

SECTION 1 – ITEM 6

Application No: 22/P/2920/FUL

Proposal: Erection of a two storey Special Education Needs and Disability school (SEND) (use class F), hard and soft landscaping, Multi Use Games Area (MUGA), on-site car parking and pick up and drop off area and creation of new vehicular and pedestrian access points on Ladymead Lane

Site address: Land west of Ladymead Lane, Ladymead Lane, Langford

Applicant: Bowmer + Kirkland

Target date: 10.04.2023

Extended date: 13.12.2023

Case officer: Andrew Stevenson

Parish/Ward: Churchill/Blagdon And Churchill

Ward Councillors: Councillor Patrick Keating

REFERRED BY COUNCILLOR KEATING

Summary of recommendation

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

The planning application can be viewed at [22/P/2920/FUL](https://www.bournemouth.gov.uk/22/P/2920/FUL)

The Site

The site comprises an area of greenfield land of just under 1 hectare in size located to the west of Ladymead Lane and its junction with Pudding Pie Lane, Churchill. The site lies outside but adjacent to the settlement boundary. The site is roughly square in shape and is generally level, with a slight fall from street boundary to the rear of the site to the west. The site boundaries are identified by existing trees and hedgerows whilst the remainder of the site is free of trees and vegetation

The existing site access is located in the north east corner onto Ladymead Lane. There are no buildings and no formal public rights of way through the site, although a public footpath runs along the northern edge. The site is adjacent to residential development to the south and east, and the Pudding Pie Lane Medical Centre and Churchill CofE Primary school are a short distance to the east.

The Application

Full permission is sought for the erection of a two storey Special Education Needs (SEN) school together with soft and hard landscaping, outdoor play space, on-site car parking and the creation of a new vehicular and pedestrian access point to Ladymead Lane.

The development comprises a two storey school building of 2098m² to accommodate 65 pupils aged between 5 and 16 years with associated car parking, landscaping and outdoor children's play facilities. The school will provide 65 places for children with complex special education needs and social, emotional and mental health (SEMH) difficulties. Around 65 Full Time Equivalent members of staff will be employed. The proposed school building includes:

- Specially designed teaching rooms
- Dining and sports halls
- Ancillary spaces to support the schools operation and special needs of the students
- A Multi Use Games Area (MUGA)
- Outdoor social and play space
- A playing pitch
- On-site staff parking and provision for pupil drop-off and collection

The design of the building and site layout responds to the specialist requirements of a school for SEN children. The exterior materials consist of brick, profiled metal and elements of timber. There will be a pitched roof with small flat roof canopies covering external play areas.

There will be a single access to the site from Ladymead Lane.

Relevant Planning History

No relevant planning history

Policy Framework

The site is affected by the following constraints:

- Outside the Churchill settlement boundary
- North Somerset and Mendips Bats SAC

The Development Plan

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

The following policies are particularly relevant to this proposal:

CS2 Delivering sustainable design and construction

CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS25	Children, young people and higher education
CS32	Service Villages
CS33	Smaller settlements and countryside

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
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
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:

SA2	Settlement boundaries and extension of residential curtilages
SA3	Sites allocated for a mix of uses
SA8	Allocated/safeguarded community uses

Other material policy guidance

National Planning Policy Framework (NPPF) (2023)

The following sections are particularly relevant to this proposal:

2	Achieving Sustainable Development
3	Plan-making
4	Decision-making
8	Promoting healthy and safe communities
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD)

- North Somerset Parking Standards SPD (adopted November 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted April 2021)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Emerging Pre-submission Local Plan 2039 (Reg 19)

The application site is proposed for allocation in the draft Local Plan for 'Social, Emotional and Mental Health school provision' under Schedule 4: Proposed Sites for Community Facilities.

The Churchill Settlement Boundary is also proposed to be amended to include the site within the settlement boundary area.

Consultations

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

Third Parties: 223 letters of objection have been received. The principal planning points made are as follows:

- Inappropriate location for the development
- Harm to rural character of the area
- Harm to the AONB
- Proposed school is out of keeping with surrounding buildings
- Alternative sites on brownfield land or closer to large centres of population should be considered
- Proposed site is too small for the intended function
- Harm to the living conditions of surrounding neighbours.
- The site is of significant ecological importance
- The proposal will not serve the local population
- Site is used by the local community and provides access to PROW network
- Flood risk and inadequate drainage strategy
- Public transport links are limited
- Pupils and staff will have to travel long distances by car
- Roads surrounding the site are unsuitable for additional traffic
- Poor visibility at site entrance

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

- Essential for additional SEND provision in North Somerset and to meet the duty of care for vulnerable children
- Clear and proven need for this provision in North Somerset

- Sending vulnerable children out of district for education is unsustainable
- Cabot Learning Foundation is a proven and trusted provider of education regionally and locally
- The plans are sympathetic to the rural context with a good focus on environmental sustainability

Churchill Parish Council:

The Parish Council objects for the following reasons. A copy of the Council's full comments are attached to this report as Appendix 1.

1. The proposals are inconsistent with the development plan, and there are material considerations which indicate that permission should not be granted.
2. Churchill PC recognises the importance of providing an SEMH school for North Somerset. The application identifies various educational, social and economic benefits but these will accrue wherever the school is built. They do not justify building it on a wholly inappropriate site.
3. Reasons not to build on this site are contrary to the NPPF are as follows:
 - the location of the school, well away from the main population areas in the coastal towns, will maximise harmful climate effects from car journeys
 - locally, the extra journeys will cause congestion and danger in the narrow lanes leading to the site. These are already heavily-used, including by schoolchildren walking along a single-track lane with no pavement.
 - there is an unassessed risk of on-street queuing at the four staggered start and finish times.
 - the Transport Assessment is based on various doubtful assumptions without supporting evidence.
 - mitigation of traffic impact depends on 'soft' management proposals which in turn depend on pupils, parents and staff, and which are unlikely to endure.
 - extended journey times will be especially harmful for SEMH pupils
 - there is no effective public transport access from Portishead, Clevedon or Weston-S-Mare. It is forecast that 81% of the pupils will come from the coastal towns.
 - the site is clearly too small: the outdoor play area is barely half of the minimum specified for a school of 65, and only about one-third of what is needed if the primary and secondary sections are to be kept separate. DfE guidance is barely alluded to in the application, the wrong formula is used and is not calculated or interpreted correctly. This despite the special importance of outdoor play areas for SEMH children.
 - the area is more vulnerable to flooding from surface run-off than the application acknowledges. The drainage plan relies on infiltration in non-permeable subsoil, and discharges into a drainage system which is higher than the point of discharge. Both are physical impossibilities.
 - the construction of a district-wide facility in a service village contravenes key planning policies.
 - the field is ecologically important with six out of eight of North Somerset's key vulnerable species present. A marginal population of dormice will be especially at risk. And it is a key connection between the Mendip Hills and the Wrington ridge.

- ecological mitigation is unlikely to make up for the loss of connectivity. The proposal to buy a 1ha. site to accommodate the grass snake population should be insisted on, but it would better to buy an appropriate site for the school in the first place.
- the field is especially significant for community enjoyment of the countryside and the healthy exercise associated with it
- it is part of a historic landscape which would be seriously compromised by the proposed building
- the design and appearance of the proposed building are completely out of character for the area the Noise Assessment is based on data about organised sports instead of school playtimes.
- the 'Alternative Sites Assessment' is biased and inconsistent. It does not give a fair consideration to the sites identified. There has been an insufficiently active effort to identify better sites. Better sites do exist, including the one in Stock Lane.

Principal Planning Issues

The principal planning issues in this case are (1) principle of development (2) locational considerations, (3) design requirements, (4) landscape and character impact, (5) highways and access considerations, (6) flood risk, (7) ecology, (8) other matters, and (9) planning balance

Issue 1: 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 Site Allocations 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, the NPPF 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 95 emphasises the importance 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.

It is important to note that a lack of SEND school facilities and places both locally and nationally means the need for a new SEND SEMH school is substantial. There is currently a significant shortfall in SEND provision in North Somerset, which means the Local Authority is required to send children to neighbouring districts to meet their special education needs. The length of journeys and absence of local provision can have a negative impact on behaviour, anxiety, and outcomes for the pupils concerned, as well as increasing expenditure on home to school transport as pupils require complex, sometimes individual transport arrangements to relatively distant schools.

The Education Provision Commissioning Strategy for 2018-2021 confirms the Council's key principle of providing "Local schools for local children" It also confirms a local need for an additional 180 new SEND places by 2022, rising to 200 new places by 2027. The three existing SEND schools (Baytree, Ravenswood and Westhaven) predominantly deal with severe learning difficulties rather than social, emotional and mental health (SEMH) difficulties. Moreover, they are positioned to the north and west of the district. There is currently no specialist provision for social, emotional and mental health difficulties in North Somerset. The Education Provision Commissioning Strategy confirms the need to create a new establishment for social, emotional and mental health difficulties in North Somerset is to be seen as a priority.

In terms of the principle of development, it is fully established that the need for SEND and in particular SEMH provision is substantial. Furthermore, this need is district wide and applies equally across North Somerset. This is underpinned by the Education Provision Commissioning Strategy to address the needs of a large number of pupils who are currently educated outside of the area.

The proposed SEND school will allow the children to be educated locally, reducing travel costs and improving educational and social outcomes. The proposed school will provide special education facilities in a specially designed environment, and will meet some of the current shortfall in SEND provision, specifically SEMH need within the district.

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 settlements such as Churchill in providing services and community facilities in locations accessible to the communities which they are intended to serve is set out in Policy CS32 of the Core Strategy. As the proposed site is adjacent to, but outside of, the Churchill 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. Policy DM69 elaborates on this approach requiring that facilities provided outside settlement boundaries meet a number of criteria. In this instance, the facility is required to serve the needs of the wider North Somerset community and not specifically the needs of the Churchill and Langford and the site was selected following an assessment of other alternatives as summarised below.

Whilst the emerging Pre-submission (reg 19) Local Plan currently carries limited weight, the site is allocated in the plan for 'Social, Emotional and Mental Health school provision'. The Churchill Settlement Boundary is also proposed to be amended to include the site within the settlement boundary.

Issue 2: Locational considerations

The application site has been selected following an assessment of alternative sites by the applicant. As reported above, the need for the school has been fully demonstrated with the Education Provision Commissioning Strategy 2018-2021 which has shown a deficit of 180 SEND school places in the period to 2022 and rising to 200 places by 2027. Moreover, North Somerset has the highest rate of SEND pupils being educated out of district of any of the surrounding authorities, placing a significant social and educational burden on the children and financial burden on the Council. There are only 3 existing SEN schools in

North Somerset, indicating a pressing need for additional SEN provision in the district. Due to the specialist nature of the school and the demonstrable need for SEN spaces, the catchment area covers the whole of the district.

Having established the need and the catchment area, the suitability of the site in terms of size has been reviewed. The Department for Education Area guidelines for SEND schools is set out in DfE document BB104, which establishes a minimum site size for 65 space SEND school of 0.8ha. Within the parameters of the site area requirements from the DfEs baseline school designs, sites that are under 0.8 ha or over 2 ha were discounted. For operational purposes sites to be considered should be well related to a community and within walking distance of other local amenities, and in proximity to a major road network to allow access throughout the district for students, staff, and specialist visitors. Finally, the site must be available and deliverable to meet the immediate and pressing need for additional SEND places. The fact that the site is in council ownership enhances the deliverability of the site.

With these criteria in place, a sift of potential sites was undertaken by the applicant according to:

- Availability
- Suitability
- Policy designation
- Site allocation
- Location / accessibility and relationship to built up areas
- Accessibility for staff, pupils and specialist visitors
- Ground conditions
- Delivery timeframes
- Neighbouring land uses
- Ecological constraints / tree impacts
- Heritage impact
- Flood risk
- Relevant planning history

The alternative site assessment identified a total of 81 sites of between 0.8 and 2ha. After discounting sites located in either the Green Belt, land with high flood risk, or significant ecological constraints a remainder of 15 sites were examined. Of these alternative options there were sound reasons for discounting the identified 15 sites, which are mostly either outside settlements and in more isolated locations, subject to extant consent for other uses, some distance from main roads and transport networks, or unlikely to be available in a reasonable timescale and / or the landowners have other site intentions

Overall, it is considered that the alternative site assessment provides reasonable grounds to conclude that, at this point in time, there are no available sites which are locationally preferable and deliverable. In contrast, the application site is immediately available and the school can be delivered on the site rapidly to meet the pressing current needs.

Issue 3: Design

Policies CS12 and DM32 set out the Council's 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 proposed school is arranged over two storeys to make efficient use of the site and provide the necessary internal floorspace and a separation between primary and secondary age groups. The proposed building is to be located centrally within the site, maximising the distance from the site boundaries, whilst minimising visual impact outside the site. As space on the site is limited, the building is angled from Ladymead Lane. This provides a site arrangement which creates distinct areas for outdoor space away from the parking area, helps to reduce the overall visual impact of the building when viewed from the road and enables a landscaping scheme to include the retention of the existing eastern hedgerow.

The proposed materials are brick and coloured cement cladding to provide an attractive functional building appropriate for its use. Fenestration and openings have a vertical emphasis to provide visual interest and variety whilst ensuring appropriate levels of light.

There is a single vehicle access onto Ladymead Lane, with a separate pedestrian access a short distance to the south. This ensures the majority of the hedgerow fronting Ladymead Lane is retained and protected, which provides visual screening and a green buffer on this boundary.

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.

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 schools guidance.

Issue 4: Impact on landscape and character of the area

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 on a greenfield site. The development is adjacent to the settlement edge and continues past the existing residential development situated along the western side of Ladymead Lane. In a wider context, community buildings including Churchill Primary School and the Medical Practice are located a short distance to the east, whilst the recreation ground is to the south. The area comprises a mix of residential and other uses.

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 localised character is influenced by the surrounding mixed residential development and existing village edge land uses including allotments, recreation ground, and the medical practice. The site layout has been designed to maintain a green buffer around the perimeter of the new school, and the

retention of the hedgerow along Ladymead Lane, ensures the semi-rural appearance of the area is sufficiently maintained.

The proposed building form, massing, and orientation on the site helps to lessen its visual impact. From the access on Ladymead Lane the school would be visible but would be set within a context of mature vegetation, landscaping and the surrounding residential development. It would not, therefore, result in an incongruous addition in landscape in visual terms, nor have a significant urbanising effect beyond the existing settlement of Churchill/Langford.

It is acknowledged that there will be some impact on residential views from the immediate surrounding properties located to the south and east. Nevertheless, there is no 'right to a view' in planning policy, and on balance the impact in visual terms is not so great as to warrant refusal due to distance, intervening landscaping and the scale and position of the new building. It is considered that views of the site would not be out of keeping for a settlement edge setting.

Apart from adjacent residents, visual impact would be to users of the footpath along the northern edge of the site which links to the wider network of public rights of way in the area. Although the new school would be readily apparent along the route as it adjoins the site boundary, this is a relatively short section of the footpath, and the impact therefore is limited in its extent at the village edge.

The site lies approximately 700m to the north of the designated Mendip Hills AONB and where the landscape rises towards Dolebury Warren, and the Dolebury Camp Iron Age hill fort scheduled monument. Owing to the significance of the designation, the visual sensitivity is a relevant factor in the assessment of the application. In this regard, however, it is noted that there is a high degree of intervening vegetation that screens and filters potential views. Where any views might be achievable, these are at a distance and where the site forms a small part of a much wider vista. The proposed development would be seen in context of the existing built form of the settlement and therefore it is considered there is no unacceptable impact to the AONB or scheduled monument.

Issue 5: Highway and access considerations,

Policy DM24 states development will be permitted provided it would not prejudice highway safety or inhibit necessary access. Development will only be refused on transport grounds if it is likely to have a severe residual cumulative impact on traffic congestion and function of the surrounding area, or is not accessible by non car modes or cannot be readily integrated with public transport, cycleway and footpath links.

With regard to trip generation, the nature of the children attending the proposed SEND school requires that most trips are undertaken by car. The vulnerable nature of the children and district wide catchment area largely precludes unaccompanied pedestrian or cycle access. The applicant has submitted a revised Travel Plan and Transport Assessment (TA) in response to the Highway Authority's original consultation comments. It has now been confirmed with the North Somerset Home to School Transport team that all pupils would be likely to arrive by shared taxi with an average of three pupils per vehicle. The Transport Assessment has subsequently been updated to reflect these revised figures. The TA also assumes that all staff will travel individually to/from the site.

On the basis of 65 pupils, and 65 full-time employees (FTE), it is anticipated that 22 taxis would be required to transport pupils, whilst 40 private cars would be used for staff. It is accepted, however, that given the staggered start/finish times for pupils, arrivals would be split between 07:30 and 08:00 and 10:30 and 11:00 whilst departures would be split evenly between 14:00 and 14:30 and 17:00 and 17:30. In each period, therefore, a total of 42 vehicle movements would be expected. This would equate to around one vehicle a minute within each 30-minute arrival/departure period. In terms of highways capacity it is considered that this is within acceptable limits and would not have a severe impact on the highways network or the Pudding Pie/Stock Lane junction.

There is some concern with the impact such additional trips would have on Ladymead Lane given its narrow nature and the potential for vehicles associated with the proposed school accessing the site via Ladymead Lane. Ladymead Lane is a narrow road with few passing points and numerous driveway accesses linking the site to the A38 Bristol Road. However, as it has been confirmed that the North Somerset Home to School Transport team would be responsible for organising transport for pupils to the school, the Highway Authority is satisfied that taxis could be restricted to using only Pudding Pie Lane to access the site. Moreover, a number of additional measures set out in the revised Transport Assessment are proposed to prevent vehicles using Ladymead Lane to access the site. These include 'No Right Turn' signage at the vehicle exit to the school, meaning all vehicles will be directed to exit the site via Pudding Pie Lane. In addition to this, as part of the Travel Plan and parking strategy for the school, all users of the site would be directed to avoid the use of Ladymead Lane when accessing the site. This would be monitored as part of the Travel Plan. The Travel Plan also states that during drop-off and pick-up times, school staff members will be present in the car park to ensure that all vehicles avoid the use of Ladymead Lane.

Given that arrangements for staff and pupil arrivals, it is also agreed that the proposed 59 vehicle parking spaces, as well as a drop-off area suitable to accommodate 3 minibuses (or 3-4 taxies) at any one time is sufficient to serve the development. Vehicle access is proposed from the eastern boundary off Ladymead Lane. Detailed vehicular tracking drawings have been provided to the satisfaction of the Highway Authority and the updated Transport Assessment includes a visibility splay demonstrating that sufficient visibility can be achieved in each direction at the proposed access onto Ladymead Lane.

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 6: 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 lies within Flood Zone 1 as defined on the Environment Agency Flood Map. Flood Zone 1 is defined as an area where the probability of flooding from fluvial and / or tidal flooding is at the lowest risk of flooding.

As the site is currently undeveloped greenfield land, the proposals to build a new school building, hard and soft play space, and car parking will increase impermeable surfacing. Therefore a drainage strategy for surface water drainage has been proposed in order to control surface water flows and ensure there is no greater risk to surrounding areas.

Ground conditions in the area limit the use of soakaways therefore it is proposed that surface water is attenuated and discharged to an off-site watercourse. During the assessment of the application further detail has been provided in terms of the existing culvert beneath Ladymead Lane, its capacity, condition and where it flows to. The drainage strategy has now been agreed in principle and can be subject to a pre-commencement condition for further modelling of the receiving watercourse taking into account the downstream surface water drainage network. This modelling will need to demonstrate that the proposed drainage scheme does not increase flood risk downstream and identify if any works are required to the receiving watercourse.

Issue 7: 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.

The site is within zone C of the North Somerset and Mendips bats SAC, and therefore is of high value to bats. In addition to a phase 1 Ecological Survey, a full set of bat surveys have been undertaken which identified some degree of bat activity across the site. The transect surveys identified a roost in a tree beyond the site boundary to the west and activity along the eastern boundary hedge adjacent to Ladymead Lane. Bat activity was restricted to along the hedgerow boundaries of the site with no foraging over the central part of the site having been recorded.

A number of mitigation measures are proposed to ensure no undue impact to bats including retention and enhancement of the eastern hedgerow, implementation of an Ecological Management Plan, a monitoring scheme to assess impacts of construction and operation, implementation of a Construction Environmental Management Plan, obtaining Conservation Regulations licences from Natural England for bats, hazel dormice and great crested newts, and a lighting strategy.

Due to the potential impacts of the proposals on the North Somerset and Mendip Bats Special Area of Conservation a Habitats Regulations Assessment (HRA) is required prior to any permission being granted. This has not yet been concluded as various points of detail are still to be resolved but need to be resolved before planning permission is granted. This is reflected in the recommendation at the end of this report which has been brought forward at this stage to allow the committee to consider the principle of the development. If the principle is accepted, the HRA would be concluded post committee.

To inform the HRA further information is required to demonstrate sufficient bat habitat will be provided in accordance with the NSC bat Supplementary Planning Document, the location(s) for any on or off-site mitigation required that would be accessible to horseshoe bats, and details of any lighting proposals to demonstrate that there will not be significant

impacts or displacement from habitats suitable for horseshoe bat populations linked to the North Somerset and Mendip Bats SAC.

Subject to agreeing the detail required for the HRA and securing mitigation measures by way of planning conditions, it is considered that the proposal would not result in significant adverse ecological impacts. Whilst the development would 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.

Issue 8: Other matters

Policies DM32 and DM69 state 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 scale of the proposed building and its positioning within the site will ensure no unacceptable overlooking from the school to the adjacent residential properties to the south along Ladymead Lane. Sufficient distance will be retained to avoid any overshadowing or overbearing impact. In the wider context 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 Policies DM32 and DM69.

Policy DM9 requires development proposals affecting trees take a range of actions to ensure tree protection. The boundaries of the site are enclosed by trees and hedgerows. There are no Tree Preservation Orders on the site but an arboricultural survey of the site has been undertaken identifying the condition of the existing trees and mitigation works required that may be required. These measures can be secured through a Construction Environmental Management Plan condition. The proposed landscaping plans provide for additional new planting across the site which will mitigate the loss of trees and hedgerow lost from widening the site access.

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. In this regard, a Noise Impact Assessment has been submitted with the application that has assessed and modelled potential sources of noise relating the operation of the school in terms of fixed plant and ventilation, and the use of the outdoor playing facilities. This assessment demonstrates that acceptable levels of ambient noise can be achieved with windows open for natural ventilation across every elevation. Plant noise levels can be managed to avoid disturbance at the nearest noise sensitive residential dwellings and noise from the playground can be mitigated by the inclusion of an acoustic fence along the southern boundary. This can be conditioned as part of the boundary treatment.

Policy CS5 states that development shall conserve the historic environment of North Somerset, having regard to the significance of the heritage asset such as conservation areas, listed buildings, historic parks and gardens and non-designated heritage assets. The site is not located near to or within the setting of any designated heritage assets. An

archaeological assessment has been carried out in agreement with the Council's Archaeologist and has demonstrated that there are no archaeological deposits present.

The NPPF seeks to protect the best and most versatile agricultural land. Accordingly an Agricultural Land Classification Report has been undertaken which identifies the land as 3b agricultural land which is not the best and most versatile land. Therefore the development of this agricultural land is acceptable in principle.

Planning balance and overall conclusion

The proposed school is located adjacent to, but outside of, the Churchill settlement boundary. Policies CS32 and DM69 allow for such an eventuality where the site is well related to the community it is intended to serve. A number of objections have made reference to the location of the school in a settlement a distance away from, and with few direct public transport routes to and from, the larger centres of population in the district. However, the need for this specialist school provision and its catchment area are district wide. It is proposed to serve the wider community. The locations from where the children would travel would inevitably fluctuate over time, so a site reasonably well related to the main road network is important. The trip generation associated with the proposed 65 place school is relatively modest, and the bespoke nature of the travel arrangements sets this apart from a mainstream primary or secondary school where localised congestion may occur at drop off and collection times. On this basis the location of the development and the traffic impacts arising from it are considered to be acceptable and in accordance with policies DM69 and CS32.

Notwithstanding this, it has been suggested by some that the proposal conflicts with policies CS32 and DM69. In this respect, the proposals would deliver an essential facility for a specialist educational need that is not currently being met and would outweigh any conflict. The provision of school buildings which meet a clearly defined and urgent educational and social need also carries substantial weight. The clear need for this development, its benefits to the wider community it is intended to serve and the lack of suitable available and deliverable alternative sites should be given considerable weight in the consideration of this application. It is considered that the urgent need for a special school within the North Somerset and the benefits it would provide for some of the most vulnerable children in the district can be considered to outweigh the limited harm caused by the loss of a greenfield site outside the settlement boundary for Churchill. The loss of a greenfield site and the change to the character of the area through the development of a new school and associated activity have been considered and are likely to have a minor and localised negative impact and would be insufficient to warrant refusal of the application.

The proposed conditions mitigate the other effects of the development, including highways impacts, landscape impacts, ecology, trees, the living conditions of neighbours, and drainage and flood risk mean. Taken together, these considerations clearly outweigh the harm and therefore the application is recommended for approval subject to resolving the outstanding HRA.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity subject to the completion of a Habitats Regulation Assessment and subject to the imposition of conditions relating to ecological matters

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

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Equalities assessment

The Equalities Act 2010 sets out the Public Sector Equalities Duty ("PSED"). Case law has established that this duty is engaged when planning applications are determined and consequently this duty has been applied in the determination of this application. Due regard has been paid to the need to eliminate discrimination and promote equality with regard to those with protected characteristics.

RECOMMENDATION:

Subject to the completion of a Habitats Regulation Assessment 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. Prior to commencement of development details of hydraulic modelling of the receiving watercourse, taking into account the downstream surface water drainage network, should be submitted to and approved in writing by the local planning authority. The results of the modelling should demonstrate that the proposed drainage scheme does not increase flood risk downstream and identify if any works are required to the receiving watercourse

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

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. 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:
 - The method and duration of any pile driving operations to include expected starting date and completion date
 - 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 (08:00 – 18:00 see email Tracey Farrell 15 July) hours Mondays to Fridays,

and 08:00 to 16:00 (13:00) Saturdays, nor at any times on Sundays or Bank Holidays

- The arrangements for prior notification to the occupiers of potentially affected properties
- The responsible person (e.g. site manager/office) who could be contacted in the event of complaint
- measures to control the emission of dust and dirt during construction
- Details of wheel washing facilities
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- 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.

6. The proposed school shall not be brought into use until all mitigation measures and details set out in the approved Travel Plan by Hexa Consulting Rev P04 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.

7. 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

8. 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

9. The proposed school shall not be brought into use until the provision of 12 electric vehicle charging unit and ducting for two further charging units as shown on the approved plans. 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

10. The development shall be carried out in accordance with the tree and hedgerow retention and Arboricultural Impact Assessment (20th November 2023), 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

11. 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.

12. 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

13. 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.

14. The development shall not take place except in strict accordance with the measures outlined in the approved Ecology Appraisal. 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).

15. No external lighting shall be installed within the site, including external lighting on the outside walls of the school building, or other lighting elsewhere in the site, until a 'lighting design strategy for biodiversity' has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify:
- (i) the type, location, and height of the proposed lighting;
 - (ii) existing lux levels affecting the site;
 - (iii) the proposed lux levels as a result of the light; and
 - (iv) lighting contour plans.

These details shall include an assessment on the retained bat habitats and commuting routes on the site. This lighting scheme shall be implemented and no changes shall be made to this without the prior written approval of the Local Planning Authority. All external lighting 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).

16. 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.

17. 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.

18. 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.

19. 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 social, emotional and mental health difficulties and for related ancillary purposes and for no other purpose including any other purpose within Use Class F.1.

Reason: The intended use of the building is as a SEN school for 65 pupils, and in the interests of residential amenity and to ensure the safe operation of the highway and to minimise disruption in accordance with Policies CS25 of the Core Strategy and DM24 of the Sites and Policies Plan Part 1.

20. The proposed school shall not be brought into use until the 2.4m high Acoustic Fence has been constructed along the southern site boundary in accordance with the Fencing General Arrangement Plans Revision P09. Thereafter the approved fencing shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the living conditions of the occupants of the dwellings and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy

21. Prior to the commencement of development a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014 +A1(2019). Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

Reason: In the interests of the living conditions of the occupants of the dwellings and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

APPENDIX 1

Churchill Parish Council Comments

Churchill Parish Council response to Planning Application No 22/P/2920/FUL

Churchill Parish Council (CPC) strongly objects to the above application

Churchill Parish Council objects to the specific location of the site which it believes is a poor and illogical choice given the constraints of access to this site. A more sustainable, brownfield site has been identified within the parish that does not have the difficulties of access associated with Ladymead Lane. This alternative site has particular consideration of the children who will be using the facility in that it would mean a shorter journey and larger area for the facilities that are anticipated to be provided for them. Details of the alternative site have been shared with North Somerset Council's planners.

Attached is the full detailed document giving the National Planning Policy Framework (NPPF), Core Strategies (CS) and Development Management (DM) policies that this application appears to contradict which CPC fully endorses. It must be read in conjunction with 'The Case for Ecology (attached) written by Professor Professor D. Robert, School of Biological Sciences, University of Bristol, with input from Churchill Parish Council CPC requests that this application is refused for the specified site at the bottom of Ladymead Lane

This response must be read in conjunction with the separate additional paper, "The Case for Ecology" dated 19th February 2023 written by Professor D. Robert, School of Biological Sciences, University of Bristol with input from Churchill Parish Council together with the Parish Council's letter of endorsement.

Summary

1. The proposals are inconsistent with the development plan, and there are material considerations which indicate that permission should not be granted.
2. Churchill PC recognises the importance of providing an SEMH school for North Somerset. The application identifies various educational, social and economic benefits. But these will accrue wherever the school is built. They do not justify building it on a wholly inappropriate site.
3. Reasons not to build on this site, which are set out in more detail below, many of which are contrary to the NPPF 2021 are as follows:
 - the location of the school, well away from the main population areas in the coastal towns, will maximise harmful climate effects from car journeys
 - locally, the extra journeys will cause congestion and danger in the narrow lanes leading to the site. These are already heavily-used, including by schoolchildren walking along a single-track lane with no pavement.
 - there is an unassessed risk of on-street queuing at the four staggered start and finish times.
 - the Transport Assessment is based on various doubtful assumptions without supporting evidence.

- mitigation of traffic impact depends on 'soft' management proposals which in turn depend on pupils, parents and staff, and which are unlikely to endure.
- extended journey times will be especially harmful for SEMH pupils
- there is no effective public transport access from Portishead, Clevedon or Weston-S-Mare. It is forecast that 81% of the pupils will come from the coastal towns.
- the site is clearly too small: the outdoor play area is barely half of the minimum specified for a school of 65, and only about one-third of what is needed if the primary and secondary sections are to be kept separate. DfE guidance is barely alluded to in the application, the wrong formula is used and is not calculated or interpreted correctly. This despite the special importance of outdoor play areas for SEMH children.
- the area is more vulnerable to flooding from surface run-off than the application acknowledges. The drainage plan relies on infiltration in non-permeable subsoil, and discharges into a drainage system which is higher than the point of discharge. Both are physical impossibilities.
- the construction of a District-wide facility in a service village contravenes key planning policies.
- the field is ecologically important with six out of eight of North Somerset's key vulnerable species present. A marginal population of dormice will be especially at risk. And it is a key connection between the Mendip Hills and the Wrington ridge.
- ecological mitigation is unlikely to make up for the loss of connectivity. The proposal to buy a 1ha. site to accommodate the grass snake population should be insisted on, but it would better to buy an appropriate site for the school in the first place.
- the field is especially significant for community enjoyment of the countryside and the healthy exercise associated with it
- it is part of a historic landscape which would be seriously compromised by the proposed building
- the design and appearance of the proposed building are completely out of character for the area the Noise Assessment is based on data about organised sports instead of school playtimes.
- the 'Alternative Sites Assessment' is biased and inconsistent. It does not give a fair consideration to the sites identified. There has been an insufficiently active effort to identify better sites. Better sites do exist, including the one in Stock Lane.

Traffic impact: calculations

4. The Planning Statement claims that "it is not possible to accurately distribute the proposed development trips throughout wider highway network peak period, as the location of students and staff will change over time." (5.48) And in the absence of an accurate analysis they opted to give no analysis at all. But in the annexes (p 444) is an analysis done by NSC's Integrated Transport Unit in 2017. Young children with additional needs in the next cohort were identified via Early Years payments. The analysis showed that 58% of these children live in the 3 postcode areas centred on Weston-super-Mare. Including the Clevedon and Portishead postcodes, 81% of likely attendees of this school live in the coastal towns. 0% come from the two postcode areas including Churchill and Langford

5. Journey times from the proposed site are around 30 minutes to Weston, 40 minutes to Portishead. These can be extended significantly during busy periods. The effect of the Banwell bypass, and the large amount of new housing alongside it, will likely increase delays at Churchill crossroads with a knock-on effect on other routes.

6. If the proposed Travel Plan actually works, so that most staff are picking up pupils on the way, then the relative location of pupils and school will determine the level of extra emissions, compared with sites closer to the coastal towns. But the extra staff journeys must also be factored in. It is more difficult to predict where staff for the school will live, and what their journey times will be. But that is no excuse not to make an attempt.

7. The Transport Assessment makes some highly dubious assumptions about the number of journeys. The figures indicate only 65 car journeys in total per day in each direction, with no provision for in-and-out journeys by private cars or taxis dropping pupils off. This despite the fact that parental drop-off is recognised elsewhere in the report as likely to happen. The basis for their assumption is that staff will be instructed to collect children in their cars. For this to happen in practice requires a willingness of parents to agree that this is the best way for their children to get to school, and for this to be practical for children who may have 'complex waking routines'. For every child who is not brought to school by a staff member, there will be an additional two journeys each way, i.e. four journeys per day. There's also no quantification of delivery vehicles and visitors, which will always create a double journey.

8. The maximum for everyone travelling separately would be 65 staff (130 journeys) plus 65 pupils (260 journeys, i.e. 2 double journeys per pupil) = 390 journeys per day plus visitors and deliveries (2 journeys per visit). The true figure seems likely to be closer to the maximum than to the 130 journeys claimed, but there is no analysis of these possibilities at all.

9. No objective evidence has been provided of the effectiveness of the 'lifts policy' at other schools, despite those schools being mentioned in support of the idea. Perhaps because in reality this simply doesn't work to the extent claimed?

10. Even if the lifts policy does work to begin with (assuming the co-operation of parents and pupils, for which no evidence is offered) it is vulnerable to a range of risks:

- Inability to recruit enough staff on these quite challenging terms
- Lack of enforcement
- Changes in education provider over the life of the building

11. Any mitigation based on management practice is unlikely to be long-lasting, especially given the stresses of the current economic climate.

Traffic impact: climate change

12. NPPF 2021 14.153 Planning for climate change Plans should take a proactive approach to mitigating and adapting to climate change taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes and the risk of overheating from rising temperatures.

13. CS1 "seeks to address climate change" by "encouraging sustainable transport patterns" (NSCCS 3.8). It says that "planning applications will be considered taking into account the extent to which the proposal addresses climate change issues". LP2038 places the climate emergency and zero carbon at the top of its list of strategic priorities. Promotion of walking, cycling and public transport is also a strategic priority in LP2038. See SP1.

14. The Core Strategy's locational strategy aims to place new facilities "where they are easily accessible by public transport, walking and cycling" (CS 3.150). The Travel Plan for this application must "set out measures that will result in a reduction in car usage and an increased use of public transport, cycling and walking" (CS 3.153).

15. DM24 indicates that non-accessibility apart from by car, and the lack of integration with public transport, cycling and footpaths is grounds for refusing permission. (NB: DM26 indicates that a new school is one of those developments which would "generate significant amounts of movement", so it certainly falls within DM24.)

16. The Planning Statement attempts to address the need for integration with public transport, cycling and walking by claiming that there are "bus services with good connectivity to the surrounding area" (5.55). The Transport Assessment even provides a picture of a bus stop to prove it. And it claims that "large areas of developed residential suburbs of Langford and Churchill are accessible within a permitted walking distance from the site", and that the site is "attractive to cyclists accessing the site from the wider area". These claims are wholly without foundation, and the opposite is generally true:

- Foot: this is a District-wide facility which is within walking distance of only around 1% or 2% of the population it serves (say 3,000 out of 214,000)

- Cycle: The approach roads are narrow and busy and off-putting to all but the most dedicated cyclists. Daily observation over 16 years at various times of day indicates that a tiny number of people regularly commute by bike from Langford/Churchill along the B3133, only 1 of those (the observer in question) going on to Yatton, despite Yatton railway station being only a 20 minute ride.

- Bus: Two of the services to Churchill/Langford only connect with Bristol: U2 to Clifton - which relies on University of Bristol subsidy by way of free passes to vet students - and the Falcon to the Bus Station. Neither goes through any significant settlement in North Somerset. The first U2 bus doesn't arrive in time for an 8am start, and the Falcon is not reliable enough for commuting: it's a long distance service to Plymouth. The only other service, the 51, doesn't arrive from Weston in time for an 8am start and is a two-hourly service only.

17. The Planning Statement then undercuts much of this by admitting that "the vulnerable nature of the children, and the extensive catchment area, largely precludes unaccompanied pedestrian or cycle access." (5.44). That still leaves the practical inaccessibility to public transport in North Somerset as a factor which by itself should preclude the approval of this proposal.

18. Given that almost every pupil and employee will be arriving by car, it becomes especially important to reduce the number and length of journeys. The location of the school, about as far it's possible to be from the main centres of population and yet remain within North Somerset, thus becomes a serious cause for concern.

Transport impact: local effect

19. There is no evidence of current traffic volumes. As it happens, local residents do have evidence of vehicle traffic flows, from observations taken by a neighbourhood group in 2015 in connection with another planning application. The average number of vehicle passes between 8am and 9am on a weekday was measured at 234 per hour. Between 4pm and 5pm it was 191. With much house-building in the village since then, recent measurements indicate that this flow may since have doubled. The start and end of each of the two overlapping school days will see up to 99 extra trips clustered around each of

four key times, 8am, 11am, 2.30pm and 5pm. This will clearly have a significant impact on local congestion, living conditions and especially the use of the narrow Ladymead Lane.

20. Traffic emerging from the Broadoak estate through the only egress, into Pudding Pie Lane, is already congested especially around 8am with primary school traffic and associated parking, on-street airport parking, and surgery visitors. The extra traffic, all of which is supposed to be coming down Pudding Pie Lane, could be a tipping point.

21. As well as assuming that the correct figure for trips will be the minimum possible, the application describes these trips as being spread out evenly over half an hour at each of the four key times. But with a definite starting time it's far more likely that they will clump together. This needs to be modelled, with a range of alternative scenarios.

22. It is not acceptable for the Transport Assessment to be unaccompanied by any measurement of current traffic flows. Nor is there any measurement of the number of schoolchildren currently walking and cycling up and down Ladymead Lane to and from the primary and secondary schools. The Lane is single-track with no footpath. There are significant numbers, especially around the 8am proposed start of the SEMH school day.

23. The idea that non-use of Ladymead Lane will be enforced (including over parents and taxi-drivers) by a member of staff standing in the car park is highly improbable and unlikely to survive changes in management of the school or in the identity of the service provider, both of which are likely over the course of the long life of a permanent specialist building. Mitigation that relies on management practice is unlikely to be effective.

24. The Transport Assessment does not consider the risks associated with queues forming around the four start and end times. Any pupils being delivered or collected by parents have to be collected/picked up on site. The 59 parking spaces will likely be fully occupied by the 65 staff, and there is a limited waiting area. If there is any falling off from the 'lifts policy' it is very likely that queues of vehicles will form, blocking the lanes and creating a gridlock of congestion. And that of course is hardly the ideal start or end to the day for a child with severe emotional problems. In addition, cars are likely to park in Pudding Pie Lane to await the end of the school day: there is no assessment of the likely impact of this.

25. The vehicle entrance to the school is on a bend, where cars often travel at high speed. There have been recent accidents here, albeit with no personal injuries so far. Accidents were reported to the police in 2016, 2018 and 2020 with cars coming round the bend out of control and going through hedges and writing off a parked car. Further details can be provided.

Transport impact: effect on pupils

26. At p 451 of the Planning Statement, in the embedded NSC document "Review of Specialist and Alternative Educational Provision in North Somerset" 2017, it is pointed out that reducing the length of journeys "may also have a positive impact on behaviour, reduce anxiety and improve outcomes for the pupils concerned." And at p457, "Some pupils have complex care routines on waking, which when coupled with long journeys can impact on their readiness for learning when arriving at school." In this context, to plan an SEMH school where every child faces a significant car journey at the start and end of each day is irrational - in the legal sense of the term.

27. The NSC document identified the area around Junction 21 as being the best location for a school of this type. The developer's failure to objectively analyse alternatives or to actively seek out potential sites which might not be currently on the market is examined in more detail in the section below on Alternative Sites.

28. It's understood (although set out nowhere in the planning documents) that the intention is to operate the site as separate schools for primary and secondary. And this is surely essential: it is unworkable to have 5-year-olds and 16-year-olds mixing. This would mean that there would be extensive times of day - the overlap is 3½ hours - when the playing field area would be inaccessible to one half of the school. This goes against DfE guidance which says that informal areas are needed "where pupils come to have some quiet time or to calm down if they feel distressed or anxious" - at any time of the day. It refers to SEMH pupils as needing "greater personal space to avoid conflict". They "may need extra space to move around and to ensure a comfortable distance between themselves and others. They may need to be able to withdraw from their group, possibly to a sheltered outdoor area. Some may take extreme risks or have outbursts and need a safe place to calm down. Some may need behaviour support or counselling which should take place in a quiet supportive environment."

29. The DfE document, "Area guidelines for SEND and alternative provision, Building Bulletin 104" sets out minimum areas for SEND schools. Figure 26 on page 73 gives the figures applicable here, where space for team games is needed because the school is not restricted to KS1 pupils and is not likely to have a high proportion of non-ambulant pupils. (See definitions on page 13).

30. Even if the calculations are done on the basis of no more than 33 pupils at a time, the playing field area in the application is much too small.

31. The minimum "net site area", which covers total 'playing field land' is given by the formula $7000 + 21N$ m² where N is the number of pupils. For 33 pupils this gives a requirement for playing field land of 7693 m². Whereas the total "net site area", i.e. most of the site apart from buildings and car park, is only about 4,600 m². This is only 60% of the minimum recommended, and is already based on the questionable assumption of only providing outdoor space for one half of the school at a time.

32. If "net site area" were provided for all 65 pupils at once then the minimum requirement would be 8365 m². But if, more realistically, the minimum provision were made for two separate groups of 33 simultaneously (because it will be necessary to keep primary and secondary pupils apart) then the site should be over 1500m². before buildings and car park. In other words the total site should be twice its proposed size, about 2 ha., and the playing area should be three times the size planned.

33. Bizarrely, the Planning Statement and accompanying documents contain no calculations to show how the size of the site and its various areas compare to DfE guidance, despite this guidance being very detailed and specific. The only apparent reference to BB104 is at 2.9 of the Alternative Site Assessment, where it is claimed that a gross site area of 0.8 ha is suitable for a school of 65. But this figure appears to be taken from the chart for non-ambulant schools (Fig 25 in BB104), and it does not apply the per-pupil addition of $36N$ which would take the area up to 1.034ha. Using the correct chart, Fig 26, the indicative gross area is $11500 + 42N$ which gives a minimum of 1.423 ha., half as big again as the current site without taking into account the precise playing area

requirements set out above, which are especially demanding for, in effect, a primary and secondary school sharing the same site.

34. Building bulletin 104 also says that "Outdoor spaces should provide good sightlines, with no hidden spaces". These plans mean that there are three separate areas which are not visible to each other because of the way the play area curves round the north-western end of the building.

Flooding

35. This application offers two conflicting documents regarding this drainage matter. Firstly a solution is offered to site stormwater drainage which is based upon onsite infiltration. It also proposes to direct all excess stormwater into the sewer in Ladymead Lane which is intended to provide road drainage. Secondly, an assessment is offered, within the geoenvironmental report, which includes a detailed geotechnical assessment concerning the immediately subsurface geology and drainage characteristics of the site. These two reports are in clear conflict - since the superficial subsurface conditions encountered in the second survey render the infiltration proposal inapplicable.

36. The geotechnical investigation established that, as expected, the site is underlain by Mercia Mudstone and above this by a clay derived from the decay of that mudstone and also by periglacial and post glacial outwash which contributes some sands and gravels and also a few larger fragments. Such clay-dominated subsoils are noted for their low water permeability. In this case, the infiltration measurements all demonstrated an infiltration rate of zero and, by implication, a water permeability indistinguishable from zero. There is now a large body of local infiltration data from many other nearby planning applications, generally offering infiltration rates between about 10-6m/s and about 5x10-5m/s. These present results indicate a water permeability very much lower even than that. Therefore, an infiltration-based solution for this site is clearly untenable. In addition, the applicant's proposal to cope with excess stormwater is to deliver it to an offsite stormwater sewer which exists below Ladymead Lane. Unfortunately, this delivery point lies at a substantial depth so that it cannot feed into the (shallower) sewer in the Lane itself.

37. It should also be noted that the sampling was done after a prolonged period of unusually low rainfall in late January to April 2021. Even so, the sampling here encountered groundwater at various levels (at an average of 2.02m below ground level and indeed as high as 1.0m below ground). Furthermore, when encountered, the water flow was very rapid indeed.

38. Our own local observations indicate both that this is an exceedingly wet site and that Ladymead Lane already suffers frequent substantial floods in wet weather. The road on this corner was flooded from kerb to kerb as recently as 12 January 2023. In 2012 a house in Ladymead Lane downstream from this site suffered extensive internal flooding caused by run-off turning the lane into a torrent.

39. Trenched foundations may interfere with the natural drainage across the field, leading to waterlogging of the play area.

Overall planning context

40. The application breaches a number of NSC planning policies.

41. According to CS Vision 1, "The villages will cater for rural needs with their character and that of the open countryside protected from intrusive development."

42. CS Vision 6 says, "By 2026 the Service Villages will become thriving rural communities and a focal point for local housing needs, services and community facilities. They will become more self-

contained in terms of providing jobs and serving the local and surrounding community for all their day-to-day needs, whilst protecting their individual character."

43. The application proposes a District-wide facility with little or no connection to the needs of the village. Although of course children with SEMH needs can come from any area or background, NSC's own calculations indicate that few or no children using the school will actually live in the village. See the 2017 "Review of Specialist and Alternative Educational Provision in North Somerset". This shows that 81% of children likely to require additional needs support come from the postcode areas covering the coastal towns, with 0% coming from the BS40 and BS25 postcodes (within which Churchill and Langford fall). And with the villages amounting for between 1% and 2% of the total population of the District, one would in any case expect that at most 1 or 2 places in a school of 65 would be taken by local children.

44. North Somerset's planning policies give no support to the idea of locating a District-wide facility in a service village.

45. CS 20 says, "Elsewhere [i.e. outside the four towns] economic activity appropriate to the scale of the settlement will be approved within settlement boundaries where this leads to greater self containment, is compatible with the character of the area and meets locally identified needs.

46. This also supports the idea that service buildings in a service village should be local, not strategic. And since most jobs will be for specialist teaching staff, the development is very unlikely to be self-contained.

47. CS32 sets the policy for development in service villages. This application contravenes bullets 1, 4, 5 and 6 in that it does not 'reinforce local distinctiveness', it does not 'make a positive contribution to the local environment and landscape setting', it will create a significant 'adverse cumulative impact' on the highways, especially Ladymead Lane, and it does not 'maximise opportunities to reduce the need to travel'.

48. Within CS32, para 4.86 allows non-housing development if it is "appropriate" - which must mean appropriate for the local area, not the whole District - and if it supports the village's role as a "local hub for community facilities".

49. It is claimed that the school will provide "access to indoor and outdoor facilities at the new school for community use, out of school hours." The application does not attempt to provide evidence of any need for such facilities. Which is not surprising. This fairly small village already has a primary school, a secondary school, a university campus, a recreation ground, memorial hall, sports club, reading room, three churches and a church hall providing a variety of indoor and outdoor spaces for community use. What the community could really use is protected green spaces in sensitive locations.

50. The outdoor sports area will, quite rightly, not be illuminated. Since it will only be available out of school hours it is unlikely to be used much if at all by the community. At

this latitude, the sun will have set before 7.30pm local time throughout the period from 4 September to 6 April.

51. In various places the application tries to imply that the SEMH school will be a "community facility" (for example para 2.5 of the Planning Statement refers to "A number of other community facilities..."). No doubt this is done to try to squeeze it in under policies such as CS32. But it won't be a community facility: it will be a District facility.

52. DM69 applies to "sporting, cultural or community facilities". This phrase is defined as including schools, but that really only makes sense for a local school. DM69 allows such a facility to be built where it is 'well-related to the community it is intended to serve', 'genuinely accessible by a choice of transport modes' and 'would not prejudice the living conditions of neighbouring properties'. None of these requirements is met in this application. DM69 therefore does not permit the over-ruling of the various Core Strategies listed above which would prohibit this proposed development.

53. DM47 contains various provisions which would prohibit this proposal, to the extent that it is judged as an economic activity (i.e. as an employment provision). See especially the first, second and fourth bullets, and the additional point relating to service villages.

54. The site is shown on the emerging Local Plan Proposals Map as being allocated for a SEMH school. The application argues that this should carry moderate weight in favour of approval. But to do so would be to pre-judge the whole issue. The allocation was only proposed when NSC had already identified the site as the front-runner for this particular proposal. There is nothing inherently suitable about the site which would make it likely to have been proposed for such a use in the abstract.

55. The Planning Statement justifies its claim of 'moderate weight' by saying that 4 people were in favour, 13 in favour with amendments, and only 3 were against. These are very small numbers. The proposal at this stage was not advertised or notified locally, few people were aware of what was being suggested, and of course there were no concrete proposals to show the impact of the building etc. Compare this with the outcome of the community consultation in July 22 when 38 out of 45 respondents were opposed to the scheme. And at the time of writing there are 150 opposing comments and only 16 in favour. So if there is any 'moderate weight to be allocated' it should be on the side of rejecting the scheme. But in fact the 'emerging local plan' argument is a circular attempt to pre-judge the real issue, which is whether this proposal should go ahead or not.

56. The application also breaches planning strategy on sustainable transport, ecology and flood prevention, and these matters are considered further elsewhere.

Ecology

57. The detailed paper on ecological matters by Professor Daniel Robert is endorsed by Churchill Parish Council.

58. CS1 emphasises the importance of protecting and enhancing biodiversity across North Somerset including species and habitats that are characteristic of the area, in order to support