land by importation of controlled wastes (Ref: NW378/97CM014). This planning permission has a linked Section 106 Agreement covering various matters (financial contribution to traffic calming in Kingsbury, long term site management post restoration, footpath reinstatement, transport review, creation of a liaison group and giving up working rights within some previously approved areas) some of which have subsequently been deleted or amended. Planning permission NW378/97CM014 is now the primary consent under which mineral extraction and landfilling is undertaken. A number of amendments to operations and infrastructure (primarily relating to landfilling operations) have been approved by subsequent planning permissions. Planning permission NW378/97CM014 contains 65 conditions which relate to general operations, including the control of hours of operation, noise and dust emissions, landscaping and the restoration of the site. The current quarry planning permission (NW378/97CM014) has an end date of 21 February 2042 for mineral extraction.
- 4.2 Landfilling of the site with household, commercial and industrial waste commenced in June 2008 (operated by Biffa Waste Management). To date these operations have focused around the northern part of the existing quarry void and initially progressed at some pace creating a domed landform which steps down into the quarry void. Landfilling operations were suspended in 2014 (with landfill operations currently remaining suspended). This is probably as a result of changes to the waste management market and increased recycling rates, etc. When the landfill is operational the planning permission limits HGV movements per week to 1800 (900 loads). Whilst landfilling operations are currently suspended they could recommence at any time and continue up until 2042.
- 4.3 Kingsbury is the only brickworks remaining in Warwickshire. The Kingsbury Brickworks is the only site within the Wienerberger group that produces blue brick products. The clay present on site (Etruria Marl), is of particularly high quality and is of very limited occurrence nationally. Kingsbury products are supplied locally, nationally and internationally. The range of products includes facing bricks, engineering bricks, pavers and hand cut special shaped bricks. The majority of clay products are fired through modern and efficient tunnel kilns.

- 4.4 The remaining reserves of Etruria Marl at the existing quarry suitable for making blue bricks amounts to 200,000 tonnes, sufficient to supply the Brickworks for less than two years.
- 4.5 The applicant (Wienerberger) purchased the site in 2008 from Baggeridge Brick who had operated the site since 1951. Kingsbury Brickworks developed from the former Whateley Colliery and Brickworks which was well established by the mid-nineteenth century and the adjacent Cliffe Blue Brickworks which was operational in 1838. Brick manufacture is understood to have been undertaken at the site for almost 200 years.
- 4.6 The Brickworks has permanent planning permission without any end date. Once the remaining reserves of Etruria Marl have been worked out in the existing Kingsbury Quarry in the next two years raw materials would have to be imported by road on heavy goods vehicles (HGVs) in order to supply the Brickworks should the extraction of further mineral reserves at Kingsbury Quarry not be approved.
- 4.7 Kingsbury Quarry and Brickworks is situated immediately to the south of the county boundary with Staffordshire. Immediately over the county boundary, on the opposite side of Rush Lane, lies another clay quarry and adjoining brickworks (Wilnecote Quarry, operated by Forterra). Staffordshire County Council granted planning permission (Ref: T.16/02/905 MW) in April 2019 to allow the extension of this site onto land to the north of the current application site. The extension site to the north of the current application site is now operational.

Site and Surroundings

- 4.8 Kingsbury Quarry and Brickworks is located to the north of Kingsbury immediately adjacent to the Staffordshire/Warwickshire border (although the site lies entirely within Warwickshire). The site lies approximately three kilometres south of the centre of Tamworth, 500 metres south-east of Dosthill and around 500 metres from the northern outskirts of Kingsbury.
- 4.9 The surroundings can very much be described as mixed in terms of landscape and landuse. This ranges from the very rural and limited sporadic development to the east where agriculture is the predominant landuse to the more intensive urban development to the north and south where industrial and residential landuses dominate. The area has been the subject of extensive mineral extraction in the past, including clay, stone, coal and sand and gravel. Many of the former mineral workings have been landfilled and restored.
- 4.10 The existing quarry lies to the south of the brickworks, which comprises of an extensive range of modern and older industrial buildings. The Brickworks has extensive areas associated with raw material storage and brick stockyards. The landholding extends to around 70 hectares.

Waste disposal has taken place within the existing quarry area, although is currently mothballed. The site is bordered to the north by Rush Lane (which forms the County boundary), the east by agricultural land, to the south by the M42 Motorway and safeguarded route of the HS2 railway line and to the west by the Birmingham to Derby railway line.

- 4.11 The area of land proposed for the quarry extension predominantly comprises of one large rectangular arable agricultural field of approximately 27 hectares located immediately to the east of the existing quarry and brickworks. The site is bounded by a mix of hedgerows and hedgerow trees. The extension site adjoins Rush Lane along its northern boundary beyond which lies Wilnecote Quarry and Brickworks, Kingsbury Brickworks and the existing Kingsbury Quarry to its western boundary and agricultural fields along the eastern and southern boundaries. Electricity power cables carried on large pylons cut across the south-eastern corner of the site. The safeguarded route of the HS2 railway line lies to the south of the extension site. A large complex of farm buildings, Holt Hall Farm, are located close to the south-eastern corner of the extension area. The topography of the extension site gently slopes from a high point along its eastern boundary down to lower levels adjoining the brickworks and existing quarry, which in themselves lie at a lower level than the extension site.
- 4.12 The hamlet of Whateley is located a little under 300 hundred metres to the east of the application site on slightly higher ground separated by agricultural fields.
- 4.13 To the west of Kingsbury Brickworks and Quarry land located off Rush Lane is in industrial uses, including a scaffolding business (Hunnebeck) and pallet business currently under development (Kingsbury Pallets). New residential developments constructed in recent years on the southern peripheries of Dosthill have extended closer to the quarry, although these are separated from the working area by the brickworks itself. The nearest of these properties is separated from the brickworks and north-western corner of the application site by approximately 150 metres. A parcel of land located between these existing residential properties and industrial developments off Rush Lane is currently the subject of a planning application proposing further residential and business development. This application remains to be determined.
- 4.14 Kingsbury Quarry and Brickworks is accessed from the A51 via Rush Lane to the west.
- 4.15 No public rights of way cross the Kingsbury site but there is a number of public footpaths, bridleways and other areas with public access in the general area.
- 4.16 Located on the western edge of the extension area is the steep slope of a geological Site of Special Scientific Interest (SSSI), designated for

the exposure of the Halesowen Sandstones and the underlying Etruria Marls.

Planning Policy Context

- 4.17 Section 38(6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the Development Plan ‘unless material considerations indicate otherwise’.

Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:

(a) proposals which accord with an up-to-date development plan should be approved without delay; and

(b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:

- the application of policies in the Framework 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.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 4.18 Paragraph 12 goes on to explain that 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.
- 4.19 Paragraph 48 explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.
- 4.20 The courts have made it clear that for the purposes of section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every

policy in the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

- 4.21 The Development Plan relevant to the proposal consists of the “saved” policies of the North Warwickshire Local Plan 2006, the Local Plan for North Warwickshire – Core Strategy adopted October 2014 and the ‘saved’ policies of the Minerals Local Plan for Warwickshire. The “saved policies” of the Minerals Local Plan were saved over 13 years ago in September 2007 and cannot be considered to be up-to-date and as such the ‘tilted balance’ referred to in paragraph 4.17 may be applied, that is unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, then permission should be granted.
- 4.22 The County Council is currently producing a new Minerals Local Plan which is at the Submission document stage – November 2019. The emerging Plan has now been submitted to the Planning Inspectorate for assessment and review and is due to be the subject of an Examination in Public in October 2020. Until the new Local Plan is adopted it can only be given limited weight, however given that there were no objections to the proposed Brick Clay policy MCS 6, it may be considered to have some weight. See paragraph 4.39 below.

National Planning Policy

- 4.23 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives, 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). The three dimensions to sustainable development are: economic, social and environmental. The Framework states that decision-takers at every level should seek to approve applications for sustainable development where possible.
- 4.24 The NPPF makes it clear that the Government is committed to securing economic growth and productivity in order to create jobs and prosperity. It goes on to state that policies and decisions should recognise and address the specific locational requirements of different sectors as well as enabling the sustainable growth and expansion of all types of business in rural areas.
- 4.25 Kingsbury Quarry and Brickworks is located within the West Midlands Green Belt. The NPPF makes it clear 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.

- 4.26 The NPPF makes it clear that within the Green Belt inappropriate development, which is by definition harmful to the Green Belt, should not be approved except in very special circumstances.
- 4.27 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.
- 4.28 The NPPF identifies forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes mineral extraction.
- 4.29 The NPPF makes it clear that minerals are essential to support sustainable economic growth and our quality of life. It is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The NPPF requires existing sites used for processing of minerals to be safeguarded. When determining planning applications for mineral extraction, local planning authorities should: give great weight to the benefits of the mineral extraction, including to the economy; and, ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health including the cumulative effect of multiple impacts; and, ensure that noise and dust impacts are controlled, etc. It also seeks to provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards. In considering proposals for mineral extraction, minerals planning authorities should, as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas.
- 4.30 Minerals Planning Authorities should plan for a steady and adequate supply of industrial minerals, including the provision of brick clay and maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. The NPPF makes it clear that for brick clay these reserves should be at least 25 years.

Local Planning Policies

Minerals Local Plan for Warwickshire 1995 (saved policies)

- 4.31 The Minerals Local Plan for Warwickshire sets out policies specific to the extraction of minerals. The Minerals Plan identifies Preferred Areas

or Areas of Search for future mineral extraction (all of which relate to sand and gravel extraction). Policy M1 of the Plan makes it clear that permissions will normally only be given within these areas. The 1995 Plan does not allocate specific sites for the extraction of brick clay (as it does for sand and gravel). It does however recognise that minerals can only be worked where they are found and extraction need not be incompatible with Green Belt objectives. It does however make it clear that the onus will be on the operator to demonstrate that high environmental standards can be achieved during working and restoration and that it is necessary to work mineral within the Green Belt.

- 4.32 Policy M6 details matters that will be taken into consideration in determining any planning application for mineral extraction. The policy states that, applications will be considered on the basis of the provisions of the development plan and their likely overall impact on, amongst other things: operational and economic needs; physical restraints, including, existing and proposed developments in the area, conservation, ecological value, sites and landscapes of historical and archaeological importance. Other considerations include; transport, agricultural land quality and the feasibility of achieving high quality restoration to an appropriate afteruse, living conditions for people and policy considerations, including Green Belt.
- 4.33 Policy M7 sets the controls that will be applied in seeking to ensure that any adverse environmental effects and the implications for residents' quality of life are mitigated at all mineral workings. The policy goes on to state that when granting planning permission the County Council may impose planning conditions or seek to enter into agreements covering operational matters and environmental controls.
- 4.34 Policy M9 seeks the restoration of workings to a high standard and a beneficial after use in accordance with the development plan. Satisfactory arrangements for aftercare will also be sought.

Emerging Warwickshire Minerals Plan

- 4.35 As with the adopted Minerals Plan the emerging Warwickshire Minerals Plan does not allocate specific sites for the extraction of brick clay. Any proposals for new clay quarries or extensions to existing site will be assessed through the policies within the Plan.
- 4.36 Policy MCS1 (Supply of Minerals and Materials) however makes it clear that during the plan period the MPA will ensure that there is a sufficient supply of minerals through Warwickshire's contribution to local and national needs. In order to achieve this, the MPA will maintain landbanks of permitted reserves for aggregate minerals and for brick clay. Any planning application for mineral development will be treated on its merits and assessed against all other relevant

Development Plan policies, taking into account the guidance in the NPPF and all other material considerations.

- 4.37 Policy MCS6 (Brick Clay) states that, the MPA will maintain at least 25 years permitted reserves of brick clay to support capital investment required for new or existing plant for brick manufacturing, and the maintenance and improvement of existing plant and equipment, by permitting new or extended sites and by permitting extraction prior to, or as part of, non-mineral development. Proposals for brick clay extraction will be supported where the proposal:
- supports capital investment required for new or existing plant for brick manufacturing and the maintenance and improvement of existing plant and equipment; and
 - provides for the extraction of premium brick clays such as those from the Etruria Formation or other clay raw materials with equivalent physical characteristics;
 - and in addition the proposal either :
 - enables the continuation of appropriate blends to be made: or
 - provides raw materials released from the working of other minerals: or
 - provides raw materials which can be utilised at an existing plant or for an environmental project where the raw materials are required to meet specific technical requirements and those materials cannot be supplied from any other location.
- 4.38 The emerging Minerals Plan also include general Development Management policies which seek to: protect and enhance the environment and landscapes (DM1 - protection and enhancement of the environmental assets and landscapes); protect the historic environment (DM2 - Warwickshire's Historic Environment and Heritage Assets); protect local communities and their environment and the economy from unacceptable adverse impacts (DM4 – Health, Economy and Amenity – Minimising the Impacts of Mineral Development); that the highway network is able and suitable to accommodate the traffic generated (DM5 – Sustainable Transportation); public rights of way are protected (DM6 – Public Rights of Way and Recreational Highways); water quality is protected and flood risk is not increased (DM7 – Flood Risk and Water Quality); and, secure satisfactory restoration (DM9 – Reinstatement, reclamation, restoration and aftercare).
- 4.39 The replacement Minerals Local Plan is at the Submission document stage – November 2019 and will shortly be subject to an Examination in Public. Public consultation on the replacement Minerals Plan only resulted in two representations specifically on the proposed Brick Clay policy, one from the applicant referring to the extension proposal and the other from the Association of Black Country Authorities which supports the policy. Whilst only limited weight can be given to this document at this stage it can be seen that there are no objections to

the proposed Brick Clay policy. Clarification has been sought by the Inspector as to whether the Minerals Plan adequately identifies the location and extent of permitted brick clay reserves within the County and whether the Plan should allocate sites (including existing sites) for brick clay provision. These questions have been answered by WCC Planning Policy and a set of proposed changes to the supporting text of Policy MCS 6 have been submitted to the Inspector prior to the hearings, which are due to take place in October 2020, in 4 months time. The wording of the policy is unchanged, while the changes to the supporting text of Policy MCS 6 state:

“ Kingsbury Brickworks which lies in the north west corner of the county on Rush Lane, Dosthill adjacent to the county boundary with Staffordshire is supplied with clay materials from an existing quarry to the south of the brickworks which has planning permission until 2042. Immediately to the north of Rush Lane lies Wilnecote Brickworks and quarry, in Staffordshire. Kingsbury quarry also supplies materials to a brick works outside the county in Walsall. Kingsbury brick works currently does not have a 25-year landbank of permitted reserves of clay sufficient to meet its future needs. However, land has now been identified to the east of the existing quarry site with landowner support on which a planning application has been prepared and submitted to extend the quarry to provide a further 33 years of clay resources including premium clays to enable the production of blue bricks to continue and to export materials. Due to the particular planning issues involved the planning application will be determined in accordance with policies in the development Plan rather than through a specific site allocation.”

Policy MCS 6 of the emerging Minerals Plan is considered to have currently some weight.

Local Plan for North Warwickshire – adopted Core Strategy 2014

- 4.40 The Local Plan Core Strategy for North Warwickshire sets out the policies which relate specifically to this part of Warwickshire. Policy NW1 – Sustainable Development states that, planning applications that accord with the policies of this Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then permission will be granted unless material considerations indicate otherwise.
- 4.41 Policy NW3 – Green Belt, identifies the extent of the West Midlands Green Belt in North Warwickshire, which washes over two thirds of the Borough, and confirms the primary aim is to maintain the open nature of the area and that there is a general presumption against development that is inappropriate, except in very special circumstances.

- 4.42 Policy NW10 – Development Considerations, sets out the development considerations to be addressed and these include the need to avoid and address unacceptable impacts on neighbouring amenities as well as not sterilising viable known mineral reserves; degrade soil quality or pose risk to human health and ecology from contamination or mining legacy and ensure that land is appropriately remediated. Policy NW12 – Quality of Development, states that, all development proposals must amongst other things, demonstrate high quality design that positively improved that appearance and environmental quality of the area and conserves and enhances the historic environment and biodiversity. Policy NW13 – Natural Environment, seeks to protect the quality, character, diversity and local distinctiveness of the natural environment. Policy NW14 says that the quality, character, diversity and local distinctiveness of the historic environment will be conserved and enhanced. Policy NW15 – Nature Conservation, seeks to protect SSSIs. Development adversely affecting a SSSI will only be permitted where the benefits of the development at these sites clearly outweigh the likely impacts on the site.

North Warwickshire Borough Local Plan 2006

- 4.43 The saved policies of the North Warwickshire Borough Local Plan set out further policies that relate to this part of Warwickshire. Policy ENV4 seeks to protect trees and hedgerows. ENV6 seeks to protect land resources, including in minerals developments ensuring the early establishment of after-uses and protect the best and most versatile agricultural land. ENV9 says that the air quality of the Borough will be safeguarded and enhanced by not permitting new potentially polluting forms of development within and bordering the Borough's Air Quality Management Areas (AQMA) to minimise potential risks to health and by not permitting development that would create significant noise disturbance to nearby housing, schools and other noise-sensitive uses. TPT1 seeks to minimise the transport and highway impacts of development proposals.

Policy Considerations

Compliance with Development Plan

- 4.44 The application site is not allocated within the adopted Minerals Local Plan (saved policies – saved in September 2007) as either a Preferred Area or Area of Search for future mineral extraction. The allocated sites relate purely to sand and gravel deposits. Policy M1 of the Plan makes it clear that permissions will normally only be given within these allocated areas. A number of restraints of acknowledged importance were used when identifying Preferred Areas and Areas of Search. This includes Sites of Special Scientific Interest of which there is one within the application site, albeit a geological exposure created as a result of previous mineral extraction, which would be impacted upon by the proposed development. Other identified considerations, whilst not

absolute constraints, are Green Belt and Agricultural Land Quality. Accordingly the proposal has been considered as a departure from the Development Plan. In viewing the proposed development as a departure it is not to say that the application is necessarily unacceptable or should automatically be refused. Clearly it is necessary to consider whether or not there are material considerations of sufficient weight to indicate otherwise. The supporting text of Policy M1 makes it clear that, outside of Preferred Areas and Areas of Search, the onus of justification for any proposal within such an area will fall upon the applicant, who will need to demonstrate that the proposal does not, in reality, impinge on any of the constraints used in identifying the Preferred Areas in the Plan, and that it should be treated as an exception to the general presumption against granting planning permission outside those areas. In this case it is considered that there are supporting factors of sufficient weight to suggest that, although arguably contrary to policy the application should be supported. This is discussed below.

Need

- 4.45 Etruria Marl is a high quality clay used in the manufacture of blue engineering brick products. Blue brick products play a significant role both visually and structurally within construction and engineering projects. Etruria Marl is a vital resource to maintain the continuous production of blue brick products at Kingsbury Brickworks. Furthermore, the Etruria Marl Formation, within Warwickshire, is confined to a relatively small geographical area in the north of the County.
- 4.46 Kingsbury Quarry and adjoining Brickworks is the only such facility remaining within Warwickshire. The applicant estimates that there is now only around 200,000 tonnes of mineral reserves suitable for making blue brick products remaining within the Quarry. This is sufficient to supply the Brickworks for less than two years only.
- 4.47 The proposal is to extract in the region of 5.6 million tonnes of Etruria Marl from the extension to Kingsbury Quarry. This would be sufficient to supply the brickworks for approximately 33 years.
- 4.48 According to the NPPF the County should aim to hold a landbank for brick clay of at least 25 years raw material. The emerging replacement Warwickshire Minerals Plan similarly supports this aim stating that, the MPA will maintain at least 25 years permitted reserves of brick clay, to support the industry, by permitting new or extended sites. The existing landbank of clay reserves at Kingsbury Quarry, standing at around two years, falls very much short of government guidance. While the nearby Wilnecote Quarry in Staffordshire has recently had planning permission for an extension, it supplies its own on-site brick factory. The use by Kingsbury Brickworks of supplies from Wilnecote Quarry could impact the Staffordshire County landbank and have a detrimental impact in

terms of transport by HGV between the two sites. The proposed development, creating a landbank of 33 years within Warwickshire, therefore supports the provision of a healthy landbank of brick clay, sufficient to continue a steady supply of raw materials into the adjoining Kingsbury Brickworks. Thus securing the Brickworks long-term future and supporting specialist brick production. This therefore supports one of the key aims of the NPPF. This is a significant consideration and weighs heavily in favour of granting planning permission for the extension, when weighing the need for the development against the policy framework and potential site specific constraints.

Green Belt

- 4.49 The application site is located within the West Midlands Green Belt the fundamental aim of which is to maintain openness by not allowing inappropriate forms of development, except in very special circumstances. The NPPF makes it clear that mineral extraction need not be inappropriate development within the Green Belt provided that openness is preserved and that it does not conflict with the purposes of including land within it. Mineral extraction is a temporary landuse, albeit in this case long term. The extension site would be worked and restored in a phased manner with the land predominantly restored to its pre-existing agricultural landuse. Thus in the medium to long term the proposed development would not impact upon the openness of the Green Belt and therefore does not conflict with the purposes of including land within it. The proposed development would therefore not be an inappropriate form of development within the Green Belt

Other Policy Considerations

- 4.50 Kingsbury Quarry and Brickworks provides employment for over 75 people in manufacture, distribution and associated roles. In addition a further 10 people are contracted externally to carry out quarry extraction at the site. The applicant estimates that running costs of the Kingsbury site contributes over £10 million annually to the economy in terms of expenditure on fuel, purchases, wages, business rates, etc some of which benefits the local economy. The proposed development would secure these jobs and investment in the area for up to 33 years. Whilst the site is not a huge employer it is not insignificant in this area which is supported in general economic growth terms by the NPPF.
- 4.51 Providing a source of raw material adjacent to the Brickworks also presents positives in terms of securing sustainable development. While there is a source of clay at the nearby Wilnescote Quarry, use from that source would be less sustainable as there would be a need for HGV movements to and from Kingsbury via the A51 High Street in Dosthill. The proposed extension to Kingsbury Quarry would allow for the efficient movement of clay from the point of extraction to the factory. Avoiding the need for road haulage to the principal end user of the mineral reduces both financial and environmental costs. Thus

meaning that the brickworks and product remain competitive within the market and the environmental impacts associated with road haulage are reduced. This further supports the presumption within planning policy in favour of sustainable development

- 4.52 The wider policy framework seeks to manage amenity impacts upon the living environment of local occupiers and protect the natural and built environment from any adverse impacts resulting from development proposals. This includes the sustainable use of minerals. These matters are discussed in detail below. Subject to the imposition of appropriately worded planning conditions in order to adequately control the development it is considered that the proposed development could be carried out in broad accordance with the aims of the policy framework and would result in no significantly greater adverse impact than resulting from the existing quarrying activities and can therefore be supported. It is therefore concluded that the proposed development broadly accords with the other policies contained within the Development Plan.

Amenity Issues

- 4.53 Kingsbury Quarry is located within a mixed use area. To the north and west the surroundings are quite urban in character with modern residential and commercial developments. To the south and east the vicinity is much more rural in character with residential properties more sporadic and limited in number. Residential properties on the southern peripheries of Dosthill are separated from the brickworks and north-western corner of the application site by approximately 150 metres. The hamlet of Whateley is located under 300 hundred metres to the east of the application site. Holt Hall Farm located at the south-eastern corner of the application site includes a number of residential properties at around 150 metres distance.

Visual/Landscape Impact

- 4.54 There are two aspects to be considered in terms of the visual/landscape impact of the development. These are the, short term impact during the mineral extraction and general operation of the quarry and the long term visual/landscape impact of the proposed restoration scheme.
- 4.55 The existing Kingsbury Quarry site sits in a valley with the current workings lying at a low level within the landscape. Whilst the existing workings cover a large area of land the nature of the landscape is such that the quarry operations are discrete rather than prominent within the landscape.
- 4.56 The proposed extension to Kingsbury Quarry lies to the north-east of the existing quarry and predominantly comprises if one large open agricultural field rising gently to the east. The boundaries of the site

are delineated by hedgerows and trees. The proposed development would occupy a large expanse of land and would clearly involve significant earth works during operation of the quarry extension. This would undoubtedly result in a significant landscape and visual effect during the operational life of the quarry. These impacts would however be limited by: allowing hedgerows to increase in height and density; restricting temporary stockpile heights; seeding temporary stockpiles; and, carrying out progressive restoration of the site as quarrying is completed in each phase. The historical and present mineral workings in the vicinity of Kingsbury Quarry form part of the localised landscape. Clay extraction is reasonably slow paced at Kingsbury Quarry, thus visually once established the extraction area does not change dramatically over time.

- 4.57 Dwellings located within the hamlet of Whateley to the east sit on slightly higher ground, a number with views towards the application site. Whilst there will be some visual impact resulting from operations on site, this would largely be limited to periods of soil bund and overburden mound creation. For most of the working life of the quarry these would appear as semi-permanent grassed landforms in the landscape effectively screening operations on site. Properties located at the southern end of Dosthill to the west of the application site would have some views of the quarry extension. However, these would be very much viewed in the context of the existing Kingsbury Quarry and Brickworks development which are an established part of the local landscape.

- 4.58 Mineral extraction is a temporary land use, albeit in this case a long-term activity. The restoration scheme has been designed to link in with the approved restoration scheme for the existing quarry as well as replicate the characteristics of the local landscape and integrate the restored landform into the surroundings. The surrounding landscape is rural and agricultural in character, but also punctuated by a number of distinct artificial landforms resulting from former mineral workings which have impacted upon the localised landscape. Restoration of the quarry with hedgerows creating a new field layout would return much of the site to agricultural use. The restoration scheme would also introduce extensive areas of native woodland and tree planting as well as the creation of drainage ditches, pond wetland, reed marsh and wet grassland areas further assisting to assimilate the restored landform into the landscape and surroundings. The restoration scheme would actually break up what is currently a wide open single arable field into a more traditional pattern of fields and woodland. A landscape and visual impact assessment submitted with the application concludes that following completion of mineral working and restoration of the site, the landscape effects are not considered to be significant.

- 4.59 In time the restored Quarry would mature and effectively integrate into the surroundings. This accords with policies of the Development Plan which seek to ensure that developments are well designed to not be

incongruous within the landscape and where possible positively contribute to the character of the area. Subject to the imposition of a condition to secure detailed restoration and planting schemes the proposals are therefore acceptable in landscape terms.

Noise

- 4.60 Mineral extraction clearly has inherent noise impacts, operation of plant and machinery, movement of vehicles, etc, which could affect the nearest noise sensitive locations. In this location mineral extraction is undertaken alongside noise generators including the Brickworks itself and nearby Motorway and railway line, which will influence background noise levels. The current planning permission relating to the existing activities on site restricts operations to certain hours and sets noise limits for noise sensitive locations. Existing operations at the Quarry have not been a source of noise complaint.
- 4.61 The extension area would be worked as a continuation of the existing workings using the same method of operation and working practices. Mineral extraction is undertaken at Kingsbury Quarry on a campaign basis, generally twice a year for a period of eight weeks. Thus it is a relatively low impact operation with no activity on site for prolonged periods of each year. The extracted mineral would be stockpiled for use adjacent to the Brickworks as it is currently with no changes to operating practices or processing plant. The quarry extension would result in operations taking place in closer proximity to a number of dwellings in Whateley, which are noise sensitive locations. However, the distance separation, formation of screen bunds and general low intensity of the mineral extraction operation would mean that the development is unlikely to result in any greater noise impact on the residents of these properties.
- 4.62 A noise assessment submitted by the applicant suggests noise limits at nearby residential properties for quarry site noise associated with the extension area based on existing background noise levels and guidance. Noise levels arising from the ongoing activities and the proposed development have been calculated and compared with the suggested site noise limits at the nearest noise sensitive properties to the site. The calculated overall site noise levels for site operations during the working of the extension area are below the site noise limits at all locations assessed and below government guidelines. A suitably worded condition is suggested detailing noise limits at nearby residential properties.
- 4.63 North Warwickshire Borough Council request that the proposed hours of operation are reviewed, given the proximity of the extension site to sensitive receptors, rather than simply replicating existing conditions. The existing planning permission restricts soil stripping and overburden removal to between 0700 hours and 1800 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays. Mineral extraction

operations are permitted to be undertaken over longer periods of time of 0600 hours to 2000 hours Monday to Sunday. Soil stripping and overburden removal has the potential to create the greatest impact and therefore has the shorter permitted hours of operation. Mineral extraction would be undertaken within the relatively contained quarry void environment and is therefore permitted to take place over longer periods of time. The existing hours of operation have not resulted in complaint. The proposed noise condition is designed to protect the amenity of nearby residents. It is therefore difficult to justify amending the hours of operation from those already permitted.

Air Quality and Dust

- 4.64 Working of the quarry extension could potentially generate dust and other airbourne pollutants as a result of soil stripping operations, overburden handling, mineral extraction, vehicles traversing the site, and restoration works. Vehicle movements, associated with transporting clay off site, by their very nature impact upon air quality both as a result of engine emissions and the raising of dust resulting from movement.
- 4.65 Development and working of the quarry extension would be undertaken in accordance with existing operating procedures, which have not resulted in dust complaint, so should not change potential dust impacts. Development of the extension area, including stripping of soils and placement of overburden, would however take place in closer proximity to sensitive receptors. Thus there is the potential for dust nuisance. Mitigation measures, including: the use of water bowsers as required; limiting vehicle speeds; minimising material drop heights; seeding soil and overburden bunds; and, use of a road sweeper on the access road when required, are proposed to be implemented. The existing planning permission includes conditions which require such mitigation measures to be implemented on site.
- 4.66 An Air Quality Assessment submitted with the application concludes that it is unlikely that any significant decrease in local air quality would occur due to the development and operation of the proposed quarry extension. Any dust occurrence event would be limited and of short duration and would be minimised by implementation of the dust control measures proposed. Operation of the site would have negligible impact on adjacent residential properties. It would be appropriate to ensure that adequate dust control is provided across the site. A suitably worded condition is suggested.

Transport/Highway Issues

- 4.67 Kingsbury Quarry and Brickworks is accessed from the A51 via Rush Lane to the west of the site. This situation would remain unchanged whilst working the extension site. Up to 200,000 tonnes of clay is extracted from Kingsbury Quarry per annum and either leaves the site

in the form of 'as-dug' mineral or as brick products from the Brickworks. The existing planning permission allows up to 100,000 tonnes of 'as-dug' clay to be exported from the site per annum. This situation, in terms of level of output and production, would also remain unchanged throughout the working of the extension site.

- 4.68 The most significant difference with the present situation is that the existing planning permission permits the importation of waste materials to infill and restore the current quarry void. The extension site would be restored without the requirement to import fill materials.
- 4.69 A Transport Statement submitted with the application establishes that the combined permitted activities at the existing Kingsbury Quarry and Brickworks (including waste importation when the landfill is operational) could potentially generate 162 HGV loads (324 movements) per average day. Of this figure 124 loads (248 movements) are associated with the importation of fill material. Thus, the Brickworks and mineral extraction operation account for 38 loads (76 movements) per day only. The Transport Statement found that ongoing activities at Kingsbury Quarry and Brickworks had been accommodated within the local highway network without leading to unacceptable safety impacts. Beyond 2042 waste importation to the site is due to cease. Thus beyond this date, and for the final 13 years of the development, vehicle movements at the site would reduce significantly. The Transport Statement therefore concludes that in highway and transport terms the proposal would not result in an unacceptable impact on highway safety or a severe residual cumulative impact on the highway network. WCC Highways agree with these conclusions and therefore raise no objection to the proposed development on highway grounds.
- 4.70 A resident of Dostill, located on the A51 to the north of the Brickworks and Quarry, raises concern about traffic impact of the proposed development. They acknowledge that traffic generation at the Quarry and Brickworks may not change. However, they raise concern that traffic flows associated to waste imports to the site, presently predominantly expected to arrive from the south through Kingsbury, may change overtime with more arriving from the north through Dosthill. This is possible if the source of waste delivered to the site for disposal were to change over time. However, this relates to an existing planning permission and therefore these waste vehicle movements are permitted. The current application proposes no import of waste materials to the site in order to infill and restore the extension area.
- 4.71 Residents of Whateley raise concerns about HGVs driving down Whateley Lane to get to the quarry often getting stuck and damaging hedgerows and trees. Whateley Lane is a narrow country lane not suitable for HGVs. HGVs do on occasion use this route as a cut through, possibly directed by satellite navigation systems. However, there is no evidence to suggest that this is traffic associated with the Brickworks and Quarry.

- 4.72 The access road into the site itself from Rush Lane crosses the Birmingham to Derby railway line by an overbridge. Network Rail have raised concerns about the structural integrity of the carriageway surface over the bridge and therefore seek funding to resurface the carriageway on the bridge. The applicant is happy to fund these works and a suitably worded condition is suggested to secure this.

Ecology

- 4.73 The proposed extension to Kingsbury Quarry predominantly comprises of managed arable farmland which in habitat terms is of limited ecological value. Some limited scrub vegetation, which provides potential wildlife habitat, would also be removed as part of the development proposals. An Ecological Impact Assessment submitted with the planning application identified the presence of notable species, including bats and birds, but considered that the development would result in a minor impact within the extension area and its immediate surrounds.
- 4.74 The development proposals incorporate a progressive restoration scheme which incorporates: advance planting where feasible; retention of mature trees where possible; together with new habitat creation. New habitats have been designed to enhance biodiversity incorporating: 4 hectares of woodland planting; 3 hectares of conservation grassland, 700 metres of new hedgerows and trees; small ponds; and, shallow water habitats for reed bed and swamp vegetation. The Ecological Impact Assessment concludes that, overall the development proposals would result in no significant adverse ecological impacts. Furthermore, it considers that the proposed site restoration plans would result in an overall gain for wildlife in the medium and long term providing a net gain for biodiversity.
- 4.75 The County Ecologist is generally in broad agreement with these conclusions and suggests conditions in order to ensure that species and habitats are protected during working and restoration of the quarry extension. In terms of biodiversity and the net gains predicted this is reliant on when any nature conservation activities are implemented and how soon they reach their target condition. The County Ecologist therefore suggests the inclusion of a condition which would ensure that the biodiversity gains predicted are secured. Suitably worded conditions are suggested.

Archaeology/Historic Environment

- 4.76 A Cultural Heritage Assessment submitted with this application identifies that there is a potential for the proposed development to impact upon archaeological deposits. The archaeological assessment work undertaken to date, which included geophysical survey and trial trenching, has established that archaeological features survive across

this site. The proposed development will have a significant impact on these and any other, as yet unidentified, features which survive across the site. The applicant proposes to undertake detailed archaeological excavations where appropriate and a watching brief elsewhere on the site. The County Archaeologist recommends that, a programme of archaeological fieldwork should be undertaken to mitigate the impact that the development would have upon these features. This is considered appropriate and a suitably worded condition is suggested.

- 4.77 A number of Listed Buildings are located within the vicinity of the application site, including Holt Hall Farm house 175 metres to the south-east and Whateley Hall Farm house and barn located 400 metres to the east. Both of these properties are effectively screened from the application site by intervening buildings and vegetation. The Cultural Heritage Assessment considers that impact upon these properties to be neutral. It is agreed that development of the quarry extension would not adversely affect the heritage setting of these properties. There are no scheduled monuments within 3 kilometres of the application site.

Geology

- 4.78 The application site contains an existing geological Site of Special Scientific Interest (SSSI). This designation relates to a steep quarry face, located on the western edge of the extension area, which adjoins the Brickworks. The SSSI is designated for the exposure of the Halesowen Sandstones and the underlying Etruria Marls. Development of the quarry extension would require the removal of this existing geological exposure. The application proposes the creation of a replacement geological exposure elsewhere within the site.
- 4.79 It is proposed to create the replacement geological exposure early on within the development of Phase 1 of the quarry extension. In order to access Phase 1 and create the new geological exposure it would be necessary to create an access road through the existing SSSI. Thus there would be a time lag between loss of the existing geological exposure and creation of the new one, notwithstanding that all of the excavations would create exposed geological faces. The applicant indicates that a final replacement geological exposure would be created within 12 months of accessing Phase 1 of the development.
- 4.80 Natural England is satisfied that the proposed creation of a new geological exposure in the specified location, with improved access and secured long term management, would be considered to be appropriate compensation for the loss of the existing SSSI exposure, subject to the detail of this being agreed. A suitably worded condition is suggested. The existing geological SSSI exposure is actually rather overgrown with vegetation limiting access and ability to view. Creation of a new geological face with a management plan would be a long term benefit for research purposes.

Ground and Surface Waters

- 4.81 Currently, all ground and surface water flows into the base of the existing quarry. The water is then periodically pumped to a permitted discharge point in the north-west corner of the brickworks. It is proposed that a water control system similar to that currently implemented within the existing quarry would be adopted within the quarry extension. Groundwater and surface water runoff would be collected within the new excavation and pumped to the discharge point. Surface waters from the restored quarry extension area would be fed towards a new silt pond in the northern part of the site from where it would be discharged at a controlled rate. A Flood Risk Assessment submitted with the application considers that with the current and proposed drainage measures in place surface water from the development site would not increase the risk of surface water flooding. The Environment Agency has raised no objection to the development proposals. The Local Lead Flood Authority (LLFA) has no objection to the development proposals subject to a condition to provide an easement of at least 6 metres between any development and the watercourse to the south-east of the site.

Soils and Land Classification

- 4.82 The agricultural land area of the application site is predominantly Best and Most Versatile Land (BMV) which is described as good, very good or excellent quality. A soils and agricultural assessment submitted with the application considered the impact of the proposed development on agricultural land quality and soil resources. The proposals aim to restore about 23 hectares, of the 26 hectare agricultural field, back to best and most versatile quality (BMV), with net loss of about 3ha of BMV due to the creation of a steep face at the edge of the restored area which would be re-contoured at a lower level compared to the current landform. Impacts on soil quality would be mitigated by utilising methods of soil handling, soil handling conditions and treatment in storage which are recognised to achieve this. Natural England confirms that it would be appropriate to specify agriculture as an afteruse, and for the land to be restored where practical to its pre-existing condition. Although Natural England are generally satisfied that the BMV land should be capable of being reclaimed without loss of quality, they seek enhanced measures to secure this than those proposed by the applicant. Appropriately worded conditions are suggested to secure this.

Public Rights of Way

- 4.83 No public rights of way cross the application site although there are a number of public footpaths and bridleways in the general area, with one, public bridleway T67, runs along the southern boundary of the existing quarry. Kingsbury Parish Council and WCC Public Rights of

Way Team seek to ensure that no public rights of way are blocked off or obstructed as a result of the development. The proposed quarry extension would result in no new or greater impact upon existing public rights of way.

Timescale

- 4.84 The planning permission controlling operations within the existing Kingsbury Quarry requires the quarry development to be completed by 2042. The current proposals would extend the working life of the Quarry by 13 years to 2055. The timescale proposed is in part a reflection of the geology of the site and the need to provide sufficient raw materials for the Brickworks going forward. A condition is proposed in order secure completion of mineral extraction and restoration of the site within the proposed timescale

Residents Liaison Group

- 4.85 A residents liaison group has operated in the past to discuss activities and operations at Kingsbury Brickworks and Quarry, although it has met less frequently in recent years. With the development of a new area of extraction it would be appropriate to reconvene the liaison group in order to engage with local residents and keep them informed of progress with developments on site. The applicant would welcome this on a 6 monthly basis. An appropriately worded condition is proposed in order to secure this.

Restoration

- 4.86 The restoration scheme would link in with the approved restoration scheme for the existing quarry as well as replicate the characteristics of the local landscape and integrate the restored landform into the surroundings. Restoration of the quarry with hedgerows creating a new field layout would return much of the site to agricultural use. The restoration scheme would also introduce extensive areas of native woodland and tree planting as well as the creation of drainage ditches, pond wetland, reed marsh and wet grassland areas as well as exposed geological faces further assisting to assimilate the restored landform into the landscape and surroundings as well as enhancing the nature conservation and biodiversity value of the site . The restoration scheme would create a traditional pattern of fields and woodland. This would be beneficial in the long-term. Comprehensive details of restoration and planting schemes could be secured by condition. A suitably worded condition is suggested.

5. Conclusions

- 5.1 The purpose of the extension area development is to provide a source of brick making material to supply the adjacent Kingsbury Brickworks into the future. Kingsbury Quarry is a source of a high quality clay

(Etruria Marl) and sandstone used in the adjoining Kingsbury Brickworks to produce blue engineering brick products. Kingsbury is the only brickworks remaining in Warwickshire. However, remaining reserves of minerals suitable for making blue bricks amount to 200,000 tonnes only, which is sufficient to supply the Brickworks for less than two years. The proposed quarry extension would provide a further 33 years of raw materials for the Brickworks and would secure continued brick production. The Kingsbury Brickworks relies on the adjacent quarry for the supply of raw materials. Etruria Marl is a vital resource to maintain the continuous production of blue brick products at Kingsbury Brickworks. The proposals accord with and are supported by NPPF in terms of need for the development.

- 5.2 The application site is located within the West Midlands Green Belt the fundamental aim of which is to maintain openness by not allowing inappropriate forms of development, except in very special circumstances. The NPPF makes it clear that mineral extraction need not be inappropriate development within the Green Belt provided that openness is preserved and that it does not conflict with the purposes of including land within it. The proposed development would not impact upon the openness of the Green Belt and therefore does not conflict with the purposes of including land within it. The proposed development would therefore not be an inappropriate form of development within the Green Belt
- 5.3 Kingsbury Quarry and Brickworks provides employment within the local area and contributes to the economy which is supported in general economic growth terms by the NPPF.
- 5.4 The wider policy framework seeks to manage amenity impacts upon the living environment of local occupiers and protect the natural and built environment from any adverse impacts resulting from development proposals. As an extension of the existing operation, many of the impacts, including vehicle numbers and movements and general operating practices would remain largely unchanged. Subject to the imposition of appropriately worded planning conditions in order to adequately control the development it is considered that the proposed development could be carried out in broad accordance with the aims of the policy framework and would not result in unacceptable impacts on the environment and local amenity.
- 5.5 The proposed restoration reflects and expands upon the existing approved restoration scheme for the overall site. The restoration scheme would create a traditional pattern of fields and woodland. Which once completed and planted would become an integral part of the surrounding landscape. This would be beneficial in the long-term.
- 5.6 Although not allocated within the adopted Minerals Local Plan for mineral extraction, it is considered that the proposal represents a logical extension of the site allowing the sustainable use of mineral

resources to supply raw materials to the adjacent Kingsbury Brickworks. Minerals can only be extracted from where they are found and in this case these are a high quality and a rare regionally important reserve. It is therefore considered that, whilst a departure from the Development Plan, given that the adopted Minerals Plan is not up-to-date; and when the development is assessed against the policies of the NPPF as a whole, the proposed development would not have adverse impacts that significantly outweigh the benefits, which means that the development can be supported and therefore planning permission should be granted.

6. Background Papers

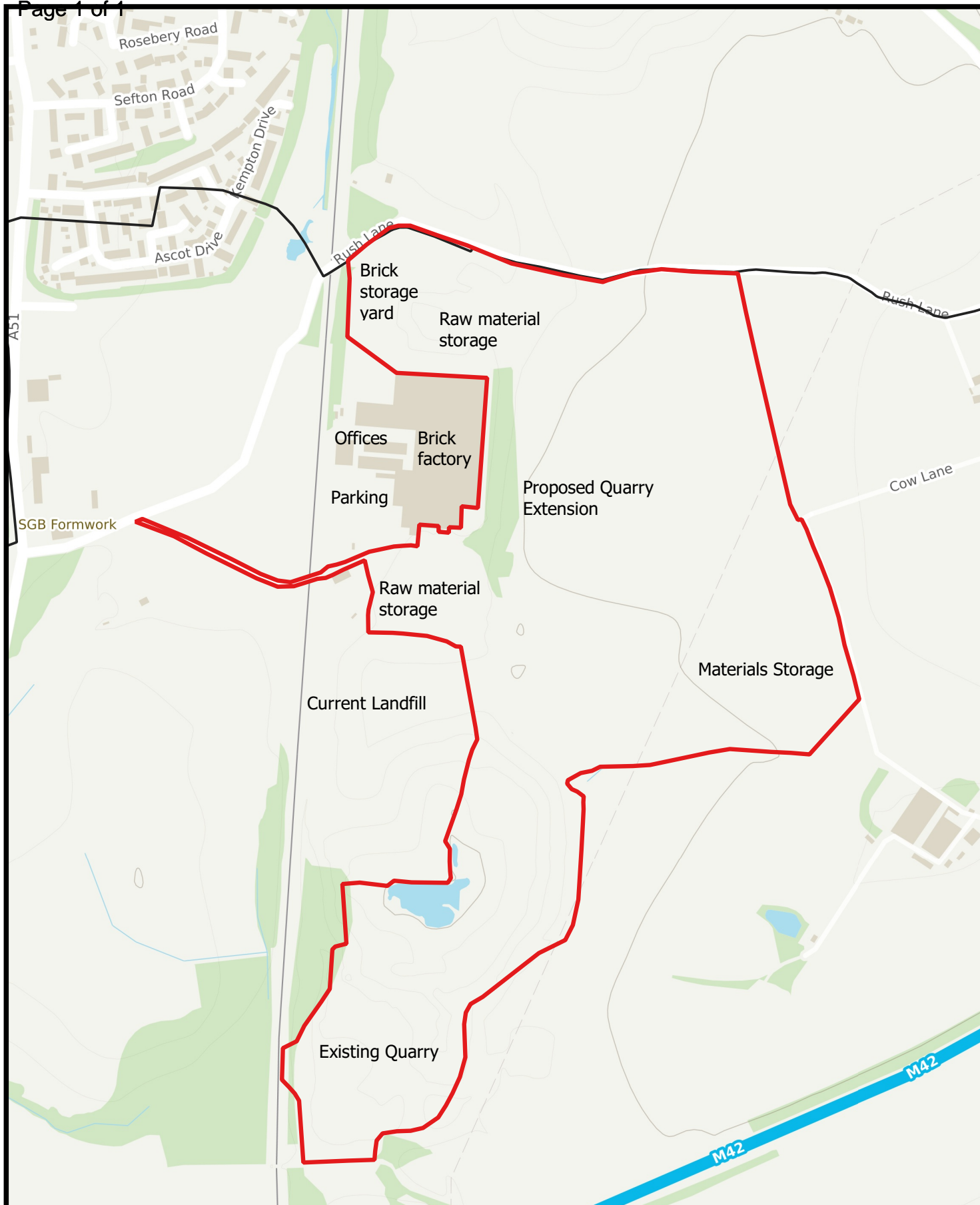
6.1 Submitted Planning Application – Planning reference NWB/19CM020

6.2 Appendix A – Map of site and location.

6.3 Appendix B – Planning Conditions.

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Application No: NWB/19CM020
Extension to Kingsbury Quarry to provide material and extend the end date for extraction and restoration

Regulatory Committee 07 July 2020
 Scale 1:7000 Drawn by: SP Dept: Communities

Warwickshire County Council
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Appendix B

Kingsbury Quarry, Dosthill Extension to Quarry to provide brick making material

NWB/19CM020

Planning Conditions.

Commencement Date

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and country Planning Act 1990 (as amended).

2. The development to which this permission relates shall cease and the site shall be fully restored on or before the 31st December 2055.

Reason: To ensure timely and expeditious restoration of the site.

Pre-Commencement

3. The development hereby permitted shall not be commenced until an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Mineral Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: To protect and record features of archaeological importance.

4. The development hereby permitted shall not be commenced until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority and any pre-commencement measures in it have been taken. The CEMP shall include details of a sensitive lighting scheme, root protection for trees and hedgerows, pre-commencement checks for breeding birds, otter, water vole and badgers plus method statements for reptiles and great crested newts, and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site including an 8 metre buffer zone

between the edge of the waterway and the development. The approved CEMP shall be implemented in full.

Reason: To ensure that protected species are not harmed by the development

5. The development hereby permitted shall not be commenced until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes). It should also include a long-term maintenance and management plan for the geological SSSI. Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF.

6. The development hereby permitted shall not be commenced until a scheme detailing the creation of a replacement geological exposure in the location specified in the application documentation has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall include a timetable for creation of the replacement geological exposure, details of improved access and secured long term management and protection. The replacement geological feature and the access to it shall be provided in accordance with the approved scheme before commencement of Phase 1B of the development.

Reasons: In order to protect the SSSI geological exposure in the long term.

7. The development hereby permitted shall not be commenced until a Dust Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. Following approval the Plan shall be implemented throughout the duration of the development.

Reason: In order to protect the amenities of nearby residents.

8. The development hereby permitted shall not be commenced until a detailed soil handling and management plan has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall include details of temporary storage areas and permanent placement locations. The approved scheme (referred to in

these conditions as the “Soil Scheme”) shall be adhered to and implemented in full.

Reason: To ensure the integrity of soils and secure a satisfactory standard of restoration.

9. The development hereby permitted shall not be commenced until a scheme detailing a programme of works, including timescales, to resurface the carriageway on the bridge over the railway line which forms part of the access road into the quarry/brickworks has been submitted to and approved in writing by the Mineral Planning Authority. The approved scheme shall be completed within six months of approval and maintained throughout the duration of the development.

Reason: In order to maintain railway safety.

10. The development hereby permitted shall not be commenced until details of a stakeholder liaison forum has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall include details of venue, frequency, chairmanship and participants. Following approval, the site operator shall facilitate and participate in the liaison forum for the duration of the development unless the Mineral Planning Authority agrees to its cessation or suspension because the stakeholders so request or are failing to participate.

Reason: In order to secure liaison and communication with the local community.

Ecology

11. A detailed restoration scheme for each phase of the development, based on the concept restoration plan, shall be submitted to and approved in writing by the Mineral Planning Authority before extraction progresses into the next phase of the development. The submitted scheme shall include details of planting schemes and habitat creation. Following approval, the restoration plans shall be carried out in accordance with the approved timetable for implementation.

Reason: In order to ensure satisfactory and timely restoration of the site.

11. Within 12 months from the commencement of development, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council (“the County Council”) in the area in which the site is situated at the relevant time and, if the measures for on-site mitigation approved in accordance with Condition 5 [LEMP/Restoration Plan] of these conditions are not sufficient to prevent a net biodiversity loss, arrangements to secure measures on

another site which ensure that there is no net biodiversity loss as a result of the development shall have been submitted to and approved in writing by the County Planning Authority. Unless those arrangements comprise a proposal to enter an agreement with the County Council under which the County Council will secure the implementation of suitable measures, the submitted arrangements shall include:

1. Proposals for off-site offsetting measures;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

The written approval of the County Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the arrangements or any variation so approved.

Reason: To ensure a net biodiversity gain in accordance with NPPF

General Operations

13. The development hereby permitted shall be carried out in accordance with drawing numbers: Location Plan K1_LAN_001 Rev A, Application Plan K1_LAN_002 Rev A, Site Plan K1_LAN_003 Rev A, Site Context K1_LAN_004 Rev A, Extraction Phasing Plan K1_LAN_005 Rev A, Development Stage A K1_LAN_006 Rev A, Development Stage B K1_LAN_007 Rev A, Development Stage C K1_LAN_008 Rev A, Final Restoration Proposals K1_LAN_009 Rev A, Cross Sections K1_LAN_010 Rev A and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by, or pursuant to, these conditions.

Reason: In order to define the scope of the permission and in the interest of clarity.

14. No more than 100,000 tonnes of mineral shall be exported from the site, other than for use in the adjoining brickworks, in any year. By 31st January in every year, returns detailing the quantity of mineral which has been exported during the previous calendar year, shall be submitted to the Mineral Planning Authority.

Reason: In order to define the scope of the permission and in the interest of clarity.

Soils

15. All topsoil, subsoil and overburden shall be retained on site and shall be reused as part of the restoration scheme in accordance with the Soil Scheme.

Reason: To ensure a satisfactory standard of restoration.

16. Unless otherwise allowed by the Soil Scheme the full depth of the topsoil and subsoil shall be stripped and stored for use in restoration of the site.

Reason: To ensure a satisfactory standard of restoration.

17. No soils shall be stripped or removed except when the full depth of soil to be stripped or otherwise transported is in a suitably dry and friable condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty and the ground shall be suitably dry to allow the passage of heavy goods vehicles and machinery over it without damage to the soils.

Reason: In order to ensure proper separation of soils and preserve soil quality.

18. Topsoils and subsoils shall be stripped and stored separately. Any overlap of soil types within a mound shall be the minimum necessary to form that mound and the interface shall be clearly recorded on a plan.

Reason: To ensure the integrity of the soils.

19. Prior to any part of the site being excavated or traversed by heavy machinery (except for the purpose of stripping that part or storing topsoil on that part) or used for the stacking of subsoil, all available topsoil shall be stripped from that part.

Reason: To ensure the integrity of the soils.

20. No topsoil or subsoil stripping operations shall take place until details of the locations of storage mounds, where soils are not to be used immediately for restoration, have been submitted to and agreed in writing by the Mineral Planning Authority.

Reason: To ensure the integrity of the soils.

21. Topsoil and subsoil mounds shall be constructed with the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery once constructed.

Reason: To ensure the integrity of the soils.

22. All reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less effective by permitted operations.

Reason: To ensure the integrity of the soils.

Access

23. No vehicular access shall be used to the site except by the existing Brickworks and Quarry access off Rush Lane.

Reason: In the interests of highway safety.

24. The access road between the wheelwash and public highway shall be maintained in macadam or other suitable hard bound material for its whole length.

Reason: In the interests of highway safety.

25. The existing wheelwash, or a replacement approved by the Mineral Planning Authority, shall be retained on site in its current location and used by all vehicles exiting the quarry and clay stocking area throughout the duration of the development.

Reason: In the interests of highway safety.

26. Before any vehicle leaves the site it shall be sufficiently clean to prevent it from depositing deleterious material on the public highway.

Reason: In the interests of highway safety.

27. When necessary, roadsweepers shall be used to keep the hard-surfaced internal roads and access areas clean to ensure that no mud or other debris is deposited on the public highway.

Reason: In the interests of highway safety.

28. No loaded lorries shall enter or leave the site, with the exception of lorries transporting bricks, unless their loads are sheeted or netted or otherwise appropriately secured.

Reason: In the interests of highway safety and to protect the amenities of the area.

Noise

29. No vehicle or mobile plant used on site shall be operated unless they have been fitted with a broad band/white noise audible alarm or a non-

audible reversing alarm system to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential amenity.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

30. No vehicle, plant, equipment or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

31. The free-field Equivalent Continuous Noise Level, dB LAeq, 1 hour, free field, due to operations on the site, shall not exceed a site noise limit at the dwellings, as set out below. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Position	Location	Site Noise Limit dB LAeq, 1 hour, free field
1	Holt Hall Farm	52
2	Slateley Hall Farm	55
3	Cliff Farm/The Croft	55
4	Ascot Drive	50
5	Stonehill Farm	51
6	Whateley Hall Farm	49
7	Hockley Hall	46
8	Rathmore House	50

Reason: In order to protect the amenity of nearby residents.

Dust

32. At no time during the development shall any operations take place which, despite the use of dust control measures, would give rise to airborne dust levels sufficient to cause nuisance to properties around the site. If measures to prevent dust nuisance prove ineffective to prevent such nuisance, then the operations which cause that nuisance shall temporarily cease until such time as the weather conditions change and dust suppression becomes effective.

Reason: To protect the amenity of the area and local residents from dust.

Environmental Protection

33. None of the operations hereby permitted shall take place except during the following times:

Mineral extraction operations (except soil stripping and overburden removal):

0630 – 1830 Monday to Saturday

There shall be no mineral extraction on Sundays

Soil stripping and overburden removal:

0700 – 1800 Monday to Friday

0700 – 1300 Saturday

There shall be no soil stripping or overburden removal operations on Sundays or Public Holidays.

Reason: In order to protect the amenities and environmental quality of the locality.

34. Notwithstanding the provisions of the Town and Country Planning (General Development Order) 2015 (as amended or re-enacted) no buildings or fixed plant or machinery shall be erected or otherwise brought into the site.

Reason: To protect the amenity of the area and local residents.

Restoration

35. The site shall be restored in accordance with the approved restoration schemes as required for each phase of the development (as detailed in condition 11). Restoration of the last phase and any final restoration work shall be completed within two years of the cessation of the quarrying of minerals from the site.

Reason: To ensure the satisfactory and early restoration and aftercare of the site.

Aftercare

36. Three months prior to the re-placement of any topsoil, final soil cover or the completion of restoration works within each phase, whichever is sooner, a detailed aftercare scheme for that area shall be submitted to the Mineral Planning Authority for approval. The scheme shall specify the steps to be taken and the five year period in which they are to be taken. Following approval in writing by the Mineral Planning Authority the scheme shall be implemented accordingly.

Reason: To ensure the satisfactory and early restoration and aftercare of the site.

Drainage

37. A minimum clear corridor of 6 m is required adjacent to the ordinary watercourse located to the south of the proposed blue sandstone stockpile near Holt Hall Farm. The easement is measured from the top of the river bank perpendicular to the direction of flow and must remain free from development.

Reason: To prevent the increased risk of flooding and to ensure future access for maintenance purposes.

38. The development hereby permitted shall be carried out in accordance with submitted documents:

- Kingsbury Extension EIA – Hydrology and Hydrogeology (ref. 190217 Version v.02) by GWP Consultants, dated 03/04/2019,
- Correspondence from C. Carpenter (GWP Consultants) to J. Mahal (WCC) dated 25/05/2020,
- Correspondence from A. Cobb (GWP Consultants) to D. Lamb (WCC) dated 23/06/2020,

except to the extent that any modification is required or allowed by, or pursuant to this condition.

Reason: To ensure the flood risk and surface water drainage is adequately managed throughout the lifetime of the development.

Development Plan Policies Relevant to this Decision

Minerals Local Plan for Warwickshire – February 1995

Policy M1 – Preferred areas and areas of search.

Policy M6 – Considerations when assessing an application.

Policy M7 - Environmental effects to be mitigated.

Policy M9 - Restoration.

Local Plan for North Warwickshire – adopted Core Strategy.

Policy NW1 – Sustainable Development.

Policy NW3 – Green Belt

Policy NW10 – Development Considerations.

Policy NW12 - Quality of Development.

Policy NW13 – Natural Environment.

Policy NW14 - Quality, character, diversity and local distinctiveness of the historic environment.

Policy NW15 – Nature Conservation.

North Warwickshire Borough Local Plan 2006 (saved policies)

Policy ENV 4 - Quality of the local environment.

Policy ENV6 - Protect land resources.

Policy ENV9 – Air Quality.

Policy TPT1 – Minimise the transport and highway impacts.

Compliance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015.

In considering this application the County Council has complied with paragraph 38 contained within the National Planning Policy Framework 2019.

Appendix C

Regulatory Committee – 07 July 2020

Kingsbury Quarry, Dosthill Extension to Quarry to provide brick making material

NWB/19CM020

Warwickshire County Council

Decision

The decision of the Regulatory Committee on 7th July 2020 to grant planning permission to extend Kingsbury Quarry to provide brick making material and to extend the end date for extraction and restoration on land at Kingsbury Quarry, Rush Lane, Dosthill subject to conditions pursuant to Application NWB/14CM034 (“the Application”).

Notice of Environmental Information

In accordance with Article 22(2) of the Town and Country Planning (General Development Procedure) Order 1995 (“the GDPO”) and Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2017 (“the EIA Regulations”) notice is hereby given that the County Council in deciding the Application has taken into consideration an environmental statement and other environmental information (“the Environmental Information”).

Statement under Regulation 21(1) of the EIA Regulations

Description of the Main Measures to Avoid, Reduce and Offset Major Adverse Effects

The following measures will be secured through planning conditions:-

- (1) A restriction on the hours of operation of the site.
- (2) A limit on the amount of clay that may be exported from the site per annum.
- (3) Measures to ensure the cleanliness of the highway.
- (4) Submission of a dust management scheme.
- (5) Measures to prevent adverse noise impacts.
- (6) Measures to ensure biodiversity net gain.
- (7) Habitat and species protection measures.
- (8) Measures to secure a programme of archaeological fieldwork.
- (9) Measures to replace and maintain the SSSI geological exposure.
- (10) Establishment of a stakeholder engagement forum.
- (11) Limit upon the timescale of the development.

(12) A comprehensive restoration scheme.

Further details of these measures are given in the written report submitted to the Regulatory Committee at their meeting on 14 April 2015 (“the Report”) and in the Environmental Information.

Statement Under Regulation 21(1) of the EIA Regulations

Summary Under Article 22(1)(a) of the GPDO

Statement of the Main Reasons and Considerations on Which the Decision is Based and Summary of Reasons for the Grant of Planning Permission

The main considerations on which the decision was based were:-

- The Policies of the development plan summarised below.
- The other material considerations identified in the following reasons and detailed in the Report.

The purpose of the extension area development is to provide a source of brick making material to supply the adjacent Kingsbury Brickworks into the future. Kingsbury Quarry is a source of a high quality clay (Etruria Marl) and sandstone used in the adjoining Kingsbury Brickworks to produce blue engineering brick products. Kingsbury is the only brickworks remaining in Warwickshire. However, remaining reserves of minerals suitable for making blue bricks amount to 200,000 tonnes only, which is sufficient to supply the Brickworks for less than two years. The proposed quarry extension would provide a further 33 years of raw materials for the Brickworks and would secure continued brick production. The Kingsbury Brickworks relies on the adjacent quarry for the supply of raw materials. Etruria Marl is a vital resource to maintain the continuous production of blue brick products at Kingsbury Brickworks. The proposals accord with and are supported by NPPF in terms of need for the development.

The application site is located within the West Midlands Green Belt the fundamental aim of which is to maintain openness by not allowing inappropriate forms of development, except in very special circumstances. The NPPF makes it clear that mineral extraction need not be inappropriate development within the Green Belt provided that openness is preserved and that it does not conflict with the purposes of including land within it. The proposed development would not impact upon the openness of the Green Belt and therefore does not conflict with the purposes of including land within it. The proposed development would therefore not be an inappropriate form of development within the Green Belt

Kingsbury Quarry and Brickworks provides employment within the local area and contributes to the economy which is supported in general economic growth terms by the NPPF.

The wider policy framework seeks to manage amenity impacts upon the living environment of local occupiers and protect the natural and built environment from any adverse impacts resulting from development proposals. As an extension of the existing operation, many of the impacts, including vehicle numbers and movements and general operating practices would remain largely unchanged. Subject to the imposition of appropriately worded planning conditions in order to adequately control the development it is considered that the proposed development could be carried out in broad accordance with the aims of the policy framework and would not result in unacceptable impacts on the environment and local amenity.

The proposed restoration reflects and expands upon the existing approved restoration scheme for the overall site. The restoration scheme would create a traditional pattern of fields and woodland. Which once completed and planted would become an integral part of the surrounding landscape. This would be beneficial in the long-term.

Although not allocated within the adopted Minerals Local Plan for mineral extraction, it is considered that the proposal represents a logical extension of the site allowing the sustainable use of mineral resources to supply raw materials to the adjacent Kingsbury Brickworks. Minerals can only be extracted from where they are found and in this case these are a high quality and a rare regionally important reserve. It is therefore considered that, whilst a Departure from the Development Plan, the development can be supported and therefore planning permission should be granted.

Summary of the Development Plan Policies Relevant to the Decision

Minerals Local Plan for Warwickshire – February 1995

- (i) Policy M1 – Preferred Areas. This policy identifies preferred areas and areas of search for future mineral extraction.
- (ii) Policy M6 states that applications for the extraction of minerals whether within or outside the identified areas of search and preferred areas will be considered on the basis of the provisions of the development plan and their likely overall impact.
- (iii) Policy M7 seeks to ensure that any adverse environmental effects for residents quality of life are mitigated at all mineral workings.
- (iv) Policy M9 relates to restoration and requires mineral workings to be restored to a high standard and beneficial after use.

Local Plan for North Warwickshire – adopted Core Strategy.

Policy NW1 – Sustainable Development of the Local Plan Core Strategy.

Policy NW3 – Green Belt.

Core Policy NW10 – Development Considerations.

Core Policy NW12 requires all development proposals to demonstrate high quality sustainable design.

Core Policy NW13 seeks to protect and enhance the quality, character, diversity and local distinctiveness of the natural environment.

NW14 seeks to protect and enhance the quality, character, diversity and local distinctiveness of the historic environment.

NW15 seeks to protect sites of local importance for nature conservation.

North Warwickshire Borough Local Plan 2006 (saved policies)

Policy ENV 4 seeks to retain features which make a positive contribution to the quality of the local environment.

ENV6 seeks to protect land resources, including in minerals developments ensuring the early establishment of after-uses and protect the best and most versatile agricultural land.

ENV9 seeks to safeguard and enhance the air quality of the Borough and prevent significant noise disturbance to nearby housing, schools and other noise-sensitive uses.

TPT1 seeks to minimise the transport and highway impacts of development proposals.