

Application No: W 13 / 0391

Town/Parish Council: Baginton
Case Officer: Rob Young

Registration Date: 25/03/13
Expiry Date: 24/06/13

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Land to the rear of Holly Walk, Baginton, Coventry

Erection of a free school together with 2 no. multi-use games areas; secondary school outdoor recreation space; primary school outdoor play area; 24 car parking spaces; landscaping and security fencing (outline application including details of access) FOR Baginton Green Ltd

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions, and subject to some form of community benefit being secured (to be confirmed in the Addendum Report).

DETAILS OF THE DEVELOPMENT

The application proposes the erection of a free school together with 2 no. multi-use games areas; secondary school outdoor recreation space; primary school outdoor play area; 24 car parking spaces; landscaping and security fencing. This is an outline application including details of access.

The application includes illustrative plans showing how the site may be laid out, together with indicative floor plans and elevations of the school building. However, if outline planning permission were to be granted, the applicant would not be bound to comply with these plans in terms of the site layout or the design of the building, unless conditions were imposed to control any of these matters. Detailed approval is sought for the access proposals and therefore these would be fixed by any outline planning permission. Full details of the site layout and design of the building would be assessed as part of any subsequent reserved matters submission.

The indicative plans show the school building located towards the western end of the site, but set off the site boundaries. This is shown as a single and two storey building with a ridge height of between 6.3m (single storey) and 9.4m (two storey). The total gross internal floorspace of the building is indicated to be 1,761 sq m.

The applicant advises that the proposed school is primarily intended for the teaching of children within the Brethren Fellowship; however, there is no

restriction preventing pupils from other denominations of religious faiths or non-believers from attending the school. The Free School has an open admission policy.

The proposed school would replace an existing school (Copsewood School) which is currently split over two separate sites in Coventry. There are 125 pupils in these existing schools and the applicant predicts that the new school will have 150 pupils, with some allowance for a modest level of expansion (the school that has been designed would have a maximum capacity 200 pupils). The main catchment areas for the existing schools are Kenilworth, Leamington, Baginton and Coventry.

THE SITE AND ITS LOCATION

The application relates to land on the western edge of the village of Baginton. The site is situated within the Green Belt and is currently open uncultivated ground covered by scrub vegetation together with some more significant trees along the site boundaries. The site has previously been used for sand and gravel extraction and was subsequently backfilled with waste, the nature of which is unknown. As a result of past tipping operations, parts of the site are elevated above the level of the surrounding land.

The site is bounded by dwellings in Holly Walk and Frances Road to the north, by Baginton Village Hall to the east and by dwellings, the Royal British Legion Club and the Grade I Listed St. John the Baptist's Church in Kimberley Road / Church Road to the south. To the west the site is bounded by a public right of way and on the opposite side of this is a further vacant plot of land in the same ownership that is similar in character to the application site. There is vehicular access onto that adjacent plot of land from Bosworth Close. The nearby Brethren's Meeting Room is also accessed from the end of Bosworth Close.

The Baginton Conservation Area adjoins part of the southern boundary of the site. The Baginton Castle Scheduled Ancient Monument is approximately 75m to the west of the site. The application site formed part of the grounds of the former Baginton Hall, which was demolished in the 1920s.

PLANNING HISTORY

The application site and neighbouring land has been the subject of a number of planning applications over the past 30 years. The most relevant of these was an application for the erection of a new school in 2010 on land immediately to the west of the current application site (ref. W10/1062). This was refused for the following reasons:

1. The proposals represent inappropriate development within the Green Belt and no very special circumstances were demonstrated to outweigh the harm to the Green Belt.

2. Harm to the setting of the Grade I Listed Church of John the Baptist and the Baginton Castle Scheduled Ancient Monument.

3. Harm to national planning objectives of creating more sustainable patterns of development and local policies seeking to limit development in the rural area to that which meets a local need.

Prior to this most recent application, the application site and neighbouring land was the subject of the following applications:

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 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.

RELEVANT POLICIES

- National Planning Policy Framework
- 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)
- RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Object on the following grounds:

- inappropriate development within the Green Belt;
- no very special circumstances to justify the development;
- the perceived benefits do not outweigh the harm caused;
- this will set an undesirable precedent for the development of further Green Belt land;

- increased traffic and associated noise and nuisance;
- whilst the school is smaller than previously proposed, quoted pupil numbers remain the same, suggesting that there could be further development beyond that shown;
- the access road cuts across a public right of way;
- the premises are closer to existing houses than the previous application, adversely affecting neighbouring properties;
- the contamination report is out of date; and
- possible migration of contamination onto surrounding properties.

The Parish Council go on to recommend that the following conditions or agreements be put in place, should the District Council decide to grant planning permission, contrary to their objection:

- a one way system should be implemented through the meeting room car park during the morning to address traffic concerns (i.e. using both Bosworth Close and Friends Close);
- a requirement for a contamination remediation strategy, to include measures for the full containment and remediation of existing materials to remain on site;
- a requirement to retain the public right of way;
- a condition to ensure that lighting is low, appropriate and does not cause light pollution to neighbouring land and properties;
- to address concerns about the development bringing no benefit to the village, a Section 106 Agreement should be drawn up to provide identified benefits to the wider community in the village, e.g. a commuted sum to provide other amenity for the wider benefit of the villagers; and
- the junction between Bosworth Close, Mill Hill and Coventry Road is deficient with no footpath provision; could this be rectified?

Stoneleigh & Ashow Parish Council: Object on the following grounds:

- inappropriate development within the Green Belt;
- no very special circumstances to justify the development;
- harm to the setting of the Baginton Conservation Area, the Grade I Listed Church and the Bagot's Castle Scheduled Ancient Monument;
- this is an unsustainable location with limited public transport links;
- increased traffic on surrounding rural roads;
- detrimental to highway safety; and
- cumulative traffic impact in addition to the developments at Stoneleigh Park, Abbey Park and Coventry and Warwickshire Gateway.

Public response: 53 objections and 20 representations in support have been received. The objectors raise the following concerns:

- inappropriate development within the Green Belt;
- no very special circumstances to justify the development;
- this will set an undesirable precedent for the development of further Green Belt land;
- increased traffic;

- the use of the existing Brethren's meeting hall already causes traffic problems;
- detrimental to highway safety;
- inconvenience and safety issues due to construction of the access across a public footpath;
- adverse impact on air quality;
- the school will be of no benefit to the village because it is intended for Brethren children who do not live in the village;
- noise and disturbance from children playing outside;
- construction noise;
- loss of privacy for neighbouring dwellings;
- loss of outlook for neighbouring dwellings;
- inappropriate to have noise from children adjacent to a church and graveyard;
- adverse ecological impact;
- unsustainable development;
- bringing this number of children into a village location from surrounding cities and towns (and further afield) is unsustainable;
- there is no local need for a school of this size;
- contrary to the Local Plan;
- the proposals will have an adverse impact on the local environment but would be of no benefit to the local community;
- the proposals will upset the balance of village life;
- adverse archaeological impact – this is an area of significant archaeological potential;
- harm to the setting of the Grade I Listed St. John the Baptist Church;
- harm to the setting of the Baginton Conservation Area;
- loss of access to an area of amenity land that has been used by the public for many years;
- there are alternative sites outside of the Green Belt that could accommodate the proposed school;
- there is no requirement for the school to be situated adjacent to the meeting hall;
- Baginton does not have the local facilities to cater for a development of this size;
- if permission is granted, little could be done to prevent the school from expanding in the future;
- disturbance of land that is known to be severely contaminated;
- a new environmental assessment is required due to the nature and extent of the contamination;
- possible migration of contamination onto surrounding properties;
- harm to the character and appearance of the area due to the security fencing;
- harm to the rural landscape;
- lack of drainage details; and
- existing local children have to travel out of the village to go to school, whereas pupils for the proposed school will travel into the village from far and wide.

The supporters make the following points:

- a search for a site for the school have been ongoing for some time but there are no suitable sites available;
- the building will fit into the environment inconspicuously;
- the current Brethren schools are not fit for purpose;
- there will be significant educational benefits arising from providing improved facilities for pupils of the existing schools;
- the proposals would be in accordance with Government priorities in terms of improving education;
- there will be travel reduction benefits from having the primary and secondary schools on one site;
- this will make good use of a derelict piece of land;
- the disturbance caused will be minimal with any noise from break times being short and screened by landscaping;
- the increase in traffic will not be significant;
- biodiversity benefits;
- a school would be more suitable than the existing planning consent for a sports ground; and
- the school will cause less traffic, less ecological harm and would be less intrusive for surrounding residents than the approved sports ground.

English Heritage: Confirm that they do not wish to comment in detail. Advise that the Council should use their own specialist conservation advice to consider the impact on the setting of the adjacent Grade I Listed Church and Conservation Area.

Environment Agency: Object on the grounds that the Flood Risk Assessment does not contain sufficient information. On the separate issue of ground contamination, raise no objection, subject to conditions.

Ramblers Association: No objection.

Severn Trent Water: No objection, subject to a condition to require drainage details.

Coventry Airport: No objection.

Warwickshire Police: No objection, but make recommendations regarding the incorporation of security features within the development.

Coventry City Council: No comment.

WCC Highways: No objection, subject to conditions.

WCC Ecology: The site is surrounded by a number of Local Wildlife Sites and a Local Geological Site. There are records of badgers, grass snake and bats on or adjacent to the site. The mosaic of habitats on the site provides ideal opportunity for these protected species.

Taking into account the proposed on site ecological mitigation, the proposals would still result in a significant loss of biodiversity. Therefore recommend that

the application is refused due to the impact on protected species and significant biodiversity loss.

WCC Archaeology: No objection.

WCC Fire and Rescue: No objection, subject to a condition to require details of water supplies and fire hydrants.

WCC Rights of Way: No objection, subject to informative notes.

WDC Environmental Health: No objection, subject to conditions in relation to contamination, lighting and noise, including restrictions on the hours of use of the multi-use games areas and a requirement to carry out an acoustic assessment of the multi-use games areas when in use.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Green Belt policy and the impact on the openness and rural character of the Green Belt;
- the impact on the character and appearance of the area;
- the impact on the setting of the Grade I Listed Church, Scheduled Ancient Monument and Conservation Area;
- the impact on the living conditions of nearby dwellings;
- contamination;
- highway safety;
- car parking;
- drainage and flood risk;
- sustainability; and
- ecological impact.

Green Belt policy and the impact on the openness and rural character of the Green Belt

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with certain exceptions. The erection of a new school does not fall under any of these exceptions and therefore the proposals constitute inappropriate development within the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF goes on to state that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In making this assessment, it is first necessary to consider whether any "other harm" is caused by the proposals.

The proposals would introduce a substantial building onto a site that currently has no buildings. Whilst the site has been the subject of significant development in the past in the form of mineral extraction and subsequent landfill operations, it is now an open area of land. Therefore the proposals would result in a significant reduction in the openness of this part of the Green Belt.

The proposals would represent a significant urban encroachment into the countryside, undermining the objectives of Green Belt policy. However, the current proposals would cause less harm to the Green Belt than the previous proposals for a school on land to the west of the current site. This is due to the reduced size of the current proposals (1,761 sq m floorspace compared to 3,000 sq m) and due to the revised site being more closely related to the main built form of the village, surrounded on three sides by existing built development. Therefore the harm to the wider rural landscape would be significantly reduced.

It follows that it will be that much easier for very special circumstances to outweigh this reduced level of harm. Nevertheless, there remains a significant level of harm to the Green Belt and consequently there would still need to be compelling very special circumstances to outweigh this harm.

It is now necessary to consider whether the applicant has demonstrated very special circumstances to outweigh the conflict with Green Belt policy and the harm to the openness and rural character of the Green Belt. The applicant has put forward the following very special circumstances in support of the proposals:

- the NPPF states that great weight should be given to the need to create, expand and alter schools;
- there is an urgent need for a new school because the existing facilities are cramped, outdated and wholly inadequate, as confirmed by inspections by the School Inspection Service;
- one of the existing school sites is operating under a temporary planning permission;
- there is an absence of suitable and available alternative sites to deliver the school;
- the applicant has been searching for an alternative site for 6 to 7 years without success;
- provision of a wider choice of school places;
- remediation of a contaminated site and restoration from a despoiled and derelict wasteland;
- ecological benefits arising from new tree and shrub planting and the provision of a Landscape and Ecological Management Plan for the land to the west of the site, including provision for a grass snake sanctuary;
- the provision of an avenue of trees either side of the public right of way will enhance the setting of the Conservation Area and Parish Church; and
- the proposed school would be less harmful than the approved sports ground and associated facilities.

The applicant has also advised that they propose to offer some form of community benefit as part of the proposed development. They will be discussing

the details of this with the Parish Council and further details will be provided in the Addendum Report to Planning Committee.

When assessing the very special circumstances that have been put forward by the applicant, it is important to have regard to any changes in circumstances since the previous application was refused that might affect this assessment. In this regard the main changes of circumstances are that the revised proposals would cause less harm to the Green Belt (as discussed above) and that the National Planning Policy Framework has been introduced since that previous decision.

Insofar as it is relevant to the consideration of the current proposals, the provisions relating to Green Belt remain largely unchanged in the NPPF compared with previous policies. However, in relation to schools development, Paragraph 72 sets out a new emphasis on supporting the creation of new schools. In assessing the previous application, regard was had to the previous government planning policy relating to schools, i.e. the August 2011 policy statement "Planning for Schools Development". The previous proposals were not for a Free School or a state-funded school and therefore it was determined that the August 2011 policy statement did not apply. However, the NPPF differs in that the support for new schools applies to schools in general and not just Free Schools or state-funded schools. In any case, the current proposals are now for a Free School and therefore the August 2011 policy statement would now be applicable.

Paragraph 72 of the NPPF states that "the Government attaches great importance to ensuring 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:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted."

Either way, whether it be the introduction of the NPPF, or the change in eligibility for the proposals to be considered under the August 2011 policy statement (i.e. as a Free School), there has been a significant change in the balance of policies that the application must be assessed against. Whilst this does not override the strict policy governing development within the Green Belt, it does introduce some more compelling policy support for the proposals that add to the very special circumstances.

In terms of other changes in circumstances since the previous application was considered, it is notable that a further 2.5 years has passed without a suitable alternative site being found for the school. This adds weight to this aspect of the very special circumstances. The applicant has provided an extensive list of the alternative sites that they have considered. Another change since the previous application is that the applicant is now proposing to provide some form of community benefit for the village.

The provisions of the NPPF also afford greater weight to one of the other key elements of the very special circumstances put forward by the applicant, i.e. the urgent need for a new school due to the inadequate nature of the existing facilities. There is clearly a need to create a new school to replace these inadequate facilities and Paragraph 72 of the NPPF advises that local planning authorities should attach great weight to this need.

Having considered the assessment of very special circumstances that was carried out in relation to the previous application, it is apparent that the significant changes of circumstances that have been outlined above would result in a significant change in the balance of the assessment. In the first instance, the harm would be reduced. Balanced against this, the very special circumstances are now significantly more compelling. Therefore it is concluded that there are now very special circumstances that clearly outweigh the harm resulting from the conflict with Green Belt policy and any other harm. As a result, the proposals would be in accordance with the NPPF.

As this assessment of the Green Belt issue has attached weight to the reduced size of the proposed building, it is considered necessary to impose a condition to restrict the size of the school building to no larger than shown on the indicative plans. This would also address the concerns of Parish Council and neighbours that a larger building may be proposed at reserved matters stage.

The concerns that the Parish Council and neighbours have raised regarding setting an undesirable precedent for further development Green Belt development are noted, however it is not considered that this would be the case. Each case must be judged on its own merits. It is unlikely that the particular very special circumstances relevant to the current proposals and site would apply to other developments or nearby sites within the Green Belt.

Impact on the character and appearance of the area

With the design and siting of the building being indicative at this stage, it is only possible to make a broad, in principle, assessment of the impact on the character and appearance of the area. In this regard it is notable that the surrounding area contains a varied pattern of development, including relatively uniform lines of dwellings fronting onto the surrounding roads, but with a number of buildings set behind the main frontage development, including some larger buildings set in extensive grounds (e.g. the meeting room to the west of the site and the village hall to the east). The application site itself does not have an immediate relationship with any of the nearby streets. In this context, a building of an appropriate scale could be designed and sited in a manner that would be in keeping with the character and appearance of the area. Furthermore, given the relationship with surrounding buildings and streets, with the site being an "indent" within the built form of the village, the current open nature of the application site does not make such a contribution to the rural setting of the village as to suggest that development should be prohibited on these grounds.

Objectors have raised concerns about the visual impact of the security fence around the site. However, whilst a fence is indicated on the indicative site plan, as this is an outline application the exact design and position of the fence will be assessed as part of any reserved matters application. Nevertheless, schools are normally surrounded by a security fence and therefore it is likely that a security fence would form part of the detailed proposals for the site. However, considering the character of the area and the relationship with surrounding roads, footpaths and properties, there is no reason to believe that a security fence of a suitable design and siting would harm the character and appearance of the area.

Impact on the setting of the Grade I Listed Church, Scheduled Ancient Monument and Conservation Area

The previous proposal (which was a detailed application) showed a much larger building that was sited a lot closer to the Grade I Listed Church and the Scheduled Ancient Monument than the current proposals. The current application site is separated from the Scheduled Ancient Monument by a separate parcel of land to the west (the previous site adjoined the boundary of the Scheduled Ancient Monument). The current application site would still share a boundary with the church, but the reduced scale of the proposed building and the shape and position of the site (on the more "developed" village side of the church) would allow for a satisfactory relationship with the church, subject to appropriate detailed siting and design. Therefore it is concluded that the relocation of the application site and the reduction in scale of the development is sufficient to ensure that these amended proposals will not cause harm to the setting of the Listed Church or the Scheduled Ancient Monument. The impact would be assessed in more detail as part of any reserved matters application when the detailed design will be known. Nevertheless, the recommended condition restricting the size of the school building and the fact that the size and shape of the site offers scope for the building to be located far enough away from the Listed Church and the Scheduled Ancient Monument are sufficient to confirm that a scheme could be designed in a manner that would preserve the setting of the Listed church and the Scheduled Ancient Monument.

In terms of the impact on the setting of the Baginton Conservation Area, the part of the Conservation Area boundary that adjoins the application site corresponds with the boundary of the churchyard. Therefore, the same conclusions in relation to the impact on the setting of the church would apply to the impact on the setting of the Conservation Area. The remainder of the Conservation Area is separated from the application site by the dwellings and Royal British Legion Club in Kimberley Road and therefore would not be impacted upon by the proposals.

Impact on the living conditions of nearby dwellings

The current application site is closer to nearby dwellings than the previous proposals. The site adjoins the rear and side boundaries of dwellings in Holly Walk, Frances Road and Kimberley Road. The roads leading up to the development are also fronted by dwellings.

In terms of the impact of the proposed building, given the size of the site in relation to the size of the proposed building, there is plenty of scope for the detailed design and siting to ensure that there would be no unacceptable adverse impacts in terms of loss of light, loss of outlook or loss of privacy. The building could be set well away from the boundaries with neighbouring dwellings. The detailed impact of the building would be considered at reserved matters stage.

Children using the multi-use games areas and playing fields will undoubtedly result in some increase in noise for nearby dwellings, particularly those that adjoin the site. However, it is important to bear in mind that it is normal for schools to be located within residential areas and in close proximity to dwellings. Also, noise is likely to be limited to short periods of the day, e.g. break times and lunch time. Environmental Health have not objected to the proposals, subject to conditions to limit the hours of use of the multi-use games areas and to require an acoustic assessment of the multi-use games areas to be carried out when in use, to include the provision of noise mitigation measures if necessary. Therefore it is considered that the operation of the school will not generate a level of noise that would cause material harm to the living conditions of nearby dwellings.

There would be a material increase in traffic using Bosworth Close and a subsequent increase in traffic noise for some nearby dwellings. The proposed car park and access road would also introduce vehicle movements into an area to the rear of houses where there are currently no vehicular movements. However, any increase in traffic and vehicle movements would be largely restricted to short periods at the beginning and end of the school day. Furthermore, the proposed travel arrangements are likely to limit the amount of traffic (i.e. the significant use of minibuses to transport pupils to and from the site). Therefore it is not considered that the limited additional noise arising from traffic using Bosworth Close or the proposed car park and access road would cause unacceptable harm to the living conditions of nearby dwellings. The proposals would not have a material impact on the levels of traffic using roads on the wider highway network and therefore noise would not be an issue in relation to other roads.

Subject to the construction hours condition recommended by Environmental Health, it is not considered that there would be a justification for refusing planning permission on the grounds of construction noise. There is nothing unique about this site and its relationship with nearby dwellings to indicate that construction noise would be more of a problem here than it would be on most other development sites.

A condition is recommended to require lighting details to be submitted for approval, as requested by Environmental Health, the Parish Council and objectors.

Contamination

There is significant contamination across the site. However, Environmental Health and the Environment Agency are satisfied that suitable measures can be implemented that would provide adequate remediation for the proposed use as well as preventing the migration of contamination off site. Therefore the

proposals are considered to be acceptable from a contamination point of view, subject to conditions to require a full ground investigation to be carried out and remediation measures to be submitted for approval.

Highway safety

Objectors have raised significant concerns about highway safety. However, there has been no objection from the Highway Authority. Furthermore, the previous application on the adjacent site, which would have had a similar or greater highway impact, was determined to be acceptable on highway grounds.

A Transport Assessment was submitted with the application and this addresses the highway impact of the development and concludes that the proposed school would have a negligible impact on the local highway network. This conclusion is made having regard to existing traffic levels on the highway network, the movements associated with the adjacent Brethren Gospel Hall, and the proposed travel movements associated with the particular operation of the proposed school.

The school has been designed to accommodate a maximum of 200 pupils. The proposal is therefore significantly smaller than a typical 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.

The proposed development is likely to cause a notable increase in vehicle movements along Bosworth Close during peak hours. However, the overall impact on the highway network would be low.

While the level of local objection based on this particular issue is noted, given the proposed travel arrangements and the response from the Highway Authority, it is considered that it would be unreasonable to conclude that the proposed development would result in unacceptable harm in relation to access, traffic and highway safety matters.

The Parish Council have requested that conditions are imposed to require the implementation of a one way system through the grounds of the meeting room and to require the provision of a footpath at the junction between Bosworth Close, Mill Hill and Coventry Road. However, the Transport Assessment that has been submitted demonstrates that the level of traffic generated by the proposed

development would not justify such requirements and the Highway Authority have not advised that these measures are necessary.

Car 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 9 classrooms and 24 car parking spaces. Whilst the detailed site and parking layout will be determined as part of any reserved matters submission, the current outline application contains sufficient information to demonstrate that the proposals would include suitable parking provision. The parking provision would be in accordance with the Council's Parking Standards and would include adequate provision for the set down and picking up of children, which is intended to be undertaken largely by a fleet of 7 minibuses.

Drainage and flood risk

As this is an outline application, details of foul sewerage have not been provided at this stage. However, there has been no objection from Severn Trent Water, subject to a condition to require drainage details. Therefore the proposals are considered to be acceptable in terms of foul drainage.

With regard to flood risk and surface water drainage, the applicant has submitted a revised Flood Risk Assessment to address the objection from the Environment Agency. This concludes that the development would be located within Flood Zone 1 and would not be at unacceptable risk of flooding. The drainage system will be designed to ensure that surface water run-off from the site will not exceed green field run-off rates. Further comments from the Environment Agency are awaited and will be included in the addendum report to Committee.

Sustainability

One of the reasons for refusal for the previous application related to sustainability. It was determined that the previous proposals would undermine national planning objectives of creating more sustainable patterns of development and local policies seeking to limit development in the rural area to that which meets a local need. This was due to concerns about the rural edge of village location of the site, with limited public transport links. The current proposals would occupy the same edge of village location, albeit on an adjoining site.

Since the decision was made on the previous application, the NPPF has been introduced and this includes the following statement in relation to promoting sustainable transport (para. 29): "...the Government recognises that different policies and measures will be required in different communities and opportunities

to maximise sustainable transport solutions will vary from urban to rural areas". It is also of relevance that a further 2.5 years have passed since the previous application was submitted without a suitable alternative site being found for the school. The extensive list of alternative sites considered by the applicant includes sites in more sustainable locations but none of these more sustainable sites were deemed to be suitable or available for the proposed school.

Another key change in circumstances since the previous application was considered is that the other two reasons for refusal have now been resolved (i.e. Green Belt policy and the setting of Listed Building and Scheduled Ancient Monument). Therefore, if Committee were to accept the recommendations in relation to those other two reasons for refusal, then the sustainability issue would be sole reason for refusal if objection was maintain on these grounds.

The applicant argues that the proposed school covers a large catchment area and so pupils will be travelling from distances not typical of normal schools. They point out that travelling to and from the existing Copsewood School in Coventry is well organised and designed to minimise the amount of vehicular movements. The proposals will result in a 16% reduction in private mileage when compared to the existing school sites in Coventry.

Having carefully considered the provisions of Paragraph 29 of the NPPF, the particular nature and wide catchment of the school, the proposed sustainable travel arrangements for the school and the continued lack of suitable and available sites in a more sustainable location, it is concluded that a refusal of planning permission would not now be justified solely on sustainability grounds. A condition is recommended to secure the implementation of a Green Travel Plan.

Ecological impact

The applicant has commissioned further ecological work to address the concerns of the County Ecologist. The site is surrounded by a number of Local Wildlife Sites and a Local Geological Site. There are records of badgers, grass snake and bats on or adjacent to the site. The mosaic of habitats on the site provides ideal opportunity for these protected species. Based on the information that was submitted with the application, the County Ecologist is concerned that there would be a significant loss of biodiversity from the site. However, the County Ecologist considers that it is possible that these issues can be overcome through better landscaping and habitat enhancement and biodiversity offsetting. The further ecological work that has been commissioned is intended to demonstrate that mitigation and enhancement measures can be implemented on the application site and adjoining land in the applicant's control to ensure that there would be no net loss of biodiversity (this would include a Landscape and Ecological Management Plan for the land immediately to the west of the application site). This further information is expected to be submitted prior to Committee and an update on this issue will be provided in the Addendum Report to Committee.

Other matters

The proposed access works will require the removal of one or two small trees. However, these are not significant specimens and the loss of these trees could be adequately compensated for by replacement planting to be secured as part of a landscaping scheme. The site is large enough to ensure that the development can be kept away from any of the more significant trees on the site.

No renewable energy details have been provided because this is an outline application. A condition is recommended to deal with this issue.

There has been no objection from the County Archaeologist and therefore the proposals are considered to be acceptable from an archaeological point of view. The site is unlikely to be of archaeological interest due to the significant mineral extraction and landfill operations that have taken place in the past.

Concerns have been raised about the impact on the public right of way along the western boundary of the site. The access to the site will cut across the right of way, but there has been no objection from the County Rights or Way Team or the Ramblers Association. The right of way will be retained on its current alignment. Furthermore the applicant has proposed to widen the existing footpath to 3 metres and to resurface the footpath with shredded bark. A condition is recommended to secure these improvements. Therefore the impact on the right of way is considered to be acceptable. There is no need to impose a condition to require the right of way to be retained because this is controlled by other legislation.

Objectors have raised concerns about loss of access to an area of amenity land that has been used by the public for many years. However, there is no evidence to suggest that there is any public right of access to the application site (with the exception of the public right of way along the western boundary, which is to be retained). On the contrary, the history of the site indicates that it is very unlikely that there has been any formal public right of access, from the use in Victorian times as the grounds of a private house (Baginton Hall), to use for mineral extraction, to a landfill site, to a landowner pursuing various developments, to an extant planning permission for use as a private sports ground.

Concerns have been raised about the potential for future expansion over and above the size of school now proposed. However, a condition is recommended to limit the size of the building currently proposed to no larger than shown on the indicative plans. Any future expansion over and above the limited extensions allowed by permitted development rights would require planning permission. The impact of any such proposed expansion could be assessed at the time the application is submitted and, if the impact would be harmful, the Council would have the opportunity to refuse planning permission at that time.

Objectors have raised concerns about noise from children in close proximity to the church and graveyard. However, it is not uncommon to have schools in the vicinity of churches and graveyards and therefore this is not considered to be a valid reason for refusing planning permission. In any case, the application site

only adjoins a small section of the boundary of the churchyard and any external noise is likely to be restricted to short periods of the day.

Objectors have raised concerns about the impact that increased traffic would have on air quality. However, the Transport Assessment demonstrates that there would be negligible impact on traffic on the wider highway network. There would be more of a local impact in Bosworth Close, but this would not be at a level that would have a material impact on air quality.

The security measures recommended by Warwickshire Police would be a matter to be considered as part of any reserved matters submission.

Objectors have raised a number of other issues, including the impact on the balance of village life, the lack of local facilities within Baginton and questioning the need for the school to be located adjacent to the meeting hall. However, these are either not planning issues, or they are issues that do not have a significant bearing on the assessment of the proposed development and would not justify a refusal of planning permission.

SUMMARY/CONCLUSION

The applicant has demonstrated very special circumstances that outweigh the harm to the Green Belt. Furthermore it is considered that the proposals would have an acceptable impact on the setting of the Grade I Listed Church of John the Baptist, the Baginton Castle Scheduled Ancient Monument and the Baginton Conservation Area. The proposals are also considered to be acceptable in terms of highway safety, car parking, sustainability, the impact on the living conditions of neighbouring dwellings, the impact on the character and appearance of the area, drainage, flood risk, ecological impact and contamination. Therefore it is recommended that planning permission is granted, subject to conditions, and subject to some form of community benefit for the village being secured (to be confirmed in the Addendum Report).

CONDITIONS

- 1 Details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.
REASON: To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 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 to 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.
- 7 The development hereby permitted shall not commence until a Landscape and Ecological Management Plan for the application site and the land to the east (edged blue on the site location plan) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of habitat creation measures, native tree and shrub planting, as well as details of on-going management of these features for wildlife. Details of species proposed and sourcing of plants should be included as should proposed locations of bird boxes. Such

approved measures shall thereafter be implemented in full. **REASON:** To ensure no net loss of biodiversity and to enhance opportunities for biodiversity at the site in accordance with the National Planning Policy Framework and Policy DP3 of the Warwick District Local Plan 1996-2011.

- 8 No development shall take place until a site investigation has been designed for the site using the information obtained from the desk-top study. The proposed methodology for the site investigation shall be submitted to and approved in writing by the local planning authority prior to that investigation being carried out.

The investigation must include:

- (i) a risk assessment relating to:
- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems, and
 - archaeological sites and ancient monuments;
- (ii) a refinement of the conceptual model;
- (iii) a gas risk assessment for the proposed end use;
- (iv) the development of a remediation strategy; and
- (v) details of how the remediation works will be validated upon completion.

No development shall take place until the site investigation, risk assessment and remediation strategy have been undertaken and submitted to and approved in writing by the local planning authority and any remediation works have been completed in strict accordance with the approved details.

REASON: To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall not be occupied until a verification report demonstrating the completion of the works as set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the District Planning Authority. The reports 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. They 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 safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 10 No infiltration of surface water drainage into the ground across the area of the historical landfill site 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 safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 11 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 safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 12 Prior to commencement of the use / occupation of the development hereby permitted a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details contained therein and once implemented the Green Travel Plan shall not be withdrawn or amended in any way. **REASON:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011.
- 13 The school hereby permitted shall not be occupied unless and until the vehicular access, car parking, cycle parking and manoeuvring areas indicated on the drawings approved under any reserved matters submission have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that a satisfactory provision of off-street cycle parking, car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 14 The vehicular access to the site shall be constructed in strict accordance with drawing no. 0301. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

15 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

16 Within one month of the first use of the multi-use games areas hereby permitted:

- (a) an acoustic assessment of the multi-use games areas when in maximum use shall be carried out to predict the facade noise levels at the nearest noise sensitive receptors (the assessment should be designed in accordance with the principles of BS4142 (Method for rating industrial noise affecting mixed residential and industrial areas)); and
- (b) the acoustic assessment and details of any noise mitigation measures shall be submitted to and approved in writing by the local planning authority.

The mitigation measures shall be implemented in strict accordance with the approved details within 2 months of their approval and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

17 No person shall use and no activity shall take place within the multi-use games areas before 0900 hours or after 1700 hours on Mondays to Fridays or before 1000 hours or after 1300 hours on Saturdays or at any time on a Sunday or Bank / Public Holiday. **REASON:** To ensure that the multi-use games areas are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

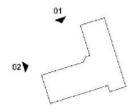
18 Any construction works that would be audible outside of the application site shall only take place between 0730 hours and 1700 hours on Monday to Friday or between 0730 hours and 1300 hours on Saturdays. No such works shall take place on Sundays or Bank Holidays. **REASON:** To limit the potential for construction activities to cause nuisance or disturbance to nearby residents in accordance with Policies

DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 19 The development hereby permitted shall not be occupied until the existing public footpath along the western boundary of the site has been widened to 3 metres and resurfaced in accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON :** To ensure appropriate access to the proposed development and to ensure that the development does not result in a reduction in the attractiveness or useability of the public right of way, in accordance with Policies DP1, SC4 & SC12 of the Warwick District Local Plan.

 - 20 The gross internal floor area of the development hereby permitted shall not exceed 1,761 square metres. **REASON :** To preserve the openness of the Green Belt, to protect the living conditions of nearby dwellings and to protect the setting of the nearby Grade I Listed Church and Scheduled Ancient Monument, in accordance with Policies DP1, DP2, DP4, DAP4 and DAP8 of the Warwick District Local Plan and the NPPF.
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01 North Elevation



02 West Elevation

SECTION	DATE	BY	CHK
PLANNING			
Client: BACINTON GREEN			
Project: NEW BUILD SCHOOL			
Location: BACINTON			
Drawing: EXTERIOR			
Drawing Title: Proposed Elevations			
Sheet: 1 of 2			
DATE	DESCRIPTION	BY	CHK
03/03/2012	ISSUE FOR PERMIT	AW	AW
03/03/2012	REVISED	AW	AW

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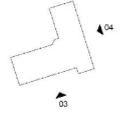


03 South Elevation



04 East Elevation

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PLANNING

PROJECT: SAGINON GREEN
 NAME: NEW FARM SCHOOL
 ADDRESS: SAGINON GREEN
 COUNTY: COCKERILL
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SHEET 2 OF 2

DATE	DESCRIPTION	BY	SCALE	NO.
04/11/2023	PT	AW	1:100	12, 10, 12
12/05/2023			1:11	-

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