



Planning Committee

Application Address	Broadstone Middle School, Broadstone Middle School, Dunyeats Road, Broadstone, BH18 8AE
Proposal	Proposed new sports hall
Application Number	APP/23/01194/F
Applicant	Broadstone Middle School
Agent	Sheerin Bettle Architecture
Ward and Ward Member(s)	Broadstone Councillor Vikki Slade Councillor Peter Sidaway
Report Status	Public
Meeting Date	15.08.2024
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	The application site is owned by BCP Council and the application falls within the 'Major' category
Case Officer	Caroline Palmer
Is the proposal EIA Development?	No

Description of Proposal

1. The application seeks consent for a proposed new sports hall within the grounds of Broadstone Middle School (Years 5 – 8). The building measures approx. 37m x 33m (max) with a curved roof 10m (approx.) to the ridge with an internal floorspace of 929 m² overall. The building will be sited to the north-east of the existing school buildings complex on an area currently hard surfaced for an external playground area.
2. The building provides a main hall with sufficient space for three standard 13m x 6m badminton court layouts with circulation along with changing rooms, offices and store. There is a mezzanine at 1st floor level providing a viewing gallery.
3. The planning statement submitted advises the need for the development arises from significant overcrowding of existing facilities whereby the main hall, built in the 1970s has not been refurbished since its construction and is used as assembly, dining and PE space. The proposed sports hall meets the most significant shortfall in PE provision and allows the existing hall to be more effectively used for its intended use of assemblies, large group activities and dining provision.

Description of Site and Surroundings

4. 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.
5. 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.
6. 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 Green Belt. The proposed sports hall would be located on the existing playground area, and would therefore be partly located within the area designated as Green Belt.
7. 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.
8. Dunyeats 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.
9. 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:

10. The most recent planning history on the site is as follows:
11. **15/12/2022:** Variation of Conditions 3 and 8 of Planning Permission APP/22/00343 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. (APP/22/01277/F). **Grant with Conditions**

22/07/2022: Major application for the formation of an outdoor learning resource centre. (APP/22/00343/F). **Grant with Conditions**

18/02/2022: Erection of perimeter fencing and internal gates (APP/21/00480/F). **Grant with Conditions**
12. 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 direct relevance to this current proposal.

Constraints

13. The northern section of the overall school site, that includes the playing pitches and hard surfaced sports courts, is located within the Green Belt. The proposed sports hall would be partially located within this area.
14. 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).
15. The site is approximately 475m from the boundary of the Delph Woods and Arrowsmith Coppice Site of Nature Conservation Interest (SNCI).
16. The development site is approximately 175m from the nearest boundary of the Ridgeway and Broadstone Park Conservation Area and over 400m from the boundary of the Tudor and Golf Links Road Conservation Area.
17. The site is also within the area covered by the Broadstone Neighbourhood Plan policies.

Public Sector Equalities Duty

18. 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

19. 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.
 20. With regard to sections 28G and 28I (where relevant) of the 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 is of special 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.
 21. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the "general biodiversity objective".
 22. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.
 23. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent,
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(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

24. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

25. BCP Highway Services – support the proposal
26. BCP Planning Policy Officer – comments that the scheme would need to be considered under ‘very special circumstances’ in relation to Green Belt policy
27. BCP Arboricultural Officer – comments that the position of the sports hall would lead to the need to prune trees. Recommends a condition requiring the prohibition of fires, concrete mixing and storage of materials close to the trees.
28. BCP Biodiversity Officer – supports the proposal, subject to conditions requiring the inclusion of biodiversity enhancements and the submission of a Construction Environment Management Plan
29. BCP Environmental Health Officer – no objection to the proposal subject to the imposition of a condition requiring the reporting of unexpected contamination
30. Dorset and Wiltshire Fire and Rescue – comments received that the scheme would need to comply with the relevant Building Regulations requirements.
31. Wessex Water – standard guidance issued, no objection was raised
32. Sport England – no objection subject to conditions requiring a Community User Agreement and specific types of glazing to be used.

Representations

33. Site notices were posted outside the site on 31st October 2023 with an expiry date for consultation of 24th November 2023. Additional site notices were posted outside the site on 29th January 2024 with an expiry date for consultation of 22nd February 2024, following the submission of the amended ownership certificate B.
34. No letters of representation have been received.

Key Issues

35. The key issues involved with this proposal are:
- Principle of development
 - Impact on the Green Belt
 - 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
 - SAMM/CIL compliance
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36. These issues will be considered along with other matters relevant to this proposal below.

Policy context

37. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Poole Local Plan (Adopted 2018)

Poole Local Plan (Adopted November 2018)

PP01	Presumption in favour of sustainable development
PP02	Amount and Broad Location of Development
PP20	Investment in Education
PP26	Sports, recreation and community facilities
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

38. **National Planning Policy Framework ("NPPF" / "Framework")**

Including in particular the following:

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 99 – “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 100 – “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 land

Paragraph 127 – “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 135 - 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

Proposals affecting the Green Belt

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. 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.

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Section 15 – Conserving and Enhancing the Natural Environment

Paragraph 186 – “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 188 – “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”.

Planning Assessment

Principle of development:

39. The proposal is to erect a new sports hall, to provide sports facilities in line with the requirements of the national curriculum.
40. The NPPF 2023 in relation to promoting healthy and safe communities states at paragraph 99 that "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 approach, positive and collaborative approach to meeting this requirement and to development that will widen the choice in education. They should (a) give great weight to the need to create, expand or alter schools through.... decisions on applications."
41. In accordance with the NPPF, Policy PP20 of the Poole Local Plan states that the Council will continue to work with its partners, including schools, academies, colleges and universities to upgrade and improve educational facilities, to ensure there are sufficient places to meet needs and to ensure that the courses provide students with the skills needed by local businesses. The Poole Local Plan also sets out 7 strategic objectives that contribute to achieving the strategy/vision for Poole to 2033 and amongst these Objective 3 aims to support high quality, successful education facilities offering opportunities for all, whilst a corporate policy of the Council is to also ensure that all children and young people have the chance to achieve their full potential.
42. Broadstone Neighbourhood Plan Policy BP10 seeks to protect the existing community facilities in Broadstone and includes Broadstone Middle School and School Playing Fields amongst the community facilities listed. This policy requires that development proposals that will result in the loss, or part loss, of community and sports and recreational facilities will not be supported unless it is demonstrated that the facility is either: (i) Unsuitable for its current use and (ii) Unviable/ no longer practical to retain, or (iii) Surplus to requirements.
43. The application is supported by a Planning Statement which advises that “the School proposes to construct a new Sports Hall facility, this is required in response to a severe shortage of space to deliver the PE curriculum and other activities which require a large hall space. These functions are currently being ‘addressed’ through the use of a temporary Marquee type facility which is not sustainable nor suitable for ongoing teaching and learning use...” It goes on to state that:

“The project aims to deliver the following key outputs:

 - Address significant overcrowding throughout the facilities evidenced by the recent Net Capacity Assessment which shows a significant shortfall in Halls, Dining and PE spaces with the most significant shortfall being in relation to the lack of an indoor Sports Hall.
 - Deliver a high quality PE facility of 929 square metres - to provide a new Sports Hall and essential additional changing facilities, toilet provision, ancillary facilities, circulation and plant.
 - Ensure that the existing Hall can be more effectively used moving forward for its intended use of assemblies, large group activities and dining provision – with indoor sports which cannot be taught properly in this space or the ‘marquee’ being accommodated in a new sports facility which the evidence demonstrates is the priority need.”
44. Whilst the proposal would be partially built on existing playground/hard courts, overall the proposals are considered to enhance the sport facilities of the school, in line with current requirements, and would be consistent with the established use of the site.
45. Having regard to the above considerations, the principle of the proposed sports hall can be supported, as the proposal would comply with the provisions of Policy PP20 of the Poole Local Plan, Policy BP10 of the Broadstone Neighbourhood Plan and the guidance within the NPPF.

Impact on the Green Belt

46. Paragraph 153 of the NPPF states: “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. “
47. Paragraph 154 then goes on to identify exceptions to the definition of inappropriate development including:
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
48. In this case, the proposed new sports hall is not considered to fall within the exception category Para. 154 b) – or any of the other exceptions in Para. 154 - as the building is in relation to indoor sport. In addition, para. 155 also lists a further list of exempted developments which are not inappropriate development in the green belt provided they preserve its openness and do not conflict with the purposes of including land within it. None of these exemptions apply to the application proposal.
49. The building is a completely new structure which would have a greater impact on the openness of the Green Belt, and as such adversely impacts on the openness of the Green Belt on the application site. The scheme is therefore inappropriate development under the guidance in the NPPF. Para. 152 states; “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”
50. Therefore, very special circumstances (VSC) would need to be demonstrated in order for the proposal to be acceptable.
51. The applicant has submitted justification for the proposed sports hall being considered as constituting a very special circumstance. Their justification is that the school cannot currently deliver the required curriculum in respect of physical education. There is thus a compelling need for the proposed facilities to resolve this unsatisfactory situation and that need is, on its own, capable of being VSC.
52. In examining this, evidently the sports hall in order to meet its intended purpose needs to be located within the school grounds. As noted above, part of the school site lies within the green belt and part within the urban area. In addition, the building itself will lie partly in the green belt and part in the urban area – officers estimate around 30 – 40% of the building is in the green belt, so the majority is within the urban area. Therefore in order to assess the potential VSC, the applicant has been asked to set out their reasons for the location of the building within the school curtilage.
53. In response they have advised;
54. “There are only two potentially alternative positions, outside of the green belt, in which to locate the sports hall. Both of these locations have been considered but neither of them is a viable, practicable alternative to the chosen location. The first of these is the current car park, to the west of the school buildings. In theory this space is capable of accommodating the development but in doing so it would of course displace the car park. Furthermore, the car park is already operating at capacity and so any reduction in space would have serious implications for the management of the school and for local parking conditions. The only place to which it could be relocated is the existing MUGA. Any workable car parking layout here would involve the loss of existing outdoor play space to the rear of the school buildings, in order to access the car park. It would therefore result in a net loss of playing surface (in addition to the MUGA) and would attract an objection from Sport England. It would also mean that traffic would then have to travel around the school to reach the car park, introducing traffic flows into an area of the school grounds where it presently doesn’t exist. Traffic is presently segregated from play areas, for obvious reasons, and is located outside of the secure compound. This location for the car park would also relate poorly to the layout of the school and the main entrance, which is well served by the existing arrangement. The existing car park is also constrained by boundary tree planting all around it,
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meaning that any developable area is likely to be limited. Setting the building forward of the front of the main school building would make it unduly conspicuous and so realistically it would need to be set in line with the main school, reducing the developable area still further. Any potential future expansion of the sports hall would be ruled out. Overall, then, the use of the existing car park for the sports hall would result in a less safe, less convenient and less practical form of development, for the reasons given above.

55. "The second alternative is to 'slide' the sports hall closer to the school buildings than its presently proposed location on the MUGA. Again, this is possible in theory, but again it would result in the loss of additional existing outdoor play space, notably the year six playground and the informal, grassed play area that currently exists between the school buildings and the MUGA. Furthermore these existing areas close to the school buildings also act as break-out space because they are convenient to the main buildings and require minimal supervision – if these were to be relocated to the existing MUGA, to compensate for their loss in their present position, they would not be able to serve the same function and their value as such would be lost. This alternative would also involve the loss of a number of trees that presently occupy the space along the boundary of the playground. These trees perform a screening function as well providing for biodiversity and their loss would be a meaningful one in the circumstances. Neither would such a move reduce the visual impact of the development relative to its currently proposed position. As explained above the site is visually contained by existing features and a re-positioning of it along the above lines would make no appreciable difference to its overall impact".
56. Not all aspects of the justification given are necessarily accepted. For example, officers do not see any particular visual harm from siting the building on the current car park or forward of the existing front elevation facing Dunyeats Road. Due to the fall in levels from the highway, the building would simply be viewed as a logical part of the school complex in such a location. There is also no evidence to support the position about the school car park being at capacity. Nonetheless the practicality of replacing the school car park elsewhere within the site is accepted.
57. With regards to moving the building closer to the existing building complex, these reasons are noted. No reason given is particularly compelling in itself with the possible exception of the tree loss. Nonetheless, as a combination of factors for not moving the building to the south-west, the applicant's reasons are noted.
58. Added to this is that the development is intended to be available to the local community for use outside of the school's requirements. This is a matter that the applicant has engaged with Sport England upon and a Community Use Agreement (CUA) is to be pursued, ensuring that the optimal use is made of the facility. A planning condition could reasonably be imposed that requires details of how the community would be permitted to use the facilities. This is considered to add weight to the very special circumstances in this case and is itself enshrined in the NPPF at paragraph 96 which states...: Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which...c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
59. Paragraph 97 of the NPPF continues: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; Paragraph 99 of the NPPF deals specifically with schools and education, and states: 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. It is recognised that paragraph 153 applies 'substantial weight' to any harm to the green belt, but it is clear that paragraph 99 applies a counter-balancing 'great weight' to the current proposals.

60. Paragraph 127 adds further support and states: 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... 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'.
61. In summary, it is considered there is a combination of factors to be included in the assessment of whether there are very special circumstances in this instance. These include the demonstrated and accepted need for the sports hall, the applicant's position of why the building cannot be located within the school grounds entirely outside of the green belt, the limited extent that the building is actually within the green belt and the moderate harm to the openness of the green belt as a result bearing in mind the site is already hard surfaced and the building would form a logical part of the existing school complex. Therefore in this instance it is considered very special circumstances have been demonstrated which warrant making an exception to policies designed to preserve the openness of the green belt. Thereby the scheme complies with the NPPF & Policy PP2.

Impact on the character and appearance of the area:

62. The overall site of the school is located in a low density established suburban area with extensive open land to the north. Due to the extensive distances to the Ridgeway and Broadstone Park Conservation Area and the Tudor and Golf Links Road Conservation Area to the west & south, along with the presence of intervening buildings and trees, the scheme is not considered to impact on the setting of these heritage assets.
63. In terms of the visual impact of the proposed development would be a two storey structure, located to the rear of the existing school buildings. Due to its location and design, the proposal would not be highly visible from the public domain either from Dunyeats Road or the public footpath approx.. 350m to the north. Where views may be visible of the building, it is considered it will appear as a logical part of the existing campus. The design, whilst functional is considered to have an attractive contemporary appearance. The materials of brick & corrugated cladding with a standing seam roof are acceptable bearing in mind the design of building and the prevailing character of the area.
64. The proposed design and finishing materials would complement the appearance of the other school buildings on site and they would allow the proposed building to blend well with the surrounding vegetation without looking at odds in its setting, in line with the provisions of Policy PP27 of the Poole Local Plan. The proposal would have an acceptable impact on the character and appearance of the area, as it would not be highly visible from the adjacent dwellings, due to the dense vegetation along the boundaries
65. As such, the proposal would comply with the provisions of the Policy PP27, PP30 of the Poole Local Plan and Policy BP4 of the Broadstone Neighbourhood Plan.
66. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "*with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"

Impact on neighbouring living conditions:

67. 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.
68. The proposed development would be located to the north of the existing school buildings. It would be approximately 70m from the nearest property to the east at 77 Dunyeats Rd with an intervening tree screen. The nearest residential properties to the west of the school site (Nos.69 and 69a) and also the caretaker's property (71 Dunyeats Road) sited within the school grounds, are in excess of 100m from the building with existing school buildings in between.
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69. Given its siting, scale and design, as well as the screening from the dense vegetation, the proposed building would cause no material harm to the light, outlook or privacy currently enjoyed by the occupiers of any adjacent homes. It is unlikely that the proposed sports hall would give rise to any unacceptable levels of additional noise or light pollution given the existing use of the site and further measures could be taken under separate legislation in the event of harm from noise.
70. 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:

71. The proposal has been assessed by the Council's Transportation Officer who advised that the proposal would have acceptable impacts on highway safety. As such, the Council's Transportation Officer supported the proposal.
72. The scheme is considered to be compatible with highway safety and capacity on the wider highway network and thereby complies with Policy PP35 of the Local Plan.

Impact on trees:

73. The proposal would be sited close to the trees on site and would give rise to the need to prune some of these trees for the construction of the building.
74. The BCP Arboricultural Officer recommended re-siting the proposed building further from the trees. However, this was a desire to improve the situation and when this was not deemed possible, a condition requiring the prohibition of fires, concrete mixing and storage of materials close to the trees was requested. With these safeguards, the scheme therefore complies with Policy PP27 in this regard.

Sustainability considerations:

75. Being a new build development, the proposed building would be required to meet the latest Building Regulations, therefore achieving a high level of energy efficiency and sustainability. A condition requiring that the proposed development comply with the requirements of Policy PP37 of the Poole Local Plan to achieve 20% of the predicted energy needs should be imposed.
76. Furthermore, in accordance with Policy PP37, the proposed development is expected to be built to meet BREEAM 'Very good' rating. This should also be secured by condition.

Biodiversity considerations:

77. 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.
 78. The proposal has been brought to Natural England's attention who have offered no comments in relation to it. 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.
 79. The proposed structure would be sufficiently distanced from the protected habitats so that it would not have any direct or indirect impacts on the adjacent heathland. In addition, the proposal 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.
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80. The Council's Biodiversity Officer has no objection to application in principle, however he notes that no biodiversity enhancements have been offered and that as such the application is not compliant with National Planning Policy Framework 174 "Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity" and Poole Plan Policy PP33 "enhance biodiversity". In order to address this, a minimum of two bat brick/tubes and two swift boxes/bricks should be installed on the new building. These should be secured through the imposition of a condition.
81. A condition requiring the submission, agreement and implementation of a Construction Environmental Management Plan should also be imposed in order to ensure that the application complies with The Conservation of Habitats and Species Regulations 2017 (as amended) and S40 of Natural Environment and Rural Communities Act 2006 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity'
82. As such, subject to the imposition of the above conditions, the application is considered acceptable in relation to biodiversity in accordance with Policy PP33.

Drainage considerations:

83. The application site is located within Flood Zone 1 and no comments have been received from the Council's Drainage Engineer. It is noted from a previous application on the site that the Council's Drainage Engineer has advised that there are issues with regards to the lack of capacity in the surface water drainage due to the existing known site conditions (very badly draining ground). For that reason, effective infiltration of the site is not possible. However, the proposed building would be located on an area which currently consists of hard surfacing. As such, the proposed scheme has been considered to be acceptable in terms of its impact on drainage and currently there are no grounds to presume that a feasible drainage solution could not be delivered.

SAMM/CIL compliance:

84. 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:

85. The proposed scheme would enhance the existing educational provision in the local area whilst complying with the relevant adopted local policies and the national guidance. It would also provide sports facilities for community use. The scheme has acceptable impacts on neighbouring living conditions, the character and appearance of the area and highway safety.
86. The proposed building would be partially sited within the Green Belt. However, it is considered the scheme meets the 'very special circumstance' required to make an exception to policies designed to preserve the openness of the green belt due to the pressing need for the facilities in order to meet the requirements for the curriculum at the school, the lack of any suitable alternative locations within the school site, the limited impacts on openness and the proposed community use.
87. The scheme provides substantial social benefits in providing improved facilities for an existing academy school. There will be minor economic benefits during the construction phase. The environmental impacts are considered to be neutral for the reasons stated above. The scheme therefore represents sustainable development and complies with the Development Plan as a whole.
88. In view of the above assessment, the proposal is recommended for approval, subject to conditions outlined in the report.
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Background Documents:

89. Documents 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.

RECOMMENDATION

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

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 this permission.

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. PL01 (Plans Listing)

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

Proposed site, location and block plan (drawing number SBA.3815-1-2) received 17.10.2023

Proposed site plan (drawing number SBA.3815-1-3 B) received 08.01.2024

Proposed ground floor plan (drawing number SBA.3815-7-1) received 17.10.2023

Proposed first floor plan (drawing number SBA.3815-7-2 B) received 08.01.2024

Proposed south east and south west elevations (drawing number SBA.3815-8-1) received 17.10.2023

Proposed north west and north east elevations (drawing number SBA.3815-8-2 B) received 08.01.2024

Cross-section plan (drawing number SBA.3815-8-4 A) received 08.01.2024

Schedule of materials received 17.10.2023

Reason -

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

3. GN050 (Matching Materials)

The materials to be used for the external wall and roof shall be as detailed on the application form and 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).

4. AA01 (Non standard Condition)

Within six months of foundations being completed, a community use agreement prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement provided to the Local Planning Authority. The agreement shall apply to sports hall and parking and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with the provisions of Policy PP26 of the Poole Local Plan (Adopted 2018).

5. AA01 (Non standard Condition)

At all times the glass used in the windows in the gable which face on the playing fields, shall be at least 15mm toughened glass for the outer pane and laminated glass for the inner pane.

Reason -

To allow continuous use of the playing field and sports hall whilst protecting the occupants of the sports hall from possible glass damage caused by sports projectiles in use on the playing field and the sports hall.

6. AA01 (Non standard Condition)

The Clerestory windows shall be treated to prevent glare to the users of the sports hall, which would discomfort and interfere with the playing of some sports.

Reason -

To ensure the development is fit for purpose, subject to high quality design standards and in compliance with the provisions of Policy PP27 of the Poole Local Plan (2018).

7. AA01 (Non standard Condition)

In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and further development ceased. An investigation and risk assessment must be undertaken in accordance with the Environment Agency 'Land contamination risk management (LCRM)' procedures and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme recommencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason -

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. AA01 (Non standard Condition)

Biodiversity enhancements of at least two bat brick/tubes shall be installed, located away from direct effect of man-made lighting and on aspects and heights as recommended by Bat Conservation Trust http://www.bats.org.uk/pages/bat_boxes.html and at least two swift boxes/bricks shall be installed in accordance with swift conservation guidance <http://www.swift-conservation.org/OurLeaflets.htm> prior to the building first being brought into use and thereafter retained.

Reason -

In compliance with the National Planning Policy Framework (2021) paragraph 174 'Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity' and with the provisions of Policy PP33 of the Poole Local Plan (2018).

9. AA01 (Non standard Condition)

Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by the Local Planning Authority. This shall show how work will be carried out to prevent impact to Canford Heath SSSI, Dorset Heathlands SPA, Dorset Heaths SAC and harm to reptiles, badgers and other wildlife that may enter the work area. The development shall be carried in accordance with the approved CEMP

Reason -

In compliance with The Conservation of Habitats and Species Regulations 2017 (as amended) and S40 of NERC Act 2006 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity'

10. GN161 (BREEAM)

The commercial building hereby permitted shall achieve a minimum BREEAM 'very 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).

11. 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 20% 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 non-residential 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%/20% (delete as appropriate) 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).

12. No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land. No concrete mixing shall take place, or oil, cement, bitumen or chemicals stored within 10 metres of the trunk of any tree to be retained on the site or adjoining land.

Reason -

To prevent trees on site and on adjoining land from being damaged during building works and 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 applicant was advised of issues after the initial site visit
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

Case Officer Report Completed

Officer: Caroline Palmer

Date: 15.07.2024

Agreed by:

Date:

Comment:
