

SECTION 1 – ITEM 6

Application No: 20/P/0605/R3

Proposal: Erection of an up to 85 place, single storey Profound and Multiple Learning Difficulties School (use class F1) for 3yrs to 19yrs including classrooms, recreation hall, dining hall, hydro-therapy pool and therapy rooms plus external play areas, parking and amenity space.

Site address: Land adjacent to Brookfield Walk, Clevedon, BS21 6YG

Applicant: North Somerset Council

Target date: 29.07.2020

Extended date:

Case officer: Andrew Stevenson

Parish/Ward: Clevedon/Clevedon East

Ward Councillors: Councillor David Shopland

COUNCIL APPLICATION AND COUNCIL OWNED LAND

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The land at Brookfield Walk comprises a greenfield site of 2ha to the east of Clevedon and adjacent to the settlement boundary. It consists of three grass fields aligned south west-north east, intersected by linear bands of trees and hedgerow. There are no buildings and no formal public rights of way through the site, although an informal footpath runs from the access from Kelting Grove in the western corner of the site to 'Millennium Orchard' adjacent to the south of the site, which is designated in the development plan as a Local Green Space.

The site is adjacent to residential development to the north west, and Hither Green Industrial Estate to the south west. To the south east lies the Orchard, and beyond which is the north bound slip road of M5 Junction 20. The site borders are defined by established trees and hedgerow. To the north east lie further fields in agricultural use.

The site is located within a narrow strip of Green Belt between the urban edge of Clevedon and the M5. To the north, the Green Belt expands in width to include Tickenham Ridge with the Land Yeo river marking the southern edge.

The site lies within Flood Zone 3a which is defined as having a 'high probability' of flooding from tidal sources, however the site is not located within the functional floodplain.

The Application

The application proposes the development of a new campus for Baytree School. The development comprises a single storey school building of 3,300 sqm with associated car parking, landscaping and outdoor children's play facilities. The school will provide 65 to 85 places for children with the most complex special education need and disability

- The proposed school building includes:
- 11 classrooms with dedicated storage and hygiene rooms
- 1 early year's class for under 3s
- Recreation and dining hall
- Hydrotherapy pool with changing facilities
- Arts and life skills, therapy and sensory rooms
- Covered and open outdoor play areas
- Informal café
- Staff and administration spaces
- Nursing and treatment rooms
- On-site parking and minibus drop-off area

The design of the building and site layout responds to the specialist requirements of a school for SEND children and the retention of two category A trees in the entrance courtyard. The exterior materials consist of brick, profiled metal and elements of timber. There will be a pitched roof form with small flat roof canopies covering external play areas

There will be a single access to the site from the current access onto Kelting Grove. A pedestrian access route will be retained along the south western boundary to allow access to the Orchard. A pedestrian access route will also be retained to allow continued access for residents of Brookfield Walk to their rear gardens.

The landscaping strategy is to retain the majority of trees and hedgerows aside from those with Ash Dieback, and additional native species planting to replace any removed as a result of the buildings siting. The third field to the north is to be retained mostly in its present form aside from the inclusion of a 1.5m wide access path to the rear of neighbouring dwellings.

Relevant Planning History

Year: 2020

Reference: N/A

Proposal: Application for a Town/Village Green

Decision: Refused

Year: 1989

Reference: 1774/89

Proposal: Formation of football pitch and parking area on existing public open space

Decision: Approved

Policy Framework

The site is affected by the following constraints:

- Within the Green Belt
- Outside the settlement boundary for Clevedon
- Within Flood Zone 3A

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS25	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS31	Clevedon, Nailsea and Portishead

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM12	Development within the Green Belt
DM19	Green infrastructure
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM28	Parking standards
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM69	Location of sporting, cultural and community facilities

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

- SA5 Designated Local Green Space
- SA6 Undesignated Green Spaces

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

- 2 Achieving Sustainable Development
- 8 Promoting healthy and safe communities
- 12 Achieving well designed places
- 13 Protecting Green Belt Land
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Travel Plans SPD (adopted November 2010)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 1,083 letters of objection have been received. The principal planning points made are as follows:

- Impact on the Green Belt
- Loss of open space for residents
- Loss of trees and habitat
- Flood risk
- Impact to neighbours
- Alternative sites
- Air quality
- Noise and disturbance
- Highways and traffic impact

651 letters of support have been received. The principal planning points made are as follows:

- New provision urgently needed
- Continued growth in demand for SEN provision
- No other suitable sites available
- Timely development of new school essential

Clevedon Town Council:

“Object to the application

Clevedon Town Council states that the proposal being submitted relates to the location and building of the school, and not the need for a special school which is not being disputed.

The following points were raised.

TIME AND COST

The case is bounded by time and cost constraints, with the school being urgently required for the 2021/22 academic year. NSC have budget limitations too, and the land being proposed is land that the Council owns.

PROPOSED LOCATION

NSC's Sites Allocations policy, Local Green Space. The Government, in its National Planning Policy Framework (NPPF) of March 2012, introduced a new designation called Local Green Space (LGS) enabling local communities, through local and neighbourhood plans, to identify for special protection green areas of particular importance to them. 'By designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances'. Clevedon Town Council were of the opinion that other sites in Clevedon could be considered.

Concern was raised with the possible increase in pollution to this area. The locality of the land being close to the motorway led to questions as to when air quality tests were last conducted, and when the motorway assessments were done?

Northern Way becomes gridlocked with traffic at certain times of the day.

Proposing to remove the green belt land will increase the flood risk to this area. The plans submitted show the flood risk to the school, not the impact on surrounding houses. The Council is already being advised of the nearby subway flooding on numerous occasions.

The wildlife and land for people to enjoy will be taken away if built on.

ALTERNATIVE LOCATIONS

Clevedon Town Council stated that there must be special circumstances for building on green belt land. It was noted that other locations were considered around the North Somerset area, but it is not clear how many sites were shortlisted and whether all considerations have been made in full and whether all land owned by NSC had been considered.

DESIGN AND LAYOUT

Committee members noted that the layout and design of the school appears to meet with public approval.

PUBLIC CONSULTATION

During this difficult time in the pandemic, Clevedon Town Council is keen to ensure that every opportunity has been made available for the public to submit their views. Concern was raised that public comments suggest that local voices may not have been heard or that there has been good opportunity to access and research the evidence from the surveys conducted etc.

The public consultation sessions held at the NSC offices have not been represented adequately on the NSC website.”

Clevedon Civic Society:

Objects on the basis that the application would have a detrimental effect on residents of Brookfield Walk; exacerbate an already overloaded part of the road network; result in a loss of amenity space; and have an adverse impact on the Green Belt. The travel distance from the existing school in Worle is too great and site ownership is disputed.

Other Comments Received:

Environment Agency

The Environment Agency has reviewed the emergency evacuation plan and the 20200605 11307w0019a response from the applicant's consultants and wish to maintain an objection to this proposal.

We have serious concerns over the risk level of this site, whilst we are sympathetic and understand the need of the school in Clevedon. We would ask for confirmation that the Local Planning Authority's (LPA) emergency planners are satisfied with these evacuation proposals and would welcome their comments regarding this development being provided without a safe refuge, and whether they would consider this safe for its lifetime and purpose, as despite being 2.5km from the defences the risk of them being overtopped or failing is still an ever present danger.

Please can the LPA also provide confirmation that the Sequential Test has been passed.

We therefore wish to maintain our objection to this development at the present time, as the Flood Risk Assessment (FRA) states that the undefended 0.5% levels could reach 3.3metres above ordnance datum above the lowest existing ground level. This would leave the site completely inundated and be a serious risk to all those on the site. There is no safe refuge proposed meaning there would be a serious risk to life if the defences failed or were breached. The applicant should provide safe refuge to ensure that if the defences fail, those on site would be safe on site for up to half a day whilst the tidal waters recede.

We understand the need for this development for the community, and with this in mind we would ask the applicant to submit further justification for no safe refuge being available in the event of flooding being of a quick onset.

North Somerset Levels IDB

The Board has no objection to the proposals.

Highways England

The site is near M5 Junction 20 with the south-eastern boundary abutting the Highways England soft estate in close proximity to the M5 J20 N/B on-slip.

Traffic impact

Based on the scale of the proposals and the information provided in the Transport Statement (which includes a Travel Plan), we are satisfied that the application will not have a severe or unacceptable impact on the M5 Junction 20.

Drainage

The Flood Risk Assessment (FRA) indicates that there is an existing connection to the drainage watercourse at the development site's eastern boundary and that numerous existing field drainage outfalls discharge into this via the site's ridge and furrow system. This watercourse is located adjacent to the Highways England Boundary and forms part of our drainage asset. However, as noted in the FRA section 7.1, the maintenance of the full length of this eastern boundary watercourse is shared between the landowner and Highways England. Highways England will require a location and condition survey of this drainage asset to be undertaken, in line with Design Manual for Roads and Bridges (DMRB) standard

Landscaping

We are satisfied that the current landscaping proposals will not result in an adverse impact on the Highways England soft estate however there are certain tree species which have the potential to result in an adverse impact if planted within a certain proximity to our estate. We are therefore recommending a condition to restrict the planting of such species.

Noise

The application notes the potential for noise disturbance from the M5 in classrooms and learning spaces and states that the proposed layout has been informed by this issue, although the application does not propose any noise attenuation adjacent to the highway boundary. We are concerned about the potential noise impacts from the M5 when the classroom windows are open but note that the applicant is proposing to apply the alternative performance standards identified by the environmental noise consultants. Should this not be acceptable the Design and Access Statement suggests that consideration will be given to hybrid ventilation.

Should the applicant look to implement alternative noise mitigation measures Highways England would need to be consulted to ensure that any proposals would not prejudice the performance of the M5. We would highlight Annex A1 of the DfT Circular 02/2013 which states that for reasons of safety, liability and maintenance, with the sole exception of fences owned and provided by the Highways England at its own cost, all noise fences, screening and other structures must be erected on the developer's land, and far enough

within the developers land to enable maintenance to take place without encroachment onto highway land.

Natural England

The application site lies within Band C of the bat consultation zone, as identified in the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development. The Guidance advises that survey effort required within Band C will depend on whether a commuting structure is present and the suitability of the adjacent habitat to support prey species hunted by horseshoe bats.

According to the Ecological Appraisal, three walked transect surveys were undertaken and three static detector surveys were deployed across the site over part of the season – no surveys appear to have been undertaken during June and July. No horseshoe bats were recorded during the walked transect surveys, but static detectors recorded a maximum count of 54 greater horseshoe passes and 52 lesser horseshoe passes. These are not insignificant numbers and demonstrate the application site is important for both horseshoe bat species.

The Ecological Appraisal includes a number of recommendations to mitigate potential effects of the development on horseshoe bats, primarily through the retention and protection of the existing eastern boundary hedgerow, orchard and the majority of trees on site which have been shown to be used by species of bat as foraging and commuting resources. The landscape and planting proposals appear reasonable in principle, but horseshoe bats are highly sensitive to artificial light and any increase in light levels or light spill arising from the construction and/or occupation of the proposed school would be likely to impact on their ability to access to otherwise suitable habitats within and potentially beyond the application site.

The importance of sensitive lighting is recognised in the Ecological Appraisal (4.5.3) The maintenance of light levels below 0.5lux on these features is considered a critical aspect of the scheme to minimise impacts on the favourable conservation status of lesser and greater horseshoe bats.

Water quality

We would not expect the development to result in adverse effects on water dependent SSSIs. Notwithstanding the above, we would encourage the use of appropriately designed SUDS as part of the proposed development to help protect water quality in the Land Yeo WDF water body and help to manage flood risk in Clevedon. Suitable SUDS can also make an important contribution to green infrastructure and biodiversity.

Avon and Somerset Police

Sections 2, 8, 9, and 12 of the National Planning Policy Framework February 2019 refer to the importance of considering crime and disorder at the planning stage. Paragraph 127 (f) requires planning policies and decisions should ensure that developments:

Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Guidance is given considering 'Crime Prevention Through Environmental Design' (CPTED), 'Secured by Design' principles and 'Safer Places'.

Section 3.11 of the Design and Access statement outlines safety and security measures proposed at this school site. The proposed boundary fence line shows a 1.5m wide footpath to the rear of properties on Brookfield Walk. It is not clear if the path running along the northwest boundary will be restricted to residents only, or if it is intended as a public footpath to access the fields to the east of the school. Advice is that Public footpaths should not run to the rear of properties and provide access to gardens.

Where an isolated path is unavoidable, they should be at least 3 metres wide to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles, buggies etc. and with good lines of sight along the route. Measures should be incorporated to prevent vehicular access along the path.

Public footpaths immediately outside the boundary fencing can affect security. Defensive planting in addition to the fencing along the access route to the orchard should be considered. Soft landscaping should be maintained at 1 metre in height and tree crown raised to 2 meters to allow a clear field of view over the front of the school site.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of new school development, (2) development in the Green Belt, (3) very special circumstances, (4) flood risk, (5) design and appearance, (6) highways considerations, (7) landscape impact, (8) ecology, (9) trees, (10) neighbour impacts, (11) Local Green Space, (12) town and village green considerations, (13) environmental considerations, air quality and noise, (14) planning balance and overall conclusions

Issue 1: The principle of development

In reaching a decision, the Council must have had regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise

In this case the development plan comprises the North Somerset Core Strategy, the Sites and Policies Plan part 1, Development Management Policies, and part 2 sites allocation plan. Other material considerations taken into account include the NPPF and associated planning guidance

The NPPF and the Development Plan support the principle of new school development. Given the importance of education, national planning policy intentionally sets out a positive policy basis for the consideration of planning applications for the creation, expansion or alteration of schools. This is identified through the NPPF where paragraph 94 emphasises the need for Local Authorities to provide a sufficient choice of school places to meet the needs of existing and new communities by taking 'a proactive, positive and collaborative approach' to new school development. It goes on to add that great weight should be given to the need to 'create, expand, or alter schools' through the application process.

Core Strategy Policy CS25 supports new school development to meet any identified shortfalls and new schools will become focal points for communities and act as a venue for a wide range of community activities. The role of larger settlements such as Clevedon in providing services and community facilities in locations accessible to the communities which they are intended to serve is set out in Policy CS31 of the Core Strategy. As the proposed site is adjacent to but outside the Clevedon settlement boundary, policy CS33 applies, which states where the need for community facilities cannot be met within the settlement boundaries, consideration will be given to sites outside the boundary where they are well related to the community which they are intended to serve.

Issue 2: Development in the Green Belt

The site lies to the east of the Clevedon settlement boundary and in the Green Belt. From J20 of the M5 the Green Belt wraps around the north and east of the settlement boundary. Through national planning policies great importance is attached to the Green Belt.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of the Green Belt is its openness and permanence. Paragraph 143 of the NPPF is clear in that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is inappropriate in the Green Belt unless it falls within one of defined exceptions set out in the NPPF. The proposed development does not fall within any of the defined exceptions and therefore constitutes inappropriate development. Paragraph 144 goes on to state that when considering any planning application, substantial weight should be given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

With regard to policy DM12 and paragraph 143 of the NPPF, in order to examine whether there are 'very special circumstances' it is first necessary to consider the scale of any potential harm to the Green Belt by reason of inappropriateness of development, and then any other harm, before assessing whether these harms are clearly outweighed by other material considerations.

The five purposes of the Green Belt are:

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

In this respect the site has been assessed as open agricultural land, separated from the wider countryside by built development, the M5, and extensive woodland to the north. As such it makes a limited contribution to preventing the merger of neighbouring towns and assisting in the safeguarding of the countryside from encroachment.

The introduction of buildings on the site would encroach onto open, undeveloped land and result in a permanent loss of Green Belt land in this location. Nevertheless, the proposed development is of a relatively small scale and would be well contained within the site which is effectively a small spur of designated Green Belt adjoining residential development to

the west, industrial buildings to the south and the M5 to the east. In the wider context, as confirmed through the Green Belt review process this area serves little purpose to the objectives of the Green Belt in maintaining openness and preventing urban sprawl by the very fact it is enclosed by existing development to such a degree. Furthermore, to the north, the Green belt opens out following around the edge of the Clevedon settlement boundary. This encompasses substantially more land and thus aligns much more with the various functions that define the Green Belt.

Tickenham is the closest settlement to the east side of Clevedon and whilst this is washed over Green Belt and without a defined settlement boundary, the distance from the site is such that the proposed development area could not be perceived in any way to be near to Tickenham and thus result in coalescence of settlements. Against this it is considered the proposed development would sit comfortably with the established urban edge and sufficient space is retained to prevent urban sprawl.

It is considered that the land makes only a limited contribution to two of the five purposes of the Green Belt. In addition, this part of the Green Belt is cut off from the open countryside and the M5 provides a defensible boundary preventing any merger with neighbouring towns.

The proposed school would constitute built development where until now there is none. It is inevitable thus that there would be a reduction in openness with the construction of a new school of circa 3,000sqm and associated access roads, hardstanding and boundary treatments. This is in conflict with paragraph 143 and policies CS6 and DM12 and the fundamental aim of Green Belt policy to keep land permanently open

In this context, the diminution of the Green Belt openness must be given significant weight in the final Green Belt balance.

Whilst the development of the site does not preserve the openness of the Green Belt, for the reasons stated above nevertheless it does not strongly conflict with the purposes of including land within the Green Belt.

Issue 3: Very Special Circumstances

Need

Baytree School in Worle is a specialist school for young people who have severe learning difficulties. On the 2019-2020 roll the school has 68 pupils aged between 3 and 19 years old. There are two other special schools in North Somerset – Westhaven and Ravenswood – however Baytree is the only facility designed to accommodate children with profound learning difficulties.

The Council has a statutory duty to secure sufficient spaces for school aged children and it is incumbent upon the Council to provide an educational setting to meet the pupils needs. Moreover, in relation to Special Education Needs there has been a marked increase in demand for special school places for pupils with severe and profound learning difficulties at both local and national level and this is projected to continue.

This increased demand has been driven by a combination of demographic changes and medical advances in early childhood. In this regard the Council have commissioned a

number of studies to ascertain demand for specialist provision in the district. These studies provide evidence of the increase in the number of North Somerset Children with an Education, Health and Care Plan (EHCP). In the period from 2015 demand for SEN places has risen by 81%.

In relation to the plan-led system being used to identify and bring forward an appropriate site it must be noted that the rise in the number of pupils with profound learning difficulties in the district is a recent occurrence and has been rapid. With the timescales involved in the plan making process this has not allowed a formal allocation for a new school site to be included in the Local Plan review. At the time of preparation of the current Local Plan the need for extra SEN provision was not necessary.

Government planning policy is set out at paragraph 94 of the NPPF, which attaches great importance to ensuring a sufficient choice of school places and gives great weight to the need to create, expand or alter schools. Yet it is important to understand that the purpose of the proposed development is to meet a clearly defined and specialist need rather than with a view to increasing opportunities for parental choice.

It is a Council objective to provide local schools for local children and secure appropriate provision for pupils with EHCPs as close to home as possible. This duty on the Council to provide sufficient schools spaces is enshrined under the [Education Act 1996, Section 14](#). The expansion of Baytree school proposed with this development is essential to meeting this need.

Whilst the existing Baytree School is relatively modern, having been completed in 2004, the buildings are too small to accommodate the increase in demand for specialist places and the range of highly complex needs of the pupils. Some extensions and modifications have been undertaken to the existing school and the viability of further expansion has been assessed, however the constraints of the site mean this is not a feasible option to meet the increased demand.

As the need for specialist school places has risen beyond capacity within North Somerset children with special needs are increasingly having to travel out of North Somerset for their education. The number of pupils requiring out-of-area provision has increased year on year since 2013 and is becoming a particularly acute problem which places significant financial pressure on the Council. This can be quantified through the substantial costs to the Council of having to fund places for children educated in other authorities maintained special schools and independent providers, and home to school transport costs as children cannot travel independently.

Further to this there are social and emotional costs for pupils to spend a long period travelling to and from school which can be very challenging for those with specialist needs. These adverse experiences in travelling long distances to school form part of the need for the new school to be situated in an easy and quickly accessible location.

The proposed expansion of Baytree school at the Brookfield Walk site will be for children with profound learning difficulties and will provide for those with the greatest need. This will allow children with specific learning difficulties to continue to attend the current Baytree site and relieve some of the pressures on the existing location.

Additional benefits will accrue through financial viability with a new school being able to share funding, staffing, expertise and support across a wider range of students; to maximise the benefits of both sites with the new building that will be fit for purpose for those with the most specialist needs relieving the pressure on the existing Baytree school; and providing a new community-based facility for Clevedon.

It is considered there is a clear and demonstrable need for additional SEN provision and the only feasible option available to the Council to address this demand and meet its statutory duties under the Education Act is the development of a new school. This is a material planning issue that carries significant weight in the assessment of the application.

Alternative site search

Having established that a new SEN school is required in order to address the very significant shortfall in provision within North Somerset an extensive site search has been undertaken across the whole of North Somerset and a formal alternative sites assessment has been produced in support of the planning application.

It is recognised that the particular requirements school dictate that it is not just a case of identifying land where a new school could be built, but the new site must be suitable and meet the needs of the development.

In this regard a new site is required to be:

- Circa 2 hectares in size, to allow for a single storey building with outdoor recreational space.
- Situated within a community and within walking distance of retail and other local amenities, allowing pupils to undertake everyday activities as part of their development
- In close proximity to the major road network to ensure access from across the district for children, staff and specialist visitors
- Within a 20 minute driving distance of the existing Baytree school site at Worle to allow teachers and other professional staff to travel between the two sites during the school day or in response to an emergency
- Available and deliverable in a timely manner

To expand on the reasoning for these criteria, the site needs to be at least circa 2ha in size to allow for a single-storey school building with additional facilities, car parking and outdoor recreation space. A two-storey building on a smaller site would be inappropriate due to the access needs of the students as many require walking aids or wheelchairs. The current Baytree school is two storeys however the limited lift capacity results in some pupils being unable to access the second storey, creating operational and safety problems

The requirement that the site should be a maximum travel time of 20 minutes away from the current school site in normal traffic is so staff and pupils can easily travel between the two locations during the day and emergencies can be responded to promptly. Identifying a site centrally located within North Somerset and easily accessible from the motorway/A-road network ensures that journey times between home and school are minimised for staff, students and visitors.

The integration into a community is considered vital for helping students form links with the community and undertake everyday activities as part of their educational needs. These facilities are only available to any great extent within the main towns and to a lesser degree at service villages.

In terms of deliverability, funding for the new school will be met mainly by a basic need allocation from the Department for Education that has only been available from the 2019/2020 financial year. There is an urgent need for new school places and the target to deliver the project within the 2021/22 academic year.

In undertaking an alternative site search a robust methodology has been applied to ensure a thorough assessment of all possible sites in North Somerset has been completed. In order to identify a site for the development which addresses the specific requirements for a new SEN school, the assessment considered in the first instance 528 sites to assess where the new school could best be placed within North Somerset. These sites were identified because they are in Council ownership, are existing school sites, or have been put forward through the Local Plan Call for Sites process. Following this, three stages of assessment have been completed to establish the best possible site.

The first stage of the sifting process was undertaken against the specific school requirements listed above which reduced the initial list of 528 sites down to 67 sites. Sites that did not meet the initial criteria were discounted in this process. In addition, with this phase of the assessment any sites that were unsuitable for planning or operational reasons were removed. Sites where the following criteria applied were removed from further assessment

- Within the AONB,
- sites of less than 2ha
- Within Flood Zone 3b
- Not within or adjacent to a main town or service village
- Sites located within an environmental or heritage designation
- Sites with an existing active use where there was no room for expansion
- Sites allocated for housing, education or employment in the Local Plan, where alternative sites would need to be found to accommodate the displaced allocation
- Sites of unsuitable shape for development
- Sites located more than a 25 minute drive time from the existing school
- Sites greater than an 800m distance from existing retail facilities

Next a full assessment of these remaining 67 sites was undertaken based on a constraints analysis and a more detailed review against the site suitability criteria of the school needs.

This stage of the assessment also comprised a review of the Local Plan and Neighbourhood Plan allocations; ecological and heritage designations; ownership; current use; relationship with other land uses; topography and landscape; flood risk; planning history; and contamination issues.

Following this next stage of the assessment, of the 67 sites in stage two 12 sites were identified as having no immediate constraints and were taken forward for detailed examination. Half of the 12 sites identified are located in the Green Belt.

From the list of 12 sites, upon further review those which were being actively promoted for residential development were discounted as being unavailable for the school in the

necessary timeframe. Purchasing of a site by North Somerset Council would likely add in the region of two years to the delivery period of the project to allow for negotiations, due diligence and exchange of contracts. Moreover, the budget for the school site is locally funded and does not include any option for land purchase. Whilst the sites may have no current designation for development, if the Council needed to acquire them for the school development then an enhanced land cost would have to be paid. Should compulsory purchase powers have to be used, this would add significant time delays and additional legal costs. Therefore, to ensure a viable and timely project, the site would have to be within local authority ownership already.

The operational requirements of Baytree and the key parameters for a new site identified above have guided the assessment of suitable sites and from this appraisal, the land at Brookfield Walk is considered the most suitable site for the development which is also available and deliverable within the required timescales. This provides a site of the necessary size within a less than 20 minute drive time to the existing Baytree school, within an established community and within walking distance of local amenities.

The policy context for the proposal has been set out elsewhere in this report. The Green Belt designation of the Brookfield Way site is material to this.

The Development Plan does not identify through site allocations any areas for new special school development and there are no specific policies within the plan which reference special schools. The plan does allocate sites for mainstream schools but the requirement for these places has been calculated on the basis of residential allocations and projected population increase, and so the loss of such a site would necessitate its replacement in the local area in order to meet the projected need.

It is therefore considered that an extensive search has been undertaken employing a suitably robust and justified methodology. Given the limited amount of available land in North Somerset, many of the sites considered have been within the Green Belt. The only viable option is thus land at Brookfield Walk.

Conclusion on whether ‘Very Special Circumstances’ exist

The NPPF sets out the Government policy in relation to Green Belts alongside Policies CS6 of the Core Strategy and DM12 of the Site and Policies Plan Part 1. This policy framework states that ‘inappropriate’ development in the Green Belt should only be allowed if ‘Very Special Circumstances’ are demonstrated. The land east of Brookfield Walk is allocated as Green Belt in the North Somerset development plan.

It is established that the development is contrary to CS6 and DM12 and there would by definition be some harm to the Green Belt. Planning policy directs that substantial weight must be given to this harm. Against this harm, it is necessary to balance the substantial benefits that would arise from the development.

There is a clear and demonstrable need for additional SEN provision and the only feasible option available to the Council to address this demand and meet its statutory duties under the Education Act is the development of a new school. This is a material planning issue that carries significant weight in the assessment of the application.

The benefits include improved provision for special needs education specifically for pupils with profound and complex needs that cannot be met elsewhere in qualitative and quantitative terms. The proposed development will address the chronic under provision of SEN places in North Somerset. Having to procure out-of-area provision has increased year on year since 2013 and is becoming a particularly acute problem which places significant financial pressure on the Council. This can be quantified through the substantial costs to the Council of having to fund places for children to be educated out of district and home to school transport costs as children cannot travel independently.

A robust examination of alternative sites has been undertaken based on specific requirements for the development. This has been exhaustive and leaves this is the only practical and plausible site that is available and can be delivered.

The substantial benefits of SEN provision with the proposal are clear and attract very substantial weight that would outweigh the harm resulting from the proposal, constituting the very special circumstances necessary to justify the development in the Green Belt.

The Town and Country Planning (Consultation) (England) Direction 2009 requires a local planning authority to consult the Secretary of State of any application for major development in the Green Belt where it is not minded to refuse planning permission. This is reflected in the recommendation below.

Issue 4: Flood risk

Policies CS3 of the Core Strategy and DM1 of the Sites and Policies Plan Part 1 require proposals to consider flood risk vulnerability and the impact of climate change.

The site is situated in Flood Zone 3a in an area defined as at risk of tidal flooding. The Environment Agency Flood Map shows this to be within an area defended by the Clevedon seafront flood defences. In accordance with policy CS3 and NPPF paragraph 158 a Sequential Test and Exception test will be required.

For the purposes of the Sequential Test as the site is located adjacent to the Clevedon settlement boundary the area of search for 'reasonably available alternative sites' encompasses the whole of the district. In these circumstances a site is considered to be reasonably available if all the following criteria are met:

- The site is within North Somerset
- The site can accommodate the requirements of the proposed development
- The site is either owned by the applicant, for sale at a fair market value; or is publicly-owned land that has been formally declared surplus and available for purchase.

In terms of site search the alternative site assessment comprised sites across the whole of North Somerset. The parameters set out in the alternative site assessment and methodology employed to undertake the site sift that removed unsuitable sites are considered acceptable to inform the Sequential Test. When taking into account spatial planning and the school operational requirements identified in the alternative sites assessment, for the purposes of the sequential test it is concluded that no other sites at lower flood risk are reasonably available. Accordingly, the sequential test is satisfied.

With regard to the Exceptions Test, the proposed school will create additional SEN places within North Somerset, essential to address the current shortfall in provision.

Government policy at paragraph 94 of the NPPF attaches great importance to ensuring a sufficient choice of school places and gives great weight to the need to create, expand or alter schools. Furthermore, it is a Council objective to provide local schools for local children and secure appropriate provision for pupils with EHCPs as close to home as possible in accordance with the Education Act 1996, Section 14. The expansion of Baytree school proposed with this development is essential to meeting an identified need and will bring significant community benefits. As such it is considered that the exceptions test has been met with this application.

A Flood Risk Assessment has been submitted to support the planning application. This has considered the flood risk of fluvial, tidal and surface water flooding on the site as well as the risk to the wider area as a result of the proposed development. This demonstrates that the site is shown to be safe for its lifetime whilst not increasing flood risk elsewhere

The FRA describes the site landscaped with numerous drainage ditches that gently fall from west to east. These ditches outfall to a larger drainage ditch inside the eastern boundary of the site. This ditch falls in a southerly direction towards the motorway embankment. The Environment Agency has no record of flooding at the site. The site is 200m from the Land Yeo River and is also located approximately 1900m from the Severn Estuary seafront and is considered to be at risk of tidal flooding.

The site is classified by the EA Flood Map for Planning as Flood Zone 3a: areas benefitting from flood defences. The site is not located within the functional floodplain. The site is assessed as having a 1% chance of flooding from fluvial sources and a 0.5% chance of flooding from tidal sources. In respect of fluvial flood risk, the source is identified as the Land Yeo river however the lowest part of the site is higher than the greatest flood risk level from the river including an allowance for climate change of 70%. With regard to tidal flood risk the site benefits from tidal defences which will be maintained beyond the 60-year design life of the development as stipulated in policies CS3 and DM1 for non-residential development. It is reasonable to assume that the tidal sea defences providing protection for the site will be maintained beyond the design life of the development. The following mitigation measures have been built into the development to prevent any significant adverse effects on the school:

- The finished floor level be set no lower than 5.9mAOD, 300mm above the average existing ground level of 5.6mAOD. This allows for a 70% increase in flows;
- A Flood Warning and Evacuation Plan will be prepared to help protect staff and pupils and is anticipated to be conditioned as part of any planning permission;
- Surface water drainage scheme measures will ensure surface water discharges to the surrounding network of ditches at greenfield run off rates.

In terms of surface water flooding, the drainage strategy proposes to maintain greenfield run-off rates to be achieved through the provision of a SUDs scheme which can be secured through a condition. Initial concerns about the proposed use of infiltration techniques have now been addressed. A maximum peak surface water discharge rate of 3.1l/s has been proposed, discharging to an existing ditch on site. Surface water is to be managed via a series of storage features on site. The calculations within the flood risk assessment demonstrate that the surface water drainage system adequately performs in all events up to and including the 1 in 100 year plus climate change event.

It is therefore considered that the Sequential and Exceptions tests have been passed and the wider sustainability benefits to the community of the school which outweigh the flood risk. The development will be safe for its lifetime without increasing flood risk elsewhere.

Some concerns have been raised about means of escape in the event of flooding and whether it would be preferable to develop the school on two floors in order to provide a place of refuge. The EA have objected in the absence of a safe refuge on site, however the nature of the proposed school and needs of the pupils make this a particularly complex and challenging issue. A Flood Warning Evacuation Plan has been submitted and reviewed by the Councils Emergency Management Units who raise no objections, subject to an update to the evacuation plan which can be secured by condition

The Town and Country Planning (Consultation) (England) Direction 2009 requires a local planning authority to notify the Secretary of State of any application for major development in a flood risk area (as defined in the Direction), where it is minded to grant permission against advice on flood risk grounds from the EA. This is reflected in the recommendation below.

Issue 5: Design and appearance

Policies CS12 and DM32 set out the Councils aim to achieving high quality buildings and design, requiring development to demonstrate a sensitivity to the existing character and to enhance the sense of place and local identity through a well thought out design.

The new school and facilities are arranged over a single storey to maximise accessibility, whilst minimising visual impact outside the site. The site layout locates the new building in the least sensitive part of the green belt, with substantial areas of development present on three sides.

The design utilises high quality materials of brick, timber and metal cladding to give a sensitive and attractive building that also meets with the design brief. Fenestration and openings designed to control the amount and uniformity of daylight with use of overhanging roofs and canopies to provide visual interest and variety whilst ensuring appropriate levels of diffused light. Single storey accommodation maximises accessibility to all internal and external facilities. Hoists, tracking, automated doors are provided throughout to promote accessibility and independence for children.

There is a single point of access onto the site for both vehicular and pedestrian traffic, directly from Brookfield Walk. It is proposed that this entrance is to be retained but modified/widened in order to facilitate the necessary vehicular access onto the site. In order to accommodate this modification and ensure the existing tree to the left of the site entrance can be retained and protected.

The proposals are for a single storey building. The building is intended to reflect a domestic scale in-keeping with the immediate context, as well as to manage its visual impact on the site setting. A simple pitched roof form will be used to all areas of the building and separate standalone canopies providing cover to areas of external learning and circulation. A canopy with feature lighting is to be provided from the bus drop-off area up to the school's main entrance.

In terms of external materials, it is proposed to use textured brickwork for most of the external wall finish, with a feature brick band adding interest and variety while helping to reduce the scale of the facades. The main roof of the building is proposed as a profiled metal finish, which will extend down onto small areas of the external wall. The entrance canopy will consist of a single ply membrane roof finish with a grey metal fascia. The soffit of the canopy will be a natural timber finish.

Internally the building has been designed to maximise natural light and achieve a visual connection between the interior and exterior spaces. The selection of surface finishes is intended to enhance the benefits of light and views and their impact on the internal spaces. A rooflight over the Reception area will provide enhanced natural daylighting of this space. The size, design and location of storage is a key feature and this has been reflected in the building plans.

With regard to sustainable design and construction the design incorporates efficient, low energy and sustainable services and systems. Design measures have been included to improve the performance of the building and to lower the overall energy demand. The submitted energy statement demonstrates that 15% of the building's energy needs can be met through the installation of solar PV panels to be located on the south facing areas of the roof.

In addition to broader design considerations, Policy DM33 requires schemes to ensure inclusive access to non-residential buildings and spaces. As a school specifically designed for SEN pupils, inclusive and accessible design features have shaped the design and layout throughout. In respect of access for disabled persons all works must fully comply with Part M of the Building Regulations or British Standard BS8300:2018 where there is insufficient information within the Building Regulations and wider Government school's guidance.

Issue 6: Highways considerations

Policy DM24 states development will be permitted provided it would not prejudice highway safety or inhibit necessary access

There is currently a field access adjacent to 22 Brookfield Walk. The proposed site access is from Kelting Grove, an unclassified road subject to a 30mph limit. Kelting Grove is approximately 5.5m wide with footways on either side of 1.8m and 2m on the east and west respectively. The Transport Statement submitted with the application predicts that the majority of trips to the site will arrive via Northern Way and Brookfield Walk. Brookfield Walk is approximately 6.5m wide with 2m wide footways on either side.

The Transport Assessment includes a visibility splay demonstrating that visibility of at least 2.4m x 43m can be achieved in each direction at the proposed access on Kelting Grove. This meets the standards required in Manual for Streets for a 30mph highway and is acceptable.

A transport statement has been provided and the current and future operation of nearby junctions has been assessed and modelled using a growth model based on the future year 2024 plus traffic from the proposed development. The model is considered robust and the development traffic is based on actual figures from collected at Baytree School in Weston.

The development is predicted to generate 71 extra trips in the am peak, equivalent to an average of 1 extra vehicle per minute. No figures have been given for the PM peak, but pupils will have all left by 15:45. It is likely that a proportion of the 80 staff will leave during the PM peak. Further detail provided shows the additional vehicle trips in the PM peak will generally be limited to the 15 teaching staff, as support staff are likely to leave before 16:00. The 15 additional trips during the PM peak will not have a significant impact on the local highway network.

When the development is operational the Northern Way / Brookfield Walk junction is expected to remain within capacity during the 2024 weekday AM peak hour. The Brookfield Walk / Kelting Grove, and Kelting Grove / site access junctions is expected to remain well within capacity. Any queues and delay on Northern Way that may arise as a result of the development would not be significant.

Given that many of the pupils will arrive by minibus there is a requirement to increase the length of the right turn lane from Northern Way. The width of Northern Way is adequate for an extension of the right turn lane, so this work is likely to consist of road markings only. The proposed development will result in additional vehicles accessing Kelting Grove and a change to the junction priority of Kelting Grove and Brookfield Walk is required to improve the flow of traffic. This priority change is also likely to involve road markings only

Measures to control transport impact during construction will be contained within the Construction Environmental Management Plan that will be conditioned. Public comments about the application include concerns about parked cars on the roads in the vicinity of the site and the potential for these to cause obstructions, however the carriageway widths of Brookfield Walk and Kelting Grove are sufficient to accommodate on-street parking.

It is considered that a Travel Plan should be submitted to and approved by the Local Planning Authority prior to occupation of the site and this will be the subject of a condition. This should include any proposed community use of the building or site.

Plans show the provision of 11 minibus spaces of 7.5 x 3.5m. These meet the NSC Parking SPD standards for their dimensions and the number of spaces is considered adequate to meet local car parking standards as set out in the North Somerset Parking Standards SPD. For a secondary school this specifies 1 car parking spaces per 2 staff and parent/guardian to be determined through a Transport Statement. Furthermore, Policy CS11 of the Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces.

Plans show 42 car parking spaces of which 36 are tandem spaces. In response to concerns about the operation of the tandem parking spaces, the applicant has advised that all parking on site will be managed. Registrations plates and names of all staff and visitors on site are to be recorded at reception, so that vehicles can be moved if necessary. It is also understood that teaching staff generally arrive earlier and leave later, and do not generally leave site during the day. The proactive management of the car park would therefore need to be secured by condition.

20 secure undercover cycle stands are shown in the middle of the wheelchair accessible car parking island which exceeds the NSC parking standards. Whilst it is understood that the majority of pupils will arrive by minibus, car or taxi, some provision should be made for

pupil cycle parking and specifically specialist and adapted bikes and mobility scooters. If approved a condition will be required to ensure that a suitable amount of cycle parking is secured.

The inclusion of electric vehicle charging points as well as ducting to allow for further points in the future is considered essential to future-proofing the site. It is proposed to require some provision located so that it can be used by staff vehicles, visitors and minibuses to be secured through planning condition.

It is considered that the access and parking arrangements for the site are sufficient and in accordance with Policy DM24. The nature of the SEN school means specific and bespoke travel arrangements will need to be made for pupils coming to the site so the issues around parental drop off in surrounding streets do not directly apply to this proposal. Other highways matters can be controlled by conditions

Issue 7: Landscape and visual impact

Policy CS5 of the Core Strategy requires that the character, distinctiveness, diversity, and quality of North Somerset's landscape will be protected and enhanced by the careful, sensitive management and design of development.

The proposed development seeks to provide a new single-storey school of circa 3,300sq. m (Gross Internal Area) on a greenfield site. The development is adjacent to an industrial estate, the M5 and residential development. It is therefore surrounded by development along three sides and is adjacent to the existing edge of Clevedon.

At a single storey scale the proposed school is of a modest size and will be surrounded by dense tree bandings. The school would be largely hidden from views from the M5 and Hither Green Industrial Estate. From the access on Kelting Grove the school will be visible but will be set within a context of mature vegetation and landscaping and the surrounding residential development. It will not, therefore, result in an incongruous addition in landscape and visual terms, nor have a significant urbanising effect beyond the existing settlement of Clevedon.

The site is flat and is characterised by a sense of enclosure associated with the mature trees and vegetation marking the borders of the site. The site is positioned within the Kenn and Tickenham Moors classification (A3) as set out in North Somerset's Landscape Character Assessment SPD, September 2018. This landscape is characterised by rural, flat and low-lying beach and tidal deposits with a regular network of rhynes and ditches in rectilinear patterns associated with 18th Century enclosure. The area has views of wooded high ground to the north, framed by intermittent hedgerows and tree and the localised character is much more influenced by the surrounding suburban development and presence of M5. The site layout has been designed to maintain a wide green buffer around the perimeter of the new school.

It is acknowledged that there will be some impact on residential views from Brookfield Walk. Nevertheless, a 'right to a view' is not enshrined in planning policy, and on balance the impact on visual amenity is not so great due to distance, intervening landscaping and the single storey scale of the new building. Views post development would not be out of keeping for an urban fringe setting.

Landscape characteristics in the vicinity of the site relate to function of the Green Belt. The Green Belt designation in the area extends from the urban edge and encompasses the M5 and slipway embankment. Thus the 'openness' of the Green Belt as such is already somewhat compromised. Apart from adjacent residents, the only visual impact would be to users of the footpath along the south western edge of the site linking to the community orchard.

Issue 8: Ecology

Policy CS4 states new development should maximise benefits to biodiversity by incorporating and enhancing habitats, introducing new green infrastructure and promoting native tree planting. Policy DM8 adds to this provision, stating development that directly or indirectly harms protected species will not be permitted unless the harm can be avoided or mitigated by appropriate measures.

There are no statutory or non-statutory ecological designations within the site. In the wider area the nearest SSSI to the site is located 1.2km to the south east at Kenn Church, Kenn Pier and Yew Tree Farm SSSI. Additional SSSIs are located 1.5km to the east at Nailsea Moor, 1.6km to the north is the Gordano Valley SSSI and Court Hill SSSI is located 2.15km to the north east. The Nailsea and Tickenham Moors Nature Reserve is located 500m to the north east of the site.

The Gordano Valley National Nature Reserve is located 1.7km to the north of the site. The Severn Estuary SAC, SPA and SSSI is located circa 1.8km to the west of the site. The site is located within the North Somerset and Mendip Bats SAC consultation band C, which is the lowest consultation band. The site lies c. 600m from the Warren/Clevedon Court wooded ridgeline which is identified within the bats SPD as a consultation band B.

An ecological appraisal and protected species surveys has been undertaken to identify any potential ecological constraints. Surveys were undertaken for the site and the Local Green Space orchard to the south of the site. Evidence of 11 species of bat including the greater and lesser horseshoe was found as well as a low population of slow-worm. Potential evidence of badgers was found. There was no evidence of hazel dormouse.

It will be necessary for the removal of the central tree band to be compensated for by the provision of alternative bat foraging habitat. The lighting scheme has been designed in accordance with specific guidance provided within the ecological appraisal and can be secured by condition. No lighting is proposed within the tree rows or hedgerows in order to retain their use for bat foraging and commuting. The proposed works are not considered to threaten the maintenance of sufficient habitat for the resident slow-worm population. Measures recommended in the ecological appraisal will also be conditioned to ensure that during construction there are no adverse impacts on badgers, bats, birds or reptiles.

It is therefore not considered that the proposal will result in significant adverse ecological impacts. Whilst the development will impact on bats, there is sufficient scope to incorporate mitigation in the form of replacement and enhanced landscaping and habitats to ensure that the impacts on them and other ecological receptors are not significant. The mitigation will also ensure that an overall net ecological gain is achieved.

Issue 9: Trees

Policy DM9 requires development proposals affecting trees to take a range of actions to ensure tree protection. The boundaries of the site are enclosed by trees and along the ditches that divide the site into its three fields. There are no Tree Preservation Orders on the site.

An arboricultural survey of the site has been undertaken identifying the condition of the existing trees and mitigation works required that may be required. There are three category A high value trees, one category A high value group of trees, and six category B moderate value groups of trees. The development will result in the removal of one group of category B (moderate) trees which currently form the central tree band through the site. The category A tree within this group will be retained and become the focus of the entrance courtyard.

The arboricultural impact assessment advises a series of mitigation measures which will be implemented through the construction phase. These measures can be secured through a Construction Environmental Management Plan condition. The mitigation measures include the use of barrier fencing, limitations on access and regular monitoring by the project arboriculturalist. The proposed landscaping plans provide for additional new planting across the site which will mitigate the loss of trees and hedgerow lost from the central band.

It is considered that the proposed mitigation will ensure that all trees to be retained are protected through the development process and actions necessary to protect these trees will be set out in a CEMP.

Issue 10: Neighbour impacts

Policy DM32 states that development should not prejudice the living conditions for occupiers of the proposal or that of adjoining occupiers through loss of privacy, overlooking, overshadowing or overbearing impact.

The single storey height and positioning of the building within the south east of the site will ensure no overlooking from the school to residential properties along Brookfield Walk and Kelting Grove and sufficient distance will be retained to avoid any overshadowing or overbearing impact. No development will take place within the western area of land close to the access point where the site adjoins existing properties.

The existing formal access arrangements for residents of Brookfield Walk is being retained through the provision of a 1.5m access strip along the garden boundaries.

Whilst outlook over the site will change, and the use of the site as a school will change the character and result in additional levels of activity, the site layout and landscaping will ensure these issues are reasonably addressed and impacts to neighbours will be mitigated. The application is therefore in accordance with Policy DM32

Issue 11: Local Green Space

The North Somerset Sites and Policies Plan Part 2 designates Local Green Space sites under Policy SA5. This states that planning permission will not be granted except in very special circumstances for development which adversely affects a designated Local Green

Space as shown on the Policies Map and set out in Schedule 3 particularly regarding the characteristics underpinning its designation, such as beauty, historic importance, recreational value, tranquillity or richness of wildlife. Paragraph 101 of the NPPF states 'policies for managing development within a Local Green Space should be consistent with those for Green Belts.' Local Green Space is therefore attributed a high level of protection from development in national and local policy

The Millennium Orchard, which is positioned to the south east of the site (outside the site boundary) is designated as an area of Local Green Space. To ensure access to, and use of, the Millennium Orchard is not prejudiced by the development, a dedicated area serving as a path to the Orchard will be provided along the south western border of the site which will provide a direct link from Kelting Grove to the Orchard. The development will therefore not prejudice the use of the designated Local Green Space or alter its access arrangements.

Many of the objections to the application have referred to the harmful impact of the loss of open space and recreational value of the land. Representations also highlight the beneficial properties of the open space for recreation and mental health, particularly in light of the Covid-19 pandemic.

It is acknowledged that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. This is reflected in paragraph 91 of NPPF which places importance on achieving healthy, inclusive and safe places which promote social interaction, which are safe and accessible and which support healthy lifestyles and local well-being needs.

It is clear that the open space has been a constant feature and is valued by all those who live around it. Whilst it does not compare to formal open spaces nearby in terms of space and facilities, it provides an immediately accessible and overlooked area for outdoor recreation. The loss of this green space is regrettable however, there are a number of formal and informal recreation opportunities in the locality to sufficiently off-set the loss of this green space. On balance benefits that accrue from the development through provision of additional SEN school places outweigh the loss of the open space.

Issue 12: Town and Village Green considerations

An application for a Town/Village Green was considered by the Committee at its meeting on 19th August. The application was refused on the basis that "the entirety of the application land is held by public authorities and statutory bodies on a statutory basis that is inconsistent with the registration of land as a town village green"

Issue 13: Environmental considerations: Air quality and noise

Policy CS3 requires that development that would result in air, water or other environmental pollution or harm to health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other control regimes, or by measures included in the proposals or planning conditions. The site is located next to the M5 and the Hither Green industrial estate. These need to be considered in respect of impacts of

the development at construction and operational phases and for the impact of the motorway and nearby commercial uses on the users of the proposed building and site.

Consultants acting for the Council have considered the submitted documents and conclude that it is likely that on balance the air quality limits/objectives will not be exceeded at the proposed school. Nevertheless, further information is being sought to confirm this position and the committee will be updated.

Issue 14: Other issues

The proposal does not affect the setting of any listed buildings. The proposal is therefore in accordance with policies CS5 and ECH/4 of the North Somerset Replacement Local Plan, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Issue 14: Planning balance and overall conclusion

The proposed school is located outside of the Clevedon settlement boundary and within the Green Belt. As such it is contrary to policies CS6 of the Core Strategy, DM12 of the Sites and Policies Plan Part 1 and paragraph 143 of the NPPF.

The Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The school constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 says that when considering any planning application, substantial weight should be given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

With regard to openness, the site context with substantial existing development on three sides ensures there is a more limited impact to the openness as spelt out in the recent Green Belt Review exercise undertaken for the JSP. Whilst the extent of development could be said to be significant, the impact in respect of character and appearance other than at a very local level would be relatively limited.

The proposals would be inappropriate development and this warrants substantial weight. Moreover, significant weight is given to the harm to the openness of the Green Belt. Moderate weight is given to the loss of open land used for outdoor exercise and recreation. The weight here is tempered by the fact that there are other opportunities for outdoor recreation in this part of Clevedon

In addition, the development is located in Flood Zone 3a which is defined as being at a higher risk of flooding, though this harm is addressed through the application of the sequential and exceptions tests. There would be some limited harm in landscape and visual terms with the loss of open green fields though this would be very localised.

Against this harm, the proposals would deliver an essential facility for a specialist educational need that is not currently being met. The provision of school buildings which

meet a clearly defined and urgent modern educational and social need also carries very substantial weight. In doing nothing to address this the Council could fail its statutory duty to provide sufficient school spaces. This does not mean it is a question of expanding educational choice, rather it is simply a case of addressing a pressing need for SEN provision in the district. A prolonged and significant period of under provision would disproportionately impact on the pupils who will attend the new school.

The planning application makes a compelling case for the development of this site in particular, having considered 528 sites across North Somerset. The applicants' case for Very Special Circumstances is accepted. The clear need for this development, its benefits to the wider community and the lack of suitable alternative non-green belt sites should be given considerable weight in the consideration of this application. The provision of new school facilities where there are currently significant shortcomings and the financial burden placed on the Council to send pupils out of area, coupled with strong Government policy support for such a proposal for which there are no credible or sustainable alternatives, in the circumstances of this application are afforded substantial weight. It is considered that the urgent need for a special school within the community and the benefits it will provide for some of the most vulnerable children in society could reasonably be considered to outweigh the limited harm caused by the loss of a relatively small area of green belt. For these reasons the provision of the new school outweighs the identified harm to the Green Belt.

The proposed conditions mitigate the other effects of the development, including highways impacts, landscape impacts, ecology, trees, and the living conditions of neighbours meaning they are neutral in the planning balance. Taken together, these considerations clearly outweigh the harm to the Green Belt so that very special circumstances exist to recommend approval.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development has been screened separately under the above Regulations (19/P/2641/EA1) and has been found not to constitute 'EIA development' for the following reasons: 1 The proposal would have localised impacts only which can be dealt with through the planning application process. An Environmental Statement is not, therefore, required.

Conclusion

The impact on the full range of planning considerations is set out in this report and, beyond the impact on the Green Belt, there is not considered to be any harm of an extent that would merit refusal of this application. Any impacts which will occur can be mitigated through the use of planning conditions. Subject to seeking further information on noise and air quality issues and referral of the application to the Secretary of State the recommendation is for approval

RECOMMENDATION:

Subject to (a) the receipt of satisfactory air quality assessment report and noise impact assessment, and (b) the notification of the Secretary of State that the Local Planning Authority is minded to grant planning permission for major development in the Green Belt and in a flood risk area the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions together with any amended or additional conditions which may be required in consultation with the Chairman and Vice Chairman:-

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No development shall take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

- ii. include a timetable for its implementation.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies). The information is required before works start on site because it is necessary to understand whether the discharge rates and volumes are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

For advice about discharging this condition please refer to www.n-somerset.gov.uk/drainageconditions

4. No development shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

The details to be submitted shall include:

- a) a timetable for its implementation and maintenance during construction and handover; and
- b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies). The information is required before works start on site because it is necessary to understand how the system will be maintained during construction works and before the hand over to a management company to prevent flooding downstream of the system.

For advice about discharging this condition please refer to www.n-somerset.gov.uk/drainageconditions

5. No development shall take place until a drainage survey of the watercourse adjacent to the Highways England boundary has been undertaken to and agreed in writing by the Local Planning Authority (in consultation with Highways England). This will include an asset location and condition survey in line with DMRB standard 'CS 551 Drainage surveys', detailed design of the proposed single mid site outfall and flow control device, detail designs of the proposed ground water storage design in line with DMRB standard 'CD 530 soakaway design' and full details of infiltration rates for the proposed drainage assets.

Reason: To ensure the protection of the Highways England drainage asset

6. The proposed school shall not be brought into use until
- a) a dropped crossing on Brookfield Walk, an extension of the right turn lane on Northern Way and Brookfield Walk
- b) The remarking of the priority of the junction between Brookfield Walk and Kelting Grove
- c) provide a 3m wide footway on the access road, and

- d) Where the new access crosses the footway on Kelting Grove, drop crossings with tactile paving has been marked out
- e) dropped crossings with tactile paving at the internal crossing points. in accordance with plans to be approved by the Local Planning Authority

Reason: In the interests of highway safety and in accordance with policy DM24 of the sites and Policies Plan Part 1

- 7. The proposed school shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full and a report detailing how this has been undertaken shall be submitted to, and approved by the Local Planning Authority

Reason: To promote sustainable forms of travel and in accordance with policy DM24 of the sites and Policies Plan Part 1

- 8. The proposed school shall not be brought into use until the parking spaces have been provided and be available for use in accordance with the North Somerset Parking Standards SPD. Thereafter the approved parking spaces shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan Part 1

- 9. The proposed school shall not be brought into use until the cycle parking spaces have been provided and be available for use in accordance with the North Somerset Parking Standards SPD. Thereafter the approved cycle parking spaces shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable forms of travel and in accordance with policy DM24 of the sites and Policies Plan Part 1

- 10. The proposed school shall not be brought into use until the provision of an electric vehicle charging unit and ducting for two further charging units as shown on the external services plan. The charging unit shall be OLEV compliant and a minimum of 7kw/ 32 amps power capacity.

Reason: To promote sustainable forms of travel and in accordance with policy DM24 of the sites and Policies Plan Part 1

- 11. The development shall be carried out in accordance with the tree and hedgerow retention plan 2019.94 Rev D (Overall landscape proposals) unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that features of ecological and landscape importance are maintained and in accordance with Policy DM32 of the Sites and Policies Plan Part 1

- 12 No development shall take place until a method statement identifying measures to protect all trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed tree protection measures during site preparation, construction and landscaping operations (including any changes to ground levels). Thereafter the site clearance works and development shall be undertaken in accordance with the approved details.

Reason: To ensure the protection of trees during the development process in the interests of the character and biodiversity of the area and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

- 13 Trees, hedges and plants shown in the landscaping masterplan and strategy for landscaping, that are to be retained or planted which, during the development works for a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify in accordance with DM9 and DM10 of the Sites and Policies Plan Part 1 Publication Version 2015

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy DM9 and DM10 of the Sites and Policies Plan Part 1

- 14 All landscaping works should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and policy DM9 of the North Somerset Sites and Policies Plan Part 1.

- 15 The development shall not take place except in strict accordance with the measures outlined in the approved Ecology Appraisal (First Ecology March 2020). If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

- 16 The external lighting shall be installed in accordance with the approved External Lighting Layout and External Lux Boundaries plans (Ref BAY-SDS-V2-00-DR-E-

2502 P01 and P02). No other external lighting shall be installed on site unless details of such lighting, including the type and location of the proposed lighting; intensity of illumination with existing and proposed lux levels and predicted lighting contour plan, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation. Any external lighting that is installed shall be installed and operated in accordance with the approved details.

Reason: To reduce the potential for light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

- 17 Before commencement of any site enabling works or vegetation clearance, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing, by the Local Planning Authority. This shall include mitigation measures required to protect legally protected species and their retained habitats from injury or damage and include information for construction workforce; timings of site clearance; details of appropriate fencing for buffer areas to protect retained on site habitats; overnight ramps placed within open trenches and daily checks of excavations for trapped wildlife; pre-commencement surveys for species that are dynamic in distribution (e.g. badger); a walk over check by ecologist immediately prior to vegetation and other site clearance activities. The approved plan shall be implemented and adhered to during the vegetation clearance and construction phases.

Reason: To ensure the retained habitats and species are not adversely impacted by the proposed works in accordance with the Wildlife and Countryside Act 1981 (as amended); Wild Mammals Protection Act (1996) and policy CS4 of the Core Strategy policy CS4 and policy DM8 of the Site and Policies Plan Part 1.

- 18 Prior to the commencement of development, a Landscape Ecological Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall cover a ten year period and include measures for establishment, enhancement and management of habitats within the site, including planting schedules and details of ongoing management. This shall include a timetable for management activities as well as a monitoring schedule for habitats and species, including bat monitoring post completion.

Reason: To ensure the development contributes to the protection and enhancement of the site's ecology in accordance with policy CS4 of the Core Strategy and Site and policy DM8 of the Sites and Policies Plan Part 1.

- 19 Prior to the commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The method and duration of any pile driving operations to include expected starting date and completion date

2. The hours of work, which shall not exceed the following: construction and associated deliveries to the site shall not take place outside 07:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 Saturdays, nor at any times on Sundays or Bank Holidays
3. The arrangements for prior notification to the occupiers of potentially affected properties
4. The responsible person (e.g. site manager/office) who could be contacted in the event of complaint
5. measures to control the emission of dust and dirt during construction
6. Details of wheel washing facilities
7. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
8. A scheme for recycling/disposing of waste resulting from demolition and construction works
9. The parking of vehicles of site operatives and visitors

Reason: In the interests of residential amenity and to ensure the safe operation of the highway and to minimise disruption.

- 20 The proposed school shall not be brought into use until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To proactively support the wider transition towards a low carbon future through the use of renewable and low carbon energy in accordance with policy CS1 of the North Somerset Core Strategy and policy DM2 of the North Somerset Site and policies Plan Part 1, Development Management.

- 21 Notwithstanding the provisions of Town and Country Planning (Use Classes) Order 1987 (as amended) the proposed school shall only be used for the provision of education and care for children and young persons with complex and severe learning disabilities and for related ancillary purposes and for no other purpose including any other purpose within Use Class F.1.

Reason: The use of the building as a SEN school constitutes 'Very Special Circumstances' to justify development in the Green Belt in accordance with Policy CS6 of the Core Strategy and DM12 of the Sites and Policies Plan Party 1