

Application No: W 10 / 1062

Town/Parish Council: Baginton

Case Officer:

Sandip Sahota

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Registration Date: 14/01/11

Expiry Date: 11/03/11

Land at Bosworth Close, Baginton, Coventry

Erection of a single faith school building, 22 spaces for car parking, an area for coach parking, senior sports/play area, primary play area/over spill car parking, senior soft play area, associated landscaping and perimeter fencing. FOR
Baginton Green Limited

This application is being presented to Committee due to the number of letters of support received.

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Object on grounds of inappropriate development in the Green Belt in the absence of any very special circumstances. Consider that there are many potentially suitable sites available within the catchment area including Coventry, Leamington, Kenilworth and surrounding villages which are not in within the Green Belt and therefore more appropriate for this type of development.

Coventry City Council: No objection.

Public Response: 59 letters of objection have been received on the following grounds: Proposed playing fields are disproportionate to the size of the school and would provide scope for further expansion of the school in the future; Constitutes inappropriate development in accordance with Green Belt policy in PPG2; Increase in traffic and impact on highway safety; Narrow bridge at bottom of Mill Hill will be unsuitable for additional traffic flows; Harmful to the character and appearance of the village; Harmful to the living conditions of the nearby residents by reason of additional traffic movements, congestion, noise and disturbance; Potential for development to impact upon archaeological deposits associated with the occupation of this area during the Roman and later periods; Will upset the balance of village life; No benefit to the local community; Detrimental to the setting of the Conservation Area; Scale of development out of keeping with the village; Contaminated site; Harm to ecology; Unsustainable development; Detrimental to setting and function of Listed St John the Baptist Church; Large amounts of brownfield land available in Coventry which would be more appropriate sites for proposed development; Enclosure of public footpath; 26 letters of support have been received on the following grounds: The proposed development will tidy up the site and improve the appearance of the area; Will reduce crime and anti-social behaviour;

Warwickshire Fire & Rescue Services: No objection, subject to the following condition: "The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted, and approved in writing by, the Local Planning Authority. The development shall not

then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority REASON: In the interests of fire safety'.

Ramblers Association (Warwickshire Area): "I note that the existing route of the public footpath is to be retained and will, in fact, be improved. Since it will be outside the proposed school grounds, and will be resurfaced and widened to 3m, I have no objection to the proposal. I am also pleased to see that the boundary to the school will be a hedge, rather than security fencing, as this will protect the rural character of the area".

WCC Countryside Access Team: "Any consent should note that the proposal to widen and re-surface Public Footpath W160a is subject to the prior approval of this Authority. The Countryside Access Team at WCC must be consulted on any matter which is likely to materially affect the public right of way".

CABE: Unable to comment due to limited resources. Recommend that MADE are consulted.

Cultural Services (Leisure & Amenities): Raises no objection.

English Heritage: "The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice".

Policy, Projects & Conservation: "Raise objection on the following grounds:

1. Our Conservation leaflet for Baginton notes that the area "has never been re-developed and this has had an effect on the way in which the village has developed".
2. Part of the area on which the former Baginton Hall was located (subsequently becoming a tip and then open ground).
3. Remains of the wall at the rear of the Church (north side) perhaps is a remnant of the former "garden" wall.
4. Currently open ground - the school will dominate the Church and be visible from the Castle site (a Scheduled Ancient Monument) and St John the Baptist Church - as noted above".

Followed by:

"Our Conservation leaflet for Baginton notes that the area 'has never been redeveloped' and this has had an effect on the way in which the village has developed. The development site forms the location of part of the former gardens to Baginton Hall, subsequently becoming (to my understanding) a quarry; tip and then open, uncultivated ground. The remains of the brick wall (perhaps to) the former garden of the hall lies to the north of the church of St. John the Baptist. Baginton Castle (a Scheduled Ancient Monument) lies to the west on sloping land. The whole complex here consists of the castle itself, garden pavilion, remains of a tank testing 'pit', medieval ponds, former medieval village - it is thus an important and interesting site. New development as proposed would significantly and adversely affect the setting of the aforementioned heritage assets; Policy HE7 of PPS5 specifically refers to this as well as HE9.1 and is thus not considered appropriate from a conservation point of view".

WCC Highways: "Although the impact of the proposed development is likely to cause a notable increase in vehicle movements along Bosworth Close during

peak hours, the overall impact on the highway network is considered to be low. The Highway Authority's response to your consultation in regard to the above application which was received by the Council on 30/03/2011, is one of NO OBJECTION, subject to the following conditions:

1. Access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved drawing number 3818-02-20.
2. The development shall not be commenced until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.
3. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of at least 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
4. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
5. The access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.
6. Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway.
7. The development shall not be commenced until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re-enter the public highway in a forward gear.
8. The development shall not be commenced until space has been provided within the site for the parking/ loading/unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority.
9. The applicant shall submit a Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:
 - (i) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
 - (ii) set out measures designed to achieve those targets together with time scales and arrangements for their monitoring, review and continuous improvement;
 - (iii) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

Notes for inclusion

1. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing".

Environment Agency:

"Thank you for referring the above application which was received on the 4 February 2011. We have no objections to the proposed development but

consider that planning permission should only be granted, as submitted, if the following conditions are imposed as set out below.

According to the published BGS map the site is underlain by Baginton sand and Gravel Formation which in turn underlain by Bromsgrove Sandstone Formation that generally comprises with sandstone. Groundwater beneath the site is designated as Principle Aquifer.

The site is not located within the total catchment of a groundwater Source Protection Zone (SPZ). There is one licensed groundwater abstraction within 500m of the site. The nearest surface water feature is the River Sowe located approximately 150m southwest of the site.

We understand from the ground investigation report that elevated concentrations of metals, PAHs and hydrocarbons have been recorded in soils samples. The leachate test results indicated that metals and PAHs are potential of leaching. The results of groundwater samples recorded elevated levels of metals and PAHs; however, none of the samples recorded TPH above the former drinking water standard.

The elevated concentrations of metals and PAHs in soils and their potential to leaching into groundwater and the elevated concentrations these contaminants in groundwater indicate that the underlying principle aquifer is impacted from the contaminants.

Further delineation of the sources of these contaminants and detail quantitative risk assessment would need to be undertaken to assess the risk these contaminants pose to the underlying principle aquifer and to the River Sowe. Remedial targets of each potential contaminants of concern might be required to ascertain the level of remediation required to protect controlled waters.

Condition 1: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on (preliminary risk assessment) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution to the water environment.

Condition 2: Prior to the commencement of development, a verification report

demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. Reason: To prevent pollution to the water environment.

Condition 3: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. Reason: To prevent pollution to the water environment.

Condition 4: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason: To prevent pollution of the water environment.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

Export & Import of wastes at site: Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

Should it be proposed to import waste material to the site for use in the construction of the development (e.g. for the construction of hard-standings, access tracks etc) a waste management licence, PPC Permit, or Exemption may be required".

WCC Ecology: "I have consulted the Habitat Biodiversity Audit, Warwickshire Biological Record Centre and read the ecological reports and application documentation associated to the above application. The site is surrounded by a potential Local Wildlife Sites to the south and a Local Geological Site within the Nursery business to the west. The area immediately to the west is a rejected LWS (2010) due to its inaccessibility and judgements made by the Wildlife Sites

Officer regarding the floral interest of the site. It was noted that the site exhibited evidence suggesting that it was once of county importance but has been lost due to lack of management. With the additional information relating to an exceptional population of grass snake presented in this application it may be that this decision is reviewed by the Local Wildlife Site panel. The storm water drain to the west will impact on this rejected site. I also understand that there is an extant planning permission (95/1297) to the east of the site that would result in the loss of this site in the future.

The ecological issues relating to this site can be summarised as follows:

Habitats

The site contains tall ruderal, scattered and dense continual scrub, tall ruderal and semi-improved grassland habitats. This mosaic of habitats provide ideal opportunities for protected species and is therefore an important resource within the county. There is a very limited species list attached to the Phase 1 report possibly as it was carried out in April (the optimal survey period for grassland is May - July).

Protected and Important Species

There are the following Protected and Locally important species on or adjacent to the site:

Badger: badgers use the site with a currently unused badger sett located on the southern boundary of the site

Recommendations: A re-survey of the site is carried out prior to any ground clearance. Should the presence of a badger sett be identified and in current use a badger mitigation plan will need to be submitted and approved by the local planning authority. Badger connectivity through the site will need to be maintained.

Grass snake: The site has an "exceptional population" of grass snake and thus is a Key Reptile site . Therefore the application will impact on this species. The projected loss of the land under the current planning permission (95/1297) to the east with the loss within this application would result in the loss of 50% of known reptile habitat within the local area. Therefore this application will result in a significant impact on the local grass snake population.

The mitigation plan proposed within the Martin Ecology report outlines proposed methodology for the clearance of the site and subsequent mitigation, but does not include the management of the donor site prior, during and post construction phases of the development to ensure that the population within the surrounding area is maintained. As the area to the east is under an current planning application then this infers that the donor site must be to the west (on the rejected LWS).

The pool's location on the Appendix 4 - Habitat Enhancements is above the new storm water drain as indicated on plan 3813-02-21 so assurances that this is a viable location will need to be ascertained. Would it be possible for this pool to be part of the water management of the site (e.g. surface and roof run-off) to reduce the possibility that the pool does not dry up (climate change considerations). Similarly this plan is not consisted now with the submitted Planting Plan and Schedule Landscape Proposals (Land003_P). The whole school grounds also offer the potential for grass snake habitat (basking areas on

patios/paths etc) so a whole school management plan would be advantageous.

Recommendations: Further information is required to ensure that there is no net loss to the grass snake population. This will include off-site mitigation is created and managed suitable grass snake features and habitat prior to, during and after ground clearance occurs. The proposals will need to be incorporated into the landscape plan and subsequent management plan for the school and other off-site mitigation areas.

Bats: In the one site activity survey only common pipistrelles were recorded foraging on site utilising the hedgerows and scrub. This is consistent with a 1995 survey within the Baginton Village carried out by the Warwickshire Bat Group. However, bats are colonising Warwickshire at a rapid rate from the south and east (potentially due to climate change adaptation) and such a site and location with a salient of the River Sowe provides an ideal location for such colonisation in the future. Therefore, it is essential that opportunities to provide roost locations for a variety of bat species are integrated into this and neighbouring developments. Thus in addition to the proposed 10 Schweglar boxes it is strongly recommended that bat brick and dedicated roof space with appropriate access is considered within the design of certain buildings linked to suitable habitats.

Recommendations: Further information is required to ensure that commuting corridors and foraging areas are enhanced that compliment the reptile mitigation strategy to ensure no net loss to foraging habitat. The provision of additional bat roosting opportunities should also be included in this information.

Summary

The application is located in a biodiversity rich area where the habitats within the site provide foraging and breeding opportunities for a number of protected species. Grass snakes are present at a high population density. In view of these impacts and the premise of PPS9 to ensure that there is not net loss of biodiversity and where possible biodiversity enhancement is encouraged, I would suggest that WDC will need information to show that there is enough on and off-site provision to WDC to be assured that this development will not result in the reduction in the grass snake population. We would suggest that this may be achievable through conditions and obligations.

Recommendation: We recommend refusal until further information is submitted to assure no loss of the grass snake population within the local area as a result of this application.

Please note that the landowner of the existing permission to the east (95/1297) should be made aware of the protected species present of their site and their legal obligations.

We would welcome the opportunity to discuss our concerns with the applicant should WDC wish".

The following additional comments have also been received from WCC Ecology:

If a Section 106 is to be produced with this application that details that reptile mitigation is will be in place before ground clearance then these are my recommended conditions and notes:

Conditions

1. The site to be surveyed for the presence of badgers immediately before any development takes place. If evidence of badgers is found at this time, a full badger survey should then be carried out by a badger expert. The results of any badger survey, and recommendations made relating to this to be kept confidential, and taken into account during development design and implementation. N.B. If evidence of badgers is found, Natural England should be consulted, as badgers and their setts are protected under the 1992 Badger's Act. Reason: To ensure appropriate measures are taken in relation to protected species.
2. The development hereby permitted shall be undertaken in accordance with Paragraphs 5.1, 5.2, 5.3 and 5.4 and associated diagrams within the 'Reptile Survey and Mitigation Report' (Martin Ecology, February 2011). In addition to this the qualified reptile worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. Reason: To ensure that protected species are not harmed by the development.

Notes

Invasive Weeds note:

Japanese Knotweed is an invasive plant listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This means that, although it is not illegal to have the plant on your land, it is illegal to plant it or actively allow it to spread (e.g. through translocation of soil containing living fragments). Any polluted soil or plant material that is discarded, intended to be discarded or required to be discarded is classed as controlled waste and should be accompanied by appropriate Waste Transfer documentation. Invasive plants threaten biodiversity by out-competing native species and should be eradicated where possible. Please contact the WCC Ecological Services for further advice (01926 418060).

Nesting Bird note:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

Bat habitat connectivity will be included within the Section 106 wording, which would be along the lines of

Section 106

Before the commencement of works which includes ground clearance the following area to the east of the development site (marked in 'red') will be laid out in accordance with the 'Reptile Mitigation Methods Statement' (Martin Ecology, June 2011). This area will act as the receptor site for grass snakes encountered during the enactment of condition 1.

The management plan for the site will be carried out in accordance with the 'Reptile Mitigation Methods Statement' (Martin Ecology, 2011).

I have not referenced the existing 'Reptile Mitigation Method Statement' as I would like to make some further amendments. However, I hope that this is enough to progress the application".

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 13: Transport
- Planning Policy Statement 9 : Biodiversity and Geological Conservation
- Planning Policy Statement 7 : Sustainable Development in Rural Areas
- Planning Policy Statement 23 : Planning and Pollution Control

PLANNING HISTORY

The site/neighbouring sites have been the subject of a number of planning applications over the past 30 years:

Planning permission (ref: W80/0810) for residential development was refused in 1980 primarily on grounds of conflict with Green Belt Policy. The proposed development was subsequently dismissed on appeal.

Planning permission (ref: W85/1179) for residential development including sheltered housing was refused in 1986 primarily on grounds of conflict with Green Belt Policy. The proposed development was subsequently dismissed on appeal.

Planning permission (ref: W85/1180) for change of use of vacant land to form extended golf course was granted in 1986.

Planning permission (ref: W89/0215) for change of use of wasteland to a holiday caravan park was refused in 1989.

Outline planning permission (ref: W91/0438) for erection of a meeting hall with car parking and two access roads was granted in 1991 on the adjacent site to the north.

Planning permission (W91/0974) for approval of reserved matters for the erection of a meeting room with car parking for 120 vehicles and construction of two access roads was granted in 1991.

Planning permission (ref: W92/1306) for the erection of a clubhouse with car parking, provision of tennis courts, football pitch and bowling green (with shelter) on the adjacent site to the east (including a small part of the application site for access) was refused in 1994 on grounds of its over-intensive use, detrimental impact on residential amenity by reason of late night noise and disturbance generally, loss of trees and impact of traffic movements on dwellings and the proximity of vent pipes close to dwellings. The application was subsequently dismissed at appeal on grounds of inappropriate development in the Green Belt in the absence of any very special circumstances and on unacceptable disturbance to neighbouring residents, with particular reference to the football pitch.

Planning permission (ref: W95/1297) for erection of a an ancillary single storey clubhouse with car parking for 72 cars,; provision of 3 all weather tennis courts and 2 bowling greens, a two metre close boarded fence surmounted by a 0.5m high trellis fence and additional landscaping provision, including an extension to the existing copse adjacent to Hall Drive and boundary tree planting was refused by the District Planning Authority, but was subsequently allowed on appeal in 1997. This permission primarily relates to the land to the east of the application site but also includes part of the current application site.

Planning permission (ref: W01/1681) for variation of condition 1 of pp W95/1297 (time limit) for the erection of a clubhouse with car parking, provision for 3 all weather tennis courts and 4 bowling greens was granted in 2002. A material commencement of this permission is considered to have taken place as part of the access road which leads off Bosworth Close to the site has been constructed. As a result this permission could be completed at any time. However, should planning permission for the school be granted and implemented, then the extant permission for the clubhouse development would be extinguished.

KEY ISSUES

The Site and its Location

The application site relates to an area of open land approximately 1.68 hectares in area, washed over by Green Belt, which lies within the village of Baginton and is accessed from Bosworth Close. The site was originally part of the grounds of Baginton Hall until it was destroyed by a fire in the 1920's. The following decade saw the extraction of sand and gravel from the site. By the end of the 1950's all of the gravel had been extracted and the site backfilled with waste, the nature of which is unknown. Tipping was concluded in the 1970's following which the site served as a support base for the construction of the nearby A46 dual carriageway. Since then the site has remained as open uncultivated ground with scrub vegetation. As a result of past tipping operations, parts of the site are elevated above the level of the surrounding land.

The Brethren's Meeting Room lies immediately to the north of the site. To the north-east of the site are back gardens of residential properties on Holly Walk. The Grade I Listed St. John the Baptist Church is located immediately to the south of the site. The remains of a brick wall perhaps to the former garden of Baginton Hall is located to the north of the Church of St. John the Baptist. Residential properties within the Conservation Area are sited to the south-east of the Church. Baginton Castle (a Scheduled Ancient Monument) lies to the south-west on sloping land. A public footpath (no. W160A) which runs northwards from the churchyard bounds the east boundary of the site to join Hall Drive. To the east of the footpath there is a further area of disused open land which has an extant planning permission for a clubhouse development detailed above, the access to which would cut across the part of the current application site allocated for parking and turning areas. The designated Baginton Conservation Area lies immediately to the south of the site.

Details of the Development

The application comprises the erection of a school building, 22 spaces for car parking, an area for coach parking, senior sports/play area, primary play area/over spill car parking, senior soft play area, associated landscaping and perimeter fencing. The school is intended to provide education for Brethren children at primary and secondary level.

A secure environment would be provided for whilst public permeability around the perimeter would be retained. The single storey building has been predominantly designed with a low pitch to ensure it lies subtly within its setting. A detailed landscaping scheme has also been submitted as part of this application. Materials would comprise a combination of timber weatherboarding, blockwork and metal sheet cladding.

The school is designed to accommodate some 200 pupils who live in the surrounding Warwickshire and West Midlands area. The main catchment areas for the existing schools are Kenilworth, Leamington, Baginton and Coventry. The size of the school is larger than required at the present time for the existing number of pupils. But the applicants state that this is to allow for younger pupils who are currently in state schools and the anticipated level of organic growth in pupil numbers of the Brethren community in the Coventry, Leamington Spa and Kenilworth areas.

The building location illustrated on the site plan indicates that it sits on the site apex. To ensure that there would be inclusive access to all internal and external school facilities, the site would be levelled by a cut and fill exercise.

The front elevation of the school would be set on a line parallel to the access road which provides a vista of the Church viewed from the entrance to the school in Bosworth Close. The building's footprint would be set out in an 'H' configuration, forming two semi-enclosed courtyards to the South-East and North-West which would be likely to be utilised as external play space.

The design of the building would comprise a series of mono-pitches to be linked centrally by a barrel vault roof light above the circulation areas. The building would be primarily single storey with a low pitch to minimise the impact on the surrounding area. The exception to this is the sports hall which would have an increased eaves height to meet its functional requirements.

The external walls of the proposed school would comprise a fair-faced blockwork plinth with the remainder of the wall clad with a hardwood (Cedar) weatherboard. For the roof, it is proposed to use a standing seam aluminium roof to instill an agricultural feel and to keep maintenance costs to a minimum. The case put forward by applicant is that the combination of blockwork, timber weatherboarding and metal cladding sheet can often be found on agricultural buildings and therefore this style of architecture would be befitting of the Green Belt location and that the selection of materials along with the design choices of a single storey construction, low roof pitch and reduced levels would combine to help the scheme blend into its surroundings.

The Primary school element would be located in a separate wing to the north-west of the assembly hall with its own entrance. The communal facilities such as the assembly, sports hall and changing rooms would be located centrally.

The scale of the proposals are based on the Copsewood Education Trust's typical requirements for a new school building to accommodate junior and senior pupils, supplemented by the design guidance offered within The DfES Building Bulletins 98 and 99. As an independent school there is no obligation to fully comply with the DfES documents, however, they have been used to calculate recommended floor areas for each of the school's facilities and teaching areas. Based upon an anticipated number of some 200 pupils, BB98 recommends a gross area of between 2,873m² and 2,975m². The proposal sits slightly above this band, having a gross external area of 3,000m². I am therefore of the view that the levels of accommodation are disproportional to the functional requirements.

Assessment

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute appropriate development in the Green Belt, and if not, whether there are very special circumstances which outweigh the harm by reason of inappropriateness and any other harm.
2. The effect of the proposal on the character and appearance of the area and on the setting of the adjacent Grade I Listed Church and on the ruins of Baginton Castle, a Scheduled Ancient Monument.
3. Whether the proposed development would cause unacceptable harm to the amenity of nearby residents (including users of the Church and its grounds) by reason of noise, disturbance, visual intrusion or loss of privacy.
4. Contamination.
5. Access, traffic and highway safety.
6. Drainage.
7. Whether the proposed development would contribute to towards national policy aimed at promoting sustainable development.
8. Parking.
9. Renewables.

10. Ecology.

Green Belt:

The Warwick District Local Plan shows that the application site is washed over by Green Belt. The national policy set out in Planning Policy Guidance 2: *Green Belts* (PPG2) is that the construction of new buildings in a Green Belt is inappropriate unless they are for certain specified purposes, which do not include schools. The proposed development therefore constitutes inappropriate development within the Green Belt, which according to PPG2 is, by definition, harmful. If a development is inappropriate, it rests with the applicant to demonstrate that very special circumstances exist, which clearly outweigh the harm arising from inappropriateness and any other harm.

The following is a list of the circumstances put forward by the applicant as the 'basket' of circumstances which in their view collectively form the very special circumstances which outweigh the harm to the Green Belt.

1. There is an urgent need for a new school because the existing facilities are cramped, outdated and wholly inadequate.
2. The existing planning permission for the primary school is temporary and it expires in October 2012.
3. There are significant pupil development opportunities in providing the two schools on one site, such as sharing of a purpose built hall suitable for drama and physical education.
4. There is an absence of suitable and available sequentially preferable sites to deliver the school.
5. The site is centrally located to where pupils would travel from and therefore more sustainable than the current arrangements. The Transport Assessment submitted with the application concludes that the proposal would lead to a reduction in mileage by private vehicles in the order of 16% when compared against the current travel rates to the existing two schools.
6. There would be physical and functional synergies with the adjacent Gospel Hall.
7. The existing site is a former tip and of no amenity value - this proposal presents an opportunity to secure its remediation.
8. There is an extant planning permission for the erection of a clubhouse, car parking, 3 all weather tennis courts and 2 bowling greens.
9. The submitted drawings illustrate an excellent single storey energy efficient design with a low ridge with potential for incorporating good landscape structure sympathetic to its context.
10. There is good community support for the proposal.
11. On 26th July 2010 the Government announced through a Ministerial Statement that they want to make it easier for promoters of schools, including charities, to build new schools. This Ministerial Statement is a material planning consideration in the determination of this application. The Statement advises LPA's that in determining planning applications, they should attach very significant weight to the desirability of establishing new schools, and should also adopt a positive and constructive approach towards planning applications to create new schools. The Statement sets out that LPAs should only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area, and where a local authority refuses permission on this basis, the Government will ask The Planning Inspectorate to deal swiftly with any appeal that is lodged.

The applicant asserts that when the circumstances listed above are put together and weighed in the balance, they constitute very special circumstances which outweigh the harm caused to the Green Belt by reason of inappropriateness. I will therefore discuss these in turn:

1,2 & 4:

The case put forward by the applicants is that the driving factor for the proposed development is an urgent need for improved school facilities. At present some 125 children are educated in substandard buildings located in Coventry on two separate sites which are located five miles apart. The primary school (accommodating 25 pupils) is located in Cheylesmore, South Coventry and was formerly used as a Gospel Hall by the Brethren. The secondary school (accommodating 100 pupils) is in Holbrooks, north Coventry and was formerly in a car sales and maintenance use. The transport arrangements for bringing the children to school are through an organised car sharing rota using multiple occupancy vehicles. When the secondary school first opened in April 2003 there were 50 pupils and 6 staff. In September 2006, the numbers of pupils at the secondary school increased when another school based in Radford Semele was forced to close as a result of planning enforcement action. The merging of the two schools has resulted in cramped conditions and an environment that is too small to accommodate and support the existing level of pupils and staff. A copy of the most recent Inspector's report was submitted with the application. This is very complimentary of the teaching standard and curriculum at Copsewood School over the two sites but not on the conditions of the schools. Particular reference is made regarding fire exits and safety. In addition, reference is made to the restricted space afforded for children who require specialist attention. One of the comments he makes is *"The secondary department's premises are now barely adequate and limit the opportunities to provide a full curriculum for the pupils in a safe and stimulating environment"*. Neither of the two existing schools are located on sites which enable expansion. I have personally visited both schools and can confirm that the facilities are inadequate as described by the applicants.

The applicants state that the search for a site to provide a new school has been an on-going process since 2006 and is now desperate. A search for alternative sites across Coventry and Warwickshire has been undertaken, firstly by the applicants between 2006 and 2009, and subsequently by John Rose Associates between October 2009 and August 2010. The search has been for a site measuring approximately 1.7 hectares to accommodate a school building measuring some 3,000m² plus an identical external space for outside play and parking. A search of potential new sites was undertaken using a number of different data sets including land and buildings advertised for sale via the Estates Gazette, investigations of local land agents and land allocations in the Coventry Development Plan and proposed in the emerging core strategy. Upon the identification of sites which met the specifications an assessment of each site was then carried out based on the following criteria: availability for purchase, accessibility, location in relation to catchment area and time to acquire and make it available. A sequential search was carried out: 1. Previously developed sites within the urban area, 2. greenfield sites within the urban area, 3. previously developed sites outside the urban area and 4. greenfield sites outside the urban area.

The applicant identified a large number of possible sites and has provided a summary assessment of all of these sites as part of the application. The results

of the assessment show that there are no sites which are suitable in meeting their requirements as set out above. The applicants therefore make the case that as there are no sequentially preferable sites available, there is therefore sufficient justification to provide the proposed school in the Green Belt.

The fact that the existing school facilities are inadequate is clear and not disputed. However, I have concerns regarding the sequential test undertaken. Firstly, the applicant's approach has been to seek approval for a development that will accommodate all requirements on a single site, i.e. the primary and secondary schools together with all sports facilities and play areas. While this is a legitimate approach and the school would benefit from a single development, nevertheless, in terms of the search for alternative sites, I consider that the alternative of keeping separate the primary and secondary schools, and the possibility of having the buildings and sporting facilities on separate needs to be investigated before development in the Green Belt is considered to be acceptable. I find it difficult to comprehend that there are no other more preferable sites within the particularly wide catchment area of the existing schools available which could accommodate the proposed development. Secondly, I am concerned that many of the sites appear to have been dismissed for cursory reasons.

3:

This is considered to be desirable rather than essential.

5:

Given that the Travel Plan states that the children are collected and set off by a mini bus and that individual parents do not transport the pupils, the 16% saving on overall mileage would not be particularly significant.

6:

This is considered to be desirable rather than essential.

7:

The development of derelict land is a general Green Belt objective in PPG2. It is noted that in the appeal decision for the approved clubhouse development, the Inspector stated that "contrary to the Council's view, I consider that essentially the site can be seen as being an area of damaged and derelict land and that its reuse is a material planning consideration which supports the scheme". However, I am of the view that this comment was made in the context of an application for appropriate development within the Green Belt. I do not consider that the advocacy of the development of derelict land in PPG2 is a green light to allow inappropriate development in the Green Belt. While I have considered this as a material consideration, PPG2 identifies the most important attribute of the Green Belt as being its openness. Furthermore, there is no evidence available to suggest that there exists anything other than a minimal risk from the land if it were left undeveloped.

8:

National advice in PPG2 (Green Belts) is that the construction of new buildings inside a Green Belt is inappropriate development unless they are for certain specified purposes which include the provision of 'essential facilities for outdoor sport'. In allowing the appeal for the clubhouse development, the Inspector concluded that the building proposed and the facilities it would provide would be of a scale which would reasonably provide for the essential needs of the sports players. In terms of the car parking and vehicular access, he was satisfied that these parts of the development when seen in the context of the whole site and the uses proposed could be regarded reasonably as not prejudicing either the openness of the Green Belt or conflicting with the purposes of including land within it. The proposals in total were therefore considered to fall within the definition of a category of development acceptable in Green Belts.

9:

The proposal is considered to harmful to the setting of the adjacent Grade I Listed Church and the Scheduled Ancient Monument (discussed in more detail later in this report).

10:

The public consultation process resulted in 59 letters of objection and 26 letters of support. While there is some local support for the proposal, there is clearly a greater level of objection to it.

11:

The Ministerial Statement referred to has been taken into account. However, the proposed development would be inappropriate and cause unacceptable harm to the Green Belt. The Green Belt harm is a matter to which substantial weight should be given. I am of the view that as the protection of the Green Belt is one of the fundamental principles of Town Planning, the fact that the proposal constitutes inappropriate development in the Green Belt, (as well as the conservation impacts discussed later in this report) there are clearly 'adverse planning impacts' in this particular case that outweigh the desirability of establishing the school.

It is my view that even in combination, when balanced against the substantial harm to the Green Belt, by reason of inappropriateness and the harm to openness resulting from the bulk of the proposed building together with the proposed car park, the considerations presented do not clearly outweigh the harm identified. They do not, therefore, amount to the very special circumstances necessary to justify inappropriate development.

Conservation:

There is a dominant sight line extending from the intended site entrance on Bosworth Close to the Spire of St. John the Baptist Church. The proposed school has been sited so as to retain this vista with the proposed access road centred along the vista-axis. This view would be enhanced by the levelling of the apex of the site. While this design approach is to be commended, the view from Bosworth Close is not considered to be one which is seen by the wider public as

this is a cul-de-sac which really only leads to the Brethren's Meeting Hall (and the school, if approved).

The application site comprises part of the grounds of the former Baginton Hall. The remains of the wall at the rear of the church (north side) is perhaps a remnant of the former 'garden wall'. The Conservation Area leaflet for Baginton produced by the District Planning Authority states that the area "has never been re-developed and this has had an effect on the way in which the village has developed". The site is currently open ground which has a positive effect on the setting of the Grade I Listed Church and Scheduled Ancient Monument. While the low level design of the building may mitigate against its impact, the proposed school would be sited in close proximity to the Church and the Scheduled Ancient Monument and the fact that the tallest part of the structure, the sports hall, would be closest to the Scheduled Ancient Monument and that this land and that of the grounds to the Church slope away from the application site would result in a development which would be both visible from and dominate the Church and Castle sites.

Living Conditions:

The proposed assembly/ sports halls and outdoor play areas would be sited in the south, west, north and north-west parts of the site, i.e. the furthest points from residential properties to the north-east and south-east of the site and would be some 50 metres from the nearest dwelling. I am also mindful of the fact that the site measures some 1.68 hectares and that the outdoor play areas are not concentrated in one part of it. Pupils and the effects of their activities would be similarly dispersed across it. I am therefore of the view that the noise of play would be unlikely to disturb nearby residents in the peaceful enjoyment of their properties and result in unacceptable harm being caused to those residents. However, in the interests of safeguarding the living conditions of nearby residents a condition may be necessary to deal with the way the school is operated and the hours within which it can be operated.

Given the siting of the school and its distance from residential properties I do not consider that it would have a material effect on the living conditions of residents in terms of loss of light, privacy or outlook.

Bosworth Close is accessed off Mill Hill which has a number of residential properties. Bosworth Close itself only has three detached dwellings to the north of the Brethren's Meeting Room. I do not consider that the additional use of Mill Hill and Bosworth Close would cause residents living on those areas to be subjected to any significant increase in noise and disturbance, over and above that which they are already likely to be experiencing.

I note that the siting of one of the senior sports play areas would be in close proximity to the grounds of the Church but I do not consider that this would have the potential to unacceptably affect the quiet enjoyment of the congregation at the Church and its grounds and visitors to it.

Contamination:

A Phase 1 Contamination Report has been submitted with this application. There is evidence that the application site is contaminated with various toxic materials. The necessary safeguards could be dealt with through planning conditions. Appropriate pre-commencement conditions as recommended by The

Environment Agency can be imposed on any approval granted in order to ensure that suitable remediation measures are secured to ensure that the land is made fit for its intended purpose.

I am therefore satisfied that the proposed development would comply with the requirements set out in Policy DP9 of the Local Plan.

Access, traffic and highway safety:

The accompanying Transport Assessment addresses the impact of the development on the highways and concludes that the proposed school would have a negligible impact on the local highways authority. This conclusion is made having regard for the existing highways network patterns, the movements associated with the adjacent Brethren Gospel Hall, and the proposed travel movements associated with the particular operation of the proposed school.

Based upon current predictions the school would accommodate 168 pupils with room for some expansion. The proposal is therefore significantly smaller than a typical LEA school. As a consequence the transport impacts are also significantly smaller and there is a greater control over the transport modes.

The existing schools attract pupils from a large catchment area which is not uncommon for 'special' style schools. Travel to and from the existing schools is well organised and designed to minimise the amount of vehicular movement associated with the schools.

It is made clear in the Transport Assessment that the Brethren have particular travel patterns which are different from the accepted norm for most schools. Pupils would be transported to and from the proposed school in Baginton by a privately run coach or minibus service. Pupils are not generally dropped off or collected from school by parents at school opening and closing times, as is the normal practice for mainstream schools. Staff and support staff would arrive by private vehicles or by public transport.

County Highways acknowledge that the proposed development is likely to cause a notable increase in vehicle movements along Bosworth Close during peak hours but consider that the overall impact on the highway network would be low and therefore raise no objections to the proposal, subject to conditions.

While I note the level of local objection based on this particular issue, given the proposed travel arrangements set out in the Travel Plan and the response from the County Highways, I consider that it would be unreasonable to conclude that the proposed development would result in unacceptable harm to access, traffic and highway safety matters.

Drainage:

The foul water discharge from the proposed school is intended to be discharged into the existing 150mm dia. foul water public sewer which crosses the playing fields just to the east of the proposed school building. Based on 200 pupils and 20 staff, Severn Trent Water have confirmed that the existing sewer has sufficient capacity for unattenuated foul flows from the site.

It is proposed that the surface water discharge from the proposed development can be adequately accommodated by discharging into the existing 600mm dia.

surface water (private) drain located to the west of the development footprint. This drain runs in a south westerly direction through Coventry Golf Course and outfalls into the River Sowe. This drain was installed by the applicants in 1992/93 to serve their Meeting Hall development.

Details of the surfacing materials have not been provided but the Design and Access Statement submitted with the application states that the principal consideration will be the implementation of Sustainable Urban Drainage Systems (SUDS) where possible to minimise surface water run-off and that surfacing to play areas, the staff and coach parking and all pedestrian walkways would be permeable where possible. This can be secured by condition.

Sustainable development:

National planning policies for transport in PPS13 include promoting accessibility by public transport, walking and cycling and reducing the need to travel, especially by car. While the Transport Assessment submitted with the application shows that the application site holds a central location when judged against the locations where pupils would travel from to attend the school, the fact remains that the application site is located in a rural edge of village location with limited public transport links, which would make it particularly difficult for staff and pupils to travel by any means other than by car. I am therefore of the view that this proposal would undermine local and national planning objectives of creating more sustainable patterns of development.

Parking:

The Council's Vehicle Parking Standards SPD states that 2 spaces are required per classroom for staff and visitors plus facilities for picking up and setting down children or as determined by Travel Plan and that provision should also be made for the set down and picking up of children by coach and bus, on or off-site, as appropriate.

The proposed plans show the provision of 11 classrooms and 22 car parking spaces. Allocated parking bays are to be provided for members of staff. Any 'event' parking would be provided by utilizing the hardstanding to the primary play area. Disabled parking bays, coach park and turning facilities would be provided within close proximity to the main entrance. I am therefore satisfied that the proposed development would be in accordance with Policy DP8 and The Vehicle Parking Standards SPD.

Renewables:

The school would have a glazed barrel vault ridge light which would allow natural daylight to flood into the core circulation areas.

The longest building elevation would be orientated towards the South-East to maximise thermal gains, particularly during the winter. To prevent overheating in the summer, the building would incorporate a significant eaves overhang formed in a semi-transparent material to diffuse strong sun while still allowing some natural light to penetrate.

A Sustainable Buildings Statement has been submitted with this application. It is proposed that the space heating for the school will be provided by air-source heat pumps. Analysis of the building and its energy demands calculate that over

40% of the energy demands of the building would be provided by renewable sources.

The proposed development would therefore be in accordance with Policy DP13 and the accompanying Sustainable Buildings Supplementary Planning Document.

Ecology:

The proposed development is located in a biodiversity rich area where the habitats within the site provide foraging and breeding opportunities for a number of protected species. A Habitat Report and Protected Species Surveys have therefore been submitted with this application.

The site has an "exceptional population" of grass snake and thus is a Key Reptile site. This proposed development will therefore result in a significant impact on the local grass snake population.

In view of these impacts and the premise of Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) to ensure that there is no net loss of biodiversity and where possible biodiversity enhancement is encouraged, it will be necessary for the applicant to provide enough on and off site provision to ensure that the proposed development will not result in the reduction in the grass snake population.

It will therefore be necessary for off-site mitigation measures i.e. the creation and management of suitable grass snake features and habitat prior to, during and after ground clearance occurs. The proposals will need to be incorporated into the landscape plan and subsequent management plan for the school and other off-site mitigation areas. Commuting corridors and foraging areas for bats will also need to be enhanced that compliment the reptile mitigation strategy to ensure no net loss to foraging habitat, including the provision of additional bat roosting opportunities.

In consultation with the County Ecologist, the applicant has agreed to redraw the landscaping scheme to incorporate more land within the site for the creation of both dedicated and shared use (public) for grass snakes plus on acquiring the land to the east of the site (subject to approval of planning permission) manage an appropriate area of land (approximately 2.15 acres) within this eastern parcel for the purposes of nature conservation, but primarily for grass snakes.

In essence therefore there will be no net loss of snake habitat as less optimal habitat will be brought into positive management to secure their future. As the parcel of land to the east does not form part of the application site, this would need to be secured by a s.106 agreement.

It is considered that the other issues relating to birds, bats, badgers and Japanese Knotweed can be adequately controlled by way of notes and conditions as suggested by the County Ecologist.

RECOMMENDATION

REFUSE, for the reason listed below:-

REFUSAL REASONS

- 1 The site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the open character of the area will be retained and protected. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify inappropriate development do not exist.

The proposed development would therefore be harmful to the Green Belt by reason of inappropriateness and because of its adverse impact on openness.

- 2 Policy DP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which harms Scheduled Ancient Monuments or other archaeological remains of national importance, and their settings.

Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted that will adversely affect the setting of a Listed Building.

The application site comprises part of the grounds of the former Baginton Hall. The remains of the wall at the rear of the church (north side) is perhaps a remnant of the former 'garden wall'. The Conservation Area leaflet for Baginton produced by the District Planning Authority states that the area "has never been re-developed and this has had an effect on the way in which the village has developed". The site is currently open ground which has a positive effect on the setting of the Grade I Listed Church and Scheduled Ancient Monument. While the low level design of the building may mitigate against its impact, the proposed school would be sited in close proximity to the Church and the Scheduled Ancient Monument and the fact that the tallest part of the structure, the sports hall, would be closest to the Scheduled Ancient Monument and that this land and that of the grounds to the Church slope away from the application site would result in a development which would be both visible from and dominate the Church and Castle sites and thereby result in unacceptable to their settings.

The proposal is therefore considered to be contrary to the policies listed.

- 3 National planning policies Planning Policy Statement 13: Transportation and Land Use (PPS13) and Planning Policy Statement 1: Delivering Sustainable Development (PPS1) include promoting accessibility by public transport, walking and cycling and reducing the need to travel, especially by car. The application site is located in a rural edge of village location with limited public transport links, which would make it particularly difficult for staff and pupils to travel by any means other than by car. In the opinion of the District Planning Authority, the proposed development would therefore undermine national planning objectives of creating more sustainable patterns of development.