Planning Committee: 06 December 2016 **Item Number:** 9

Application No: W 16 / 1341

Registration Date: 27/07/16
Town/Parish Council: Baginton **Expiry Date:** 26/10/16
Case Officer: Rob Young
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Land at, Bosworth Close, Baginton, Coventry
Provision of a free school together with two multi-use games areas; primary and secondary school outdoor play space; 28 no. parking spaces; landscaping and security fencing. FOR Baginton Green Ltd

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This application is being presented to Committee as 5 or more representations in support have been received and the application is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons stated at the end of the report.

DETAILS OF THE DEVELOPMENT

The application proposes the erection of a free school together with two multi-use games areas; primary and secondary school outdoor play space; 28no. parking spaces; landscaping and security fencing. The school comprises a single and two storey building situated on the northern half of the site. The building has a floor area of 2,149 sq m. The car park will be located towards the north-eastern corner of the site, close to the existing vehicular access from Bosworth Close. The multi-use games areas will be situated to the rear of the school building.

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 other pupils 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. The main catchment areas for the existing schools are Kenilworth, Leamington, Baginton and Coventry.

The application comprises a revised scheme following the grant of planning permission for a school on the adjacent site to the east. The following are the key differences between these revised proposals and that approved scheme:

- the proposed school has been relocated to this adjacent site;
- the proposed building has been increased in size from 1,761 sq m to 2,149 sq m; and
- the number of parking spaces has been increased from 24 to 28.

The proposed school would have the same capacity as the school that was approved on land to the east (i.e. a maximum of 200 pupils).

For completeness, it should also be noted here that, prior to the school being approved on the adjacent site, a previous application for a school on the current site was refused (Ref. W10/1062).

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 the Brethren's meeting room to the north and by further scrubland in the ownership of the applicant to the east. The Grade I Listed St. John the Baptist Church and the Bagot's Castle Scheduled Ancient Monument adjoin the southern boundary of the site, while further scrubland adjoins the site to the west.

The Baginton Conservation Area adjoins the southern boundary of the site. The application site also once 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 were applications to erect a new school in 2010, 2013 and 2015.

The 2013 applications were for the erection of a new school on the adjacent site to the east (refs. W13/0391 & W13/1763). The second of these was granted permission.

The 2010 and 2015 applications were for the erection of a new school on the current application site (refs. W10/1062 & W15/1170). The 2010 application 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.

The 2015 application was withdrawn.

Prior to these recent applications for a school, the application site and neighbouring land was the subject of the following applications:

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

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

Outline planning application (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 application (ref. 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 application (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 application (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 application (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 the planning permission for the school on the adjacent site be implemented, then the extant permission for the clubhouse development would be extinguished.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- 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)
- 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)
- 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)

The Emerging Local Plan

- DS18 - Regeneration of Lillington (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: No objection, subject to the existing planning permission for a school on the adjacent site being revoked. Also request an authoritative review of both vehicular and pedestrian access and safety in the area to include signage, 20mph speed limits, double yellow lines along Bosworth Close, traffic management, traffic calming and safe pedestrian crossings associated with the school.

Public Response: 5 objections and 9 representations in support have been received. The objectors raise the following concerns:

- there is no significant difference between this application and previous application no. W10/1062 which was refused;
- nothing has changed to indicate that a different decision should be made now;
- the building is substantially larger than the school that was approved on the adjacent site;
- 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 Transport Statement is out of date;

- the use of the existing Brethren's meeting hall already causes traffic problems;
- detrimental to highway safety;
- the school will be of no benefit to the village because it is intended for Brethren children who do not live in the village;
- this is not a "Free School", this status has been refused by the Department for Education on a number of occasions;
- adverse ecological impact;
- 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;
- harm to the setting of the Grade I Listed St. John the Baptist Church;
- harm to the setting of the adjacent Bagot's Castle Scheduled Ancient Monument;
- there are alternative sites outside of the Green Belt that could accommodate the proposed school;
- 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;
- insufficient information regarding the contamination that exists on site and the remediation methods that will be used;
- a new environmental assessment is required due to the nature and extent of the contamination; and
- harm to the character and appearance of the area due to the security fencing.

The supporters make the following points:

- the school will blend in with the surroundings;
- the applicants have gone to great trouble and expense to move the proposal away from houses to accommodate the wishes of villagers and the Parish Council;
- this proposal will tidy up this unsightly land;
- this would be less intrusive than the approved scheme because it will not back onto dwellings;
- the site currently attracts anti-social behaviour and this will be addressed by the proposals; and
- improved security for nearby dwellings.

Conservation Advisory Forum: The proposed re-siting of the school would be harmful to the setting of heritage assets of the highest significance including a Grade I listed Church and a Scheduled Ancient Monument. Concern was also raised about the visual impact of the means of enclosure around the proposed school site.

Historic England: No objection.

Natural England: No objection. Refer to standing advice.

Environment Agency: No comment.

Sport England: Support the application as it provides new sports facilities.

Ramblers Association: Object. The school would be constructed alongside a public footpath and would constitute an unacceptable intrusion into the openness of the Green Belt and would seriously compromise the setting of the adjoining Listed church and Scheduled Ancient Monument. The site where the school has previously been approved is less sensitive, being surrounded on 3 sides by housing and therefore having a far less open aspect.

Warwickshire Wildlife Trust: The ecological information submitted with this application is not sufficient to inform decision making, and does not allow the local planning authority to have due regard for biodiversity at the site.

Coventry Airport: No objection.

WCC Highways: Initially objected due to various concerns including issues relating to the content of the Transport Assessment as well as the adequacy of the parking and drop-off proposals. Following the receipt of further information and amended plans in relation to these matters, advise that this has addressed some of the issues and that conditions could be put in place to address others. However, still raise concerns about the adequacy of the drop-off proposals, which may result in mini-buses queuing back onto the public highway, although note that the site is accessed off a cul-de-sac and therefore any such queuing is unlikely to cause a severe cumulative impact.

WCC Ecology: No objection. The protected species and biodiversity impacts can be resolved through conditions and obligations.

WCC Archaeology: No comment.

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.

WCC Landscape Team: Object on the grounds that the proposals will have an adverse impact on the landscape. Point out that the Landscape Sensitivity Study carried out for the new Local Plan identified this area as having a high sensitivity to development. Also point out that development on this land would adversely affect the setting of the church and Bagot's Castle.

WDC Environmental Health: No objection, subject to conditions in relation to contamination, lighting, air quality 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 setting of the Grade I listed church, scheduled 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 the harm that would be 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. It is clear that the proposals would represent a significant urban encroachment into the countryside, undermining the objectives of Green Belt policy.

At this point it is important to note that a key factor in the justification for the school on the adjacent site was the fact that it was in a location that was more closely related to the main built form of the village, surrounded on three sides by existing built development. This was considered to significantly reduce the harm to the wider rural landscape. Another key factor in that decision was the fact that the school had been reduced in size from 3,000 sq m to 1,761 sq m. That "improvement" has been diluted to some extent with the current proposals due to the increase in size up to 2,149 sq m.

In contrast, the current site would be unrelated to the main form of the village, extending out into open Green Belt to the east of the village. Consequently these proposals would represent a much more significant urban encroachment into the Green Belt than the approved scheme, as was acknowledged when the Council previously refused planning permission for a school on the current application site.

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 7 to 8 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 east of the site, including provision for a grass snake sanctuary; and
- there is a clear preference from the local community for the school to be located on this site rather than the approved site to the east (as evident in the consultation response from the Parish Council).

The applicant has also advised that they propose to make a contribution of £75,000 for capital improvements to the Millennium Field or some other appropriate form of community benefit within the Parish involving capital improvement works. This could be secured by a Section 106 agreement or Unilateral Undertaking.

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 2010 application was refused that might affect this assessment. In this regard the main change of circumstances are that the revised proposals would cause slightly less harm to the Green Belt (due to the reduction in size from 3,000 sq m to 2,149 sq m) and that the National Planning Policy Framework has been introduced since that previous decision.

Insofar as is relevant to the consideration of the current proposals, the provisions relating to Green Belt remain largely unchanged in the NPPF compared with the relevant policies in 2010 (PPG2). However, in relation to schools development, Paragraph 72 of the NPPF sets out a new emphasis on supporting the creation of new schools. In assessing the 2010 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 2010 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 to the assessment of that scheme. 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 can add to the very special circumstances.

Another change since the 2010 application is that the applicant is now proposing to provide an appropriate form of community benefit for the village.

Balanced against this, there have been another change in circumstances since the 2010 application was considered that now adds further weight to the arguments against the development. This relates to the fact that a suitable alternative site has now been found for the school, i.e. the land to the east of the current site. Whilst this too is within the Green Belt, it is a less sensitive site in terms of Green Belt impact. Therefore less weight can now be attributed to the lack of alternative sites than was given in assessing the 2010 application and the 2013 application.

Having considered the assessment of very special circumstances that was carried out in relation to the 2013 application, it is apparent that the difference in the current proposals in terms of the relocation of the school to a more sensitive site and the increase in the size of the school would result in a significant change in the balance of the assessment. In the first instance, the harm would be increased. Balanced against this, the very special circumstances are now less compelling given that a less harmful site is available for the school. Therefore it is concluded that the conflict with Green Belt policy and any other harm is not outweighed by very special circumstances. As a result, the proposals would be contrary to the Green Belt provisions of the NPPF.

Another point to note is that an approval for a school on the current site would leave the adjacent site as a small area of Green Belt surrounded by development on 4 sides. This may make it harder for the Council to resist future development on that site.

Impact on the setting of the Grade I listed church, scheduled monument and conservation area

The school now proposed would be larger and sited a lot closer to the Grade I listed church, scheduled monument and conservation area than the scheme that was approved under the 2013 application. However, it would be smaller and sited slightly further away than the 2010 proposal that was refused. Furthermore, the applicant has engaged with Historic England to seek to address the concerns that they had with the previous scheme on this site.

Having considered the further details contained within the current application, and following a site visit to assess the impact of the proposals, Historic England have now advised that they consider that this revised scheme would have a "less than substantial impact upon the setting of the heritage assets". On that basis Historic England have advised that they are content for the proposed development to be granted planning permission. There has also been no objection from WCC Archaeology this time around.

In view of the above, the harmful impact of the current scheme must be viewed as significantly reduced compared to that of the previous proposals for this site. Whilst the Historic England advice is that this still amounts to a harmful impact, this would be "less than substantial harm" which would fall to be considered under Paragraph 134 of the NPPF.

In considering this harm, it is important to note that the substantial school building and associated areas of car parking, multi-use games areas and security fencing would intrude into what is currently an entirely undeveloped setting to these heritage assets. It is also important to bear in mind that this includes heritage assets of the highest significance nationally (Grade I listed and a scheduled monument) and that they have a particular significance for the history and character of Baginton and the surrounding area.

Paragraph 134 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In undertaking this balancing exercise, it is first important to note that within this category of "less than substantial harm" there are varying degrees of harm, from very minor negative impacts to serious harmful impacts. Given the comments of Historic England, the level of harm in the current case is considered to be towards the lower end of the scale of "less than substantial harm", i.e. a relatively small amount of harm.

Regard should also be had to Paragraph 132 of the NPPF, which states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

In this case the development would impact on heritage assets of the highest significance (a Grade I listed building and a scheduled monument).

So on the one half of the balancing exercise required by Paragraph 134 of the NPPF the proposals would cause a small amount of harm to heritage assets of the highest significance. This harm is significantly less than for the scheme that was refused in 2010. As the harm is now more limited, it would take a lesser weight of public benefits to outweigh this harm.

Turning to the public benefits, these are similar to the very special circumstances that were outlined in the preceding Green Belt section of this report. This includes the urgent need for a new school and the support that the NPPF provides for new schools. In considering these benefits it is important to note that the harm to the setting of the heritage assets would be significantly less than the harm that has been identified in relation to Green Belt policy. As a result the fact that the benefits cited by the applicant have not been judged to amount to very special circumstances in relation to Green Belt policy does not mean that they cannot represent sufficient public benefits to outweigh the harm to the setting of the heritage assets. Bearing in mind the limited extent of this harm (as advised by Historic England) it is considered that this limited harm is clearly outweighed by the benefits cited by the applicant. Therefore the proposals are considered to comply with the test in Paragraph 134 of the NPPF.

Impact on the living conditions of nearby dwellings

The current application site is further from nearby dwellings than the 2013 proposals. Those proposals were deemed to have an acceptable impact on the adjacent dwellings. The current proposals are likely to have less of an impact given the increased distance and therefore it has to be concluded that the impact on neighbouring dwellings would remain acceptable.

Contamination

There is significant contamination across the site. However, Environmental Health 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

In terms of highway safety, the proposals would have a similar impact to the scheme that was approved on the adjacent site in 2013. The development now proposed would use the same access onto Bosworth Close and pedestrians and vehicles travelling to and from the site would use the same roads and footpaths in the surrounding area. The current proposals would also have the same highways impact as the 2015 application for a school on the same site. WCC Highways raised no objection to either of those schemes.

WCC Highways did initially object to the current application, but the applicant has submitted further information and amended plans to address most of these issues, and WCC Highways have advised that most other issues could be addressed by conditions. WCC Highways have one outstanding concern relating to the potential for mini-buses to queue back onto the public highway while dropping off / picking up pupils. However, they note that the site is accessed off a cul-de-sac and therefore that this is unlikely to cause a severe cumulative impact.

The cul-de-sac in question (Bosworth Close) accesses a number of dwellings and service roads at its northern end, near to its junction with Mill Hill. Beyond there, the final 100 metres of the cul-de-sac only accesses the Brethren's Meeting Room and the site of the proposed school. The Meeting Room is not used at the same times as the proposed school and therefore, even if the mini-buses did queue back into Bosworth Close, this is unlikely to cause significant highway safety issues because there would be no conflict with other uses.

It is also important to note on this issue that neither the Highway Authority nor the District Council raised any highway safety concerns with the previous proposals for a school on this site or the adjacent site. There have been no material changes in circumstances relating to the site or surrounding roads that would indicate that a different decision should be reached on this issue now. Having previously determined that a scheme with a very similar highway impact was acceptable the District Council may be liable for an award of costs at a subsequent appeal if permission were to be refused on these grounds now. Therefore it has been concluded that the proposals remain acceptable in terms of highway safety.

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 the 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 28 car parking spaces. Therefore the proposals include suitable parking provision in accordance with the Parking Standards. This includes adequate provision for the set down and picking up of children, which is intended to be undertaken largely by a fleet of mini-buses.

Drainage and flood risk

A Flood Risk Assessment has been submitted with the application and 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. Therefore the proposals are considered to be acceptable in terms of flood risk and surface water drainage, subject to a condition requiring full drainage details.

Sustainability

In terms of sustainability, the impact of the proposed development would be similar to the impact of the school that was approved on the adjacent site. That was considered to be acceptable in sustainability terms and there is no reason to reach a different conclusion on this similar scheme on an adjacent site. A condition could be imposed to secure the implementation of a Green Travel Plan.

Ecological impact

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.

The applicant has submitted a Reptile Mitigation Strategy. This includes on-site mitigation as well as off-site mitigation on land to the east of the current application site that is in the same ownership. The County Ecologist has considered the proposed mitigation strategy and has raised no objection to the application, subject to a condition to require the submission and implementation of a scheme for on-site and off-site habitat and species mitigation and enhancement measures.

For the above reasons it is considered that the proposals would have an acceptable ecological impact.

Other matters

A condition could require the submission and implementation of a scheme for on-site renewable energy production or energy efficiency measures. This would meet the requirements of Local Plan Policy DP13.

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.

SUMMARY/CONCLUSION

The proposals represent inappropriate development within the Green Belt and would cause a significant reduction in the openness of the Green Belt. The very special circumstances that have been cited by the applicant are not sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt. Therefore it is recommended that planning permission is refused.

REFUSAL REASONS

1 The site is situated within the Green Belt to the west of the village of Baginton. 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.

The proposals would introduce a substantial building onto a site that currently has no buildings and consequently 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. In the opinion of the local planning authority, the very special circumstances that have been cited by the applicant are not sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt.

The proposals are therefore considered to be contrary to the aforementioned policies.