



Planning Committee

Application Address	Broadstone Middle School, Dunyeats Road, Broadstone, BH18 8AE
Proposal	Variation of Conditions 3 and 8 of Planning Permission APP/22/00343/F as described in that description of development to remove 3x silver birch trees (T2 and T3g) to facilitate works with replanting to enhance amenity space to the north of the building.
Application Number	APP/22/01277/F
Applicant	Castleman Academy Trust
Agent	Coomber Associates Limited
Ward and Ward Member(s)	Broadstone:- Cllr Slade Cllr Brooke
Report status	Public Report
Meeting date	15 December 2022
Summary of Recommendation	Grant with conditions
Reason for Referral to Planning Committee	This application is brought before committee as the proposed development is to vary conditions previously approved by Planning Committee on 21 st July 2022 and the development is of major category and situated on Council's land.
Case Officer	Monika Kwiatkowska

Description of Proposal

1. Planning consent is sought for a variation of Condition Nos 3 and 8 of Planning Permission APP/22/00343/F, as described in that description of development, to

remove 3x silver birch trees (T2 and T3g) to facilitate works with replanting to enhance amenity space to the north of the building.

2. This application is proposed as during the preliminary works on site it has been advised by the applicant's arboriculturist that the group of trees (T2 and T3g), which are within the proximity of the SEND classroom previously approved by planning permission APP/22/00343/F, would pose a constraint to the erection of the approved classroom. Their further assessment has been undertaken, which has concluded that the trees proposed for removal are of categories C1 and C3, with T2 having a large wound on the east side at 1.5m above ground level. As a result, their removal and appropriate replacement has been proposed to ensure the long-term planting benefit on site.

Description of Site and Surroundings

3. The site is occupied by Broadstone Middle School and is located on the northern side of Dunyeats Road. The school buildings are set back into the site from Dunyeats Road which is elevated in relation to the school buildings with a belt of trees located to the front of the buildings. The school buildings comprise of single storey buildings towards their southern end with two-storey buildings towards the northern end of the group of buildings and set further back into the site from the Dunyeats Road frontage.
4. Vehicular access to the overall school site is gained from Dunyeats Road and leads to a car parking area that is located to the western side of the school buildings. There is a caretaker's property (No.71 Dunyeats Road) that is also located to the western side of the school buildings, as well as an area of hardstand. To the eastern and northern sides of the school buildings are hard surfaced playground areas. The approved SEND classroom, that is the subject of the planning consent ref: APP/22/00343/F, is to be sited to the west of the complex of school buildings, behind the caretaker's bungalow, which is currently used as a school office.
5. The school buildings occupy the southern section of the overall school site. To the north of the school buildings and the external playground area that is located immediately to the northern side of them, are hard surfaced sports courts (marked out as tennis courts and football pitches) that are enclosed by fencing. Beyond these is a grassed playing field that provides sports pitches and a running track. The majority of this area to the north of the school buildings, including part of the playground area immediately to the north of them, is sited within the designated Canford Magna Green Belt. However, the approved SEND classroom, along with the school buildings are located outside of this designation.
6. To the eastern and western sides of the overall school is dense woodland whilst to the north is heathland, all of which is designated as a SSSI. The area of heathland to the north of the site forms part of the Dorset Heathlands Special

Protection Area (SPA) and Ramsar site and Dorset Heaths Special Area of Conservation (SAC). The site is also located within 400 metres of Canford Heath.

7. Duneys Road to either side of the application site and on the opposite side of the road is characterised by large, detached dwellings that are set within substantial sized plots with well-established landscape planting and mature trees that provides a verdant character and appearance to the street scene.
8. The site is located a short distance to the east of the Ridgeway and Broadstone Park Conservation Area, whilst the Tudor and Golf Links Road Conservation Area is located further to the west of the site.

Relevant Planning History:

9. Application site:

2022 – Planning permission was granted for the formation of an outdoor learning resource centre – Ref: **APP/22/00343/F**.

The conditions that were imposed on that planning permission that are the subject of this current application read as follows:

Condition 3

The proposal hereby approved, shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan, Ref DS/26722/AC, dated 7.3.2022 by Treecall Consulting, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent trees on site or on adjacent land from being damaged during construction works and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Condition 8

The development hereby permitted shall be carried out in accordance with the following approved plans and reports:

Block Plan, Drg. no: 508-P-02, received 14/03/22

Site, Location Plan, Drg. no: 508-P-01, received 14/03/22

Proposed Site Layout, Drg. no: 508-P-04, received 14/03/22

Proposed Elevations, Drg. no: 508-P-05, rev. B, received 30/03/22

elevation in Front of Retaining Wall, Drg. no: 508-P-06, received 30/03/22

External Works 1, Drg. no: 508-T-11, received 10/05/22

Tree Protection Plan and Arboricultural Method Statement, Drg. no: DS/26722/AC, received 14/03/22

Arboricultural Impact Assessment and Method Statement, ref: DS/26722/AC, received 14/03/22

Preliminary Ecological Appraisal (prepared by David Leach Ecology Ltd), dated March 2022 and received 14/03/22

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

2021 – Planning permission was granted to erect a 2.4m high metal mesh fencing, and access gates at various points, around the perimeter of the school site, and within the car park, to provide a safer environment for the attendees of the school – Ref: **APP/21/00480/F**.

2020 - Planning permission was granted for the erection of a freestanding temporary structure for a period of 5 years – Ref: **APP/20/01520/F** (temporary marquee type structure used as an external undercover space that can provide shelter from seasonal weather and that this need has been borne out of the ongoing Covid pandemic).

10. There have been a number of historic planning applications for the siting of mobile/temporary classrooms, permanent extensions to enlarge the school, and various alterations and works to the school buildings and within the site. None of these previous applications are of any direct relevance to this current proposal.

Constraints

11. The northern section of the overall school site, that includes the playing pitches and hard surfaced sports courts, is located within the Green Belt. However, this does not include the school buildings and the area to their western side, where the outdoor learning centre is proposed to be sited.
12. The site lies within 400 metres of Canford Heath and the overall school site is immediately adjoined on its' eastern, northern and western boundaries by heathland that is designated as a Site of Special Scientific Interest (SSSI) and forms part of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and Dorset Heaths Special Area of Conservation (SAC).
13. The site is also located a relatively short distance to the south of the Delph Woods and Arrowsmith Coppice Site of Nature Conservation Interest (SNCI).
14. The site is located in fairly close proximity to, but outside of, the Ridgeway and Broadstone Park Conservation Area and the Tudor and Golf Links Road Conservation Area.
15. The site is also within the area covered by the Broadstone Neighbourhood Plan policies.

Public Sector Equalities Duty

16. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other Relevant Duties

17. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.

In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.

For the purposes of s28G Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

Consultations

18. BCP Highway Services – supports the proposal.
19. Natural England – acknowledged the proposal, offered standard advice.
20. BCP Arboricultural Officer – supports the proposal, subject to conditions.
21. BCP Biodiversity Officer – supports the proposal, subject to previously imposed conditions.
22. Health and Safety Executive – acknowledged the consultation, the proposal does not fall under the remit of planning gateway, as it is not a residential development.
23. BCP Local Flood Risk Authority – acknowledged the proposal, offered no comments.

Representations

24. Site notices were posted outside the site on 30 September 2022 with an expiry date for consultation of 24 October 2022.
25. No representations have been received in response to the proposed development.

Key Issues

26. The key issues involved with this proposal are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the neighbouring amenity
- Impact on parking and highway safety
- Impact on trees
- Implications of the proposal in the future flood zone
- Sustainability considerations
- Biodiversity considerations
- Drainage considerations
- Waste collection considerations
- SAMM/CIL compliance

27. These issues will be considered along with other matters relevant to this proposal below.

As this is a section 73 application it involves a different assessment process from that applying to many of the applications for planning permission that come before committee as it requires consideration only of the conditions subject to which planning permission should be granted. However, in doing this, wider issues affecting the grant of permission need to be taken into account and the assessment made in the context of the development plan and other material considerations as the application results in a fresh permission. In this particular case, one material consideration is the fact that there exists a recently granted planning permission which represents a fallback position. Accordingly, the focus of this report will be on the proposed changes arising from the current application to that previously granted.

Policy Context

28. Local documents:

Poole Local Plan (Adopted November 2018)

- | | |
|------|--|
| PP01 | Presumption in Favour of Sustainable Development |
| PP02 | Amount and Broad Location of Development |

PP20	Investment in Education
PP27	Design
PP30	Heritage Assets
PP32	Poole's Nationally, European and Internationally Important Sites
PP33	Biodiversity and Geodiversity
PP34	Transport Strategy
PP35	A Safe, Connected and Accessible Transport Network
PP37	Building Sustainable Homes and Businesses
PP38	Managing Flood Risk
PP39	Delivering Poole's Infrastructure

Supplementary Planning Documents:

BCP Parking Standards SPD (adopted January 2021)

Broadstone Neighbourhood Plan (Adopted June 2018):

BP3 Enhancing Biodiversity

BP4 Securing High Quality Sustainable Design

BP10 Protecting Community Facilities

29. National Planning Policy Framework ("NPPF" / "Framework") (July 2021)

Section 2 – Achieving Sustainable Development

Paragraph 11 – “Plans and decisions should apply a presumption in favour of sustainable development.

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For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Section 8 – Promoting Healthy and Safe Communities

Paragraph 95 – “It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”.

Paragraph 96 – “To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted”.

Section 11 - Making effective use of the land

Paragraph 123 – “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Section 12 – Achieving Well-Designed Places

Paragraph 130 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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.

Section 13 – Protecting Green Belt Land

Paragraph 147 – “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Paragraph 148 – “When considering any planning application, local planning authorities should ensure that substantial weight is 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 resulting from the proposal, is clearly outweighed by other considerations”.

Section 15 – Preserving and Enhancing the Natural Environment

Paragraph 180 – “When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.

Paragraph 182 – “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

Section 16 – Conserving and Enhancing the Historic Environment

Paragraph 199 – “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)”.

Paragraph 200 – “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.

Planning Assessment

Principle of Development:

30. The current proposal is to vary Conditions No 3 (compliance with the approved Arboricultural Method Statement) and 8 (plans listing) of the approved Planning Permission APP/22/00343/F.
31. The principle of development has previously been found acceptable by the approval of planning permission ref: APP/22/00343/F. Since granting planning permission in July 2022, there has not been any change in the site circumstances or the planning policy context. As such, the principle of erecting an outdoor SEND learning centre remains acceptable and in accordance with the provisions of the NPPF and the adopted local policies, namely Policy PP20 of the Poole Local Plan and Policy BP10 of the Broadstone Neighbourhood Plan.

Impact on the character and appearance of the area:

32. The proposal would remain unchanged in terms of its siting, footprint, scale, mass and appearance.
33. The proposed amendment would remove 3 trees from the site (T1 sycamore, T2 and T3 – silver birches), located to the north and west of the approved building. In determining the previous application, it was concluded that due to the siting of the proposed building and its’ single storey nature it would not be readily visible from the public domain or any part of the adjacent Conservation Areas. The proposed removal of these trees would not materially alter the views of the proposed building from outside of the site and would not result in any further impact of the proposed SEND classroom to the setting of the adjacent Ridgeway and Broadstone Park Conservation Area and the Tudor and Golf Links Road Conservation Area or any of the heritage assets within them. As such, the proposed development would still be in line with the provisions of Policy PP30 of the Poole Local Plan.
34. Whilst some of the screening afforded by the existing trees scheduled for removal would be lost in the immediate views, the proposed scheme would not result in any materially greater impact to the visual amenity of the surrounding

area due to the retained set back position of the building and its single storey scale. In this regard, despite the proposed removal of the 3no trees, sufficient screening in form of dense tree and vegetation would still be retained to the boundaries of the site with the adjacent residential properties so that the proposed building would still be substantially screened from those adjacent dwellings. In addition, it is proposed that 3no trees would be planted in replacement for those that are proposed to be removed and therefore over time would provide a similar level of screening to that which currently exists.

35. The proposed design and finishing materials would remain unaltered from the previously approved scheme APP/22/00343/F. Therefore, as was previously concluded, it is still considered that the proposed building would complement the appearance of other school buildings on site and would blend in well to the overall site without looking at odds in its setting, in line with the provisions of Policy PP27 of the Poole Local Plan.
36. Despite the proposed removal of the trees, that is the subject of this application, given the siting of the proposed building within a part of the overall school site that is not located within the Green Belt, it is not considered that the proposed SEND classroom would have any greater impact on the openness of the Green Belt than the previously approved scheme.
37. Having regard to the above considerations, it is considered that the proposal would accord with the provisions of Policy PP27 of the Poole Local Plan and Policy BP4 of the Broadstone Neighbourhood Plan.

Impact on the neighbouring amenity:

38. Policy PP27 (1) (c) of the Poole Local Plan states that development will be permitted where it would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive.
39. The development would be located near the western side of the existing school buildings and therefore would be sited close to the residential properties to the western side of the overall school site (Nos.69 and 69a) and also the caretaker's property (No.71 Dunyeats Road) that is sited within the school grounds.
40. The proposed removal of the trees immediately adjacent to the northern side of the proposed SEND classroom would not alter the assessment of the impact of the approved scheme on the neighbouring amenity.
41. As the development would remain of a single storey scale and well screened by the dense tree and under-storey vegetation to the western boundary of the school grounds that would be retained, it would not appear overbearing or overly dominant to the occupants of the neighbouring properties.

42. Similarly, the proposal would not give rise to any loss of light, excessive shading or loss of privacy to the occupants of the adjacent dwellings, as previously stated. However, the removal of the existing trees adjacent to the northern elevation of the proposed SEND classroom may provide some added benefit to the future users of it by allowing greater levels of daylight to the main classroom that has windows to the northern elevation.
43. The proposed building would be sited closer to the shared boundary with residential dwellings than other school classrooms on site, but importantly would occupy the same siting and footprint as the building previously approved by planning permission APP/22/00343/F and therefore its' relationship to the neighbouring properties would remain unaltered. As was previously concluded when approving that earlier application, it is not considered that the noise that would be generated by the proposed use of the building would be considered detrimental to the amenities of the adjoining residential properties. In this regard, those neighbouring properties are already exposed to the usual noise generated by the school activities and the additional provision of the learning centre would not make this arrangement materially more harmful to the amenities of the occupants of the neighbouring properties.
44. The proposal would therefore accord with the provisions of Policy PP27 of the Poole Local Plan and Policy BP4 of the Broadstone Neighbourhood Plan.

Impact on parking and highway safety:

45. The proposal has been assessed by the Council's Transportation Officer who has advised that the proposal would not result in any impact on the existing parking and access arrangements on site. As such, the Council's Transportation Officer supports the proposal that would not give rise to any highway safety issues.

Impact on trees:

46. The proposal would be sited close to the trees on site (the trees on site are not protected).
47. Planning consent ref: APP/22/00343/F gave permission for the removal of the sycamore tree (T1), which was considered a low quality tree, to facilitate the SEND learning centre. As such, in view of the poor quality of the T1, its loss was accepted by the Council's Arboricultural Officer.
48. The current application proposes to remove 3 silver birch trees (T2 and T3g) to facilitate the erection of the approved SEND learning centre. During the preliminary works on site it has been advised by the applicant's arboriculturist that the group of trees (T2 and T3g), which are located within close proximity to the northern elevation of the proposed SEND classroom, would pose a

constraint to the erection of the approved classroom, Therefore, their further assessment has been undertaken which has concluded that the trees proposed for removal are of categories C1 and C3, with T2 having a large wound on the east side at 1.5m above ground level. As a result, their removal and appropriate replacement has been proposed to ensure the long-term planting benefit on site.

49. The revised Arboricultural Impact Assessment and Method Statement that has been submitted in support this current application have been assessed by the Council's Arboricultural Officer who has confirmed that the trees that are proposed for removal are low quality specimens that have a low amenity value and therefore they should not be seen as a constraint to the proposal. The trees that are proposed to be removed are not protected by a Tree Preservation Order and are not worthy of such protection. However, their loss, whilst acceptable, would need to be adequately mitigated. Replacement planting in form of 3 new trees is shown on the submitted drawings to mitigate the proposed loss of T2 and T3g. The provision of the proposed replacement tree planting is considered to provide adequate mitigation and is acceptable to the Council's Arboricultural Officer and can be secured by condition accordingly. The proposed replacement tree planting, being sited slightly further away from the proposed SEND classroom than the existing trees that are proposed to be removed would also provide a more sustainable long-term tree building relationship.
50. The revised Arboricultural Impact Assessment (AIA,) Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) that have been submitted with this application adequately demonstrate that the construction of the approved SEND learning centre can be undertaken without unduly impacting on all other trees that are to be retained on site, subject to adherence to the AMS and TPP. This can also be secured by condition.
51. Overall, the proposal is supported by the Council's Arboricultural Officer, subject to compliance with the submitted arboricultural information, which can be conditioned accordingly.

Sustainability considerations:

52. In terms of the sustainability of the proposed development, the current proposal would not alter the conclusions that were reached in approving the earlier scheme that it would comply with the provisions of Policy PP37 of the Poole Local Plan in terms of its provision of renewable energy sources. The previously imposed condition to achieve 10% of the predicted energy needs of the proposed development from renewable energy sources remains relevant in this regard and can be re-imposed.
53. In addition, the proposal would also not affect the previously accepted ability of the scheme to achieve a BREEAM 'Good' rating. Whilst a BREEAM 'Good' rating would not achieve the policy requirement of a BREEAM 'Very Good' rating in determining the previous application (APP/22/00343/F), it was accepted that the

evidence presented by the applicant in support of that earlier application had adequately demonstrated that a 'Very Good' rating would be difficult to achieve. It was therefore accepted that compliance with a reduced rating of 'Good' would be proportionate to the scale of the proposed development and that the obvious benefits of delivering improved educational provision would outweigh any limited conflict of the proposed scheme with the provisions of Policy PP37 of the Poole Local Plan. There has been no change in the site circumstances or the planning policy context to justify a different conclusion now being reached. The condition that was imposed on planning permission APP/22/00343/F to secure a BREEAM 'Good' rating therefore remains relevant in this regard and can be re-imposed.

Biodiversity considerations:

54. As previously assessed, the application site lies within 400 metres of Canford Heath and the overall school site is immediately adjoined on its' eastern, northern and western boundaries by heathland that is designated as a Site of Special Scientific Interest (SSSI), which form part of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site and Dorset Heaths Special Area of Conservation (SAC). The site is also located to the south of the Delph Woods and Arrowsmith Coppice Site of Nature Conservation Interest (SNCI) but is also sufficiently distanced from these designation areas that it would not have any direct or indirect impact on them.
55. Furthermore, in line with the assessment of the previously approved scheme (APP/22/00343/F), the approved SEND learning centre remains sufficiently distanced from the protected habitats so that it would not have any direct or indirect impacts on the adjacent heathland. In addition, the scheme is unlikely to result in any increase in recreation-based access to the nearby heathland and does not pose any likely risk to the interest features of the adjacent protected heathland, due to its scale and nature of use, in accordance with Policy PP32 of the Poole Local Plan.
56. The proposal has been brought to Natural England's attention who deferred the assessment of any impacts arising from the proposed scheme to the Local Planning Authority. The Council's Biodiversity Officer has also not identified that the proposal would be likely to have a significant effect on the protected European sites.
57. The proposal is accompanied by a Preliminary Bat Roost Assessment report, which concluded the trees proposed for removal had negligible bat and bird roosting potential. The report concluded that the proposed works affecting the trees would be unlikely to have an impact on bats or other protected species. The conclusions of the report are accepted by the Council's Biodiversity Officer.
58. Furthermore, the previously submitted Preliminary Ecological Appraisal Report remains relevant in terms of the biodiversity enhancement that was proposed and compliance with its recommendations is still conditioned accordingly.

59. The previously suggested biodiversity enhancement remains adequate and appropriate in scale to the scheme. The Council's Biodiversity Officer supports the proposed scheme, subject to securing the proposed biodiversity enhancement. This can reasonably be secured by condition. As such, the proposed scheme complies with Policy PP33 of the Poole Local Plan and the NPPF.

Drainage considerations:

60. The proposed scheme would have no further impact on the previously assessed and accepted flood risk and drainage matters on site.
61. The previously proposed drainage solution and permeable surfacing are still acceptable, relevant and remain secured by condition, as required by the Council's Flood Risk Engineer.

Waste collection considerations:

62. The proposal would result in no further impact on the existing waste collection arrangements on site.

SAMM/CIL compliance:

63. The proposed scheme is not CIL or SAMM liable as no residential units would be created. The site is within proximity of Poole Harbour SPA and Ramsar site; however, the proposed scheme, due to its small scale, would not be likely to cause additional detrimental impacts on features of nature conservation interest requiring avoidance/mitigation contribution under the Nitrogen Reduction in Poole Harbour SPD.

Planning Balance/Conclusion:

64. The revised scheme would continue to enhance the existing educational provision in the local area whilst complying with the relevant adopted local policies and the national guidance, as previously assessed and found acceptable and mentioned in the report above.
65. The revised scheme would result in the loss of 3no trees on site, however this loss is mitigated and the proposed mitigation is acceptable and proportionate in scale to the proposed changes.
66. The proposed arboricultural changes would have no additional impact on the visual amenity of the area, the setting of the Conservation Area, the nearby greenbelt, residential amenity, parking, access, biodiversity enhancement,

sustainability or drainage that were previously accepted during the assessment of the original scheme, ref: APP/22/01277/F.

67. In view of the above assessment, the revised scheme is recommended for approval, subject to conditions outlined in the report and set out below.

RECOMMENDATION

It is therefore recommended that this application be Grant with Conditions subject to the following:

Conditions:

1. GN150 (Time Expiry 3 Years (Standard))

The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of the approval of the original planning permission (APP/22/00343/F), namely 22 July 2022.

Reason: This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. AA01 (Non-standard Condition)

The materials to be used for the external faces of the development shall be as specified on the approved plans.

Reason: To ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

3. TR030 (Implementation of Details of Arb M Stmt)

The proposal hereby approved, shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan, Ref DS/26722/AC, dated 14.09.2022 by Treecall Consulting, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent trees on site or on adjacent land from being damaged during construction works and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

4. GN163 (Renewable Energy - Non Residential)

Prior to first occupation of the building hereby permitted, details of the measures to provide on-site renewable energy sources to meet a minimum of 10% of the predicted energy use of the non-residential development, shall be submitted to and approved in writing by the Local Planning Authority. These measures must

then be implemented before any occupation is brought into use and maintained thereafter. Documents required by the Local Authority include:

- The 'as built' SBEM/BRUKL assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L,
- The corresponding EPC (Energy Performance Certificate), and
- A statement, summary or covering letter outlining how the data given in the above documents demonstrates that a minimum of 10% of energy use is provided by the renewable technology.

Reason: In the interests of delivering a sustainable scheme, reducing carbon emissions, and reducing reliance on centralised energy supply, and in accordance with Policy PP37(2) of the Poole Local Plan (November 2018).

5. GN161 (BREEAM)

The development, hereby permitted, shall achieve a minimum BREEAM 'Good' rating (or equivalent standard). Prior to first occupation of the building, the Post-Construction Review Certificate shall be submitted to the Local Planning Authority verifying that the BREEAM rating has been met.

Reason: In the interests of delivering a sustainable and energy efficient scheme and in accordance with Policy PP37(3) of the Poole Local Plan (November 2018).

6. AA01 (Non-standard Condition)

The development, hereby approved, shall be carried out in accordance with details of the approved Preliminary Ecological Appraisal (prepared by David Leach Ecology Ltd, dated March 2022 and received 14/03/22), and shall be supervised by an appropriate ecologist holding a nationally recognised licence.

Prior to the first use of the development hereby permitted, biodiversity mitigation and enhancement measures, as specified in sections 5.3 and 5.4 6 and Appendix E of the approved Preliminary Ecological Appraisal (prepared by David Leach Ecology Ltd, dated March 2022 and received 14/03/22), shall be carried out, installed on site and thereafter retained in good working order.

Reason: In the interest of providing necessary biodiversity gain as set out in the National Planning Policy Framework (NPPF) 2021 (Section 15) and BSI 42020:2013 'Biodiversity - code of practice for planning and development' and in accordance with Policy PP33 of the Poole Local Plan (November 2018).

7. DR020 (Drainage)

The development, hereby approved, shall not be occupied until drainage works have been carried out in accordance with the approved details.

Reason: To ensure there is adequate provision of drainage facilities and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

8. PL01 (Plans Listing)

The development hereby permitted shall be carried out in accordance with the following approved plans and reports:

Block Plan, Drg. no: 508-P-02, received 14/03/22;
Site, Location Plan, Drg, no: 508-P-01, received 15/09/22;
Proposed Site Layout, Drg, no: 508-P-04, received 14/03/22;
Proposed Elevations, Drg, no: 508-P-05, rev. B, received 30/03/22;
Elevation in Front of Retaining Wall, Drg, no: 508-P-06, received 30/03/22;
External Works 1, Drg, no: 508-T-11, received 10/05/22;
Tree Protection Plan and Arboricultural Method Statement, Drg. no: DS/26722/AC, received 15/09/22;
Arboricultural Impact Assessment and Method Statement, ref: DS/26722/AC, received 15/09/22;
Preliminary Ecological Appraisal (prepared by David Leach Ecology Ltd), dated March 2022 and received 14/03/22; and
Preliminary Bat Roost Assessment Report (prepared by David Leach Ecology Ltd), dated 11/11/22 and received 14/11/22.

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

9. TR080 (Replanting of Specified Number of Trees)

Three (3) trees, of a size and species to be agreed in writing with the Local Planning Authority, shall be planted in the location shown on the approved Tree Protection Plan (ref: DS/26722/AC, dated 14.09.22 and received 15/09/22), in accordance with BS3936, BS4043, BS4428 and BS8545 within the next planting season following implementation of this permission. The trees shall be thereafter maintained for a period of five years including the replacement of any trees, or any trees planted in replacement for it, which die, are removed or become damaged or diseased within this period with trees of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the trees have been planted so that compliance with the condition can be confirmed.

Reason: In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Informative Notes

1. IN72 (Working with applicants: Approval)

In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Also:

- in this case the application was acceptable as submitted and no modification or further assistance was required.

2. IN22 (Protection of Badgers)

The attention of the applicant is drawn to the fact that if badgers are found to be present on the site, they are subject to protection under the Badgers Act 1992. Under this Act, no works which may cause disturbance to badgers may be carried out without a License issued by English Nature. A License will also be required if works are to be carried out which involve destruction of a badger sett and this will normally involve arrangements for badger translocation. There is a closed season for works involving setts from December to June. You are advised to contact English Nature as soon as possible if badgers are found to be present. Necessary arrangement can take a considerable time to conclude and delays are likely if sufficient time is not allowed. The applicant is advised to contact Natural England, Dorset Hampshire & Isle of Wight Team, Rivers House, Sunrise Business Park, Higher Shaftesbury Rd, Blandford Forum DT11 8ST for further advice.

Background Documents:

Documents are uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report, including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes. This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972. Reference to published works is not included.