

Application Number: 15/11742 Full Planning Permission

Site: PHOENIX YOUTH CENTRE, CULVER ROAD,
NEW MILTON BH25 6SY

Development: Temporary school building

Applicant: The Arnewood Multi-Academy Trust

Target Date: 01/02/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to the view of the Town Council and Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS4: Energy and resource use

CS6: Flood risk

CS7: Open spaces, sport and recreation

CS8: Community services and infrastructure

CS10: The spatial strategy

CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM8: Protection of public open space, private recreation land and school playing fields

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 9 – Protecting Green Belt

NPPF Para 74 - Protecting Playing Fields

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

New Milton Local Distinctiveness Document

Parking Standards SPD (Oct 2012)

6 RELEVANT PLANNING HISTORY

- 6.1 08/92017 – Use as playing field – granted May 2008
- 6.2 00/69702 – Change of use to playing field – granted October 2000
- 6.3 83/NFDC/25356 – Erection of a youth and community hall incorporating changing rooms, educational workshop facilities and hall at land off Culver Road – approved May 1985
- 6.4 79/NFDC/14788 – Use of land for educational purposes (proposed detached playing field for Arnewood Secondary School) – granted January 1980

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: recommend refusal - the principle of establishing the school for Special Education Needs is supported and the temporary buildings are acceptable. However the proposed access and egress on the already congested Culver Road will pose a safety risk to both residents and users of the new school. The amendment of the access detail in response to the objection by the Highways does not resolve the matter. A new access onto Gore Road is recommended.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Land Drainage Section - Recommend approval subject to surface water discharge condition and informatives.
- 9.2 Sport England - advise that if the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Para. 74 of National Planning Policy Framework, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.
- 9.3 No objection subject to conditions to address parking, turning and cycle parking provision and setting back of entrance gates.

10 REPRESENTATIONS RECEIVED

Four pieces of correspondence have been received from occupiers of addresses on Culver Road, objecting to the proposal on the following grounds:

- Vehicular access to the site via Culver Road is inadequate;
- Loss of highway safety;
- Increased damage to parked cars;
- Increased parking problems;
- Alternative access should be sought from Gore Road;
- Increased noise pollution;
- Littering;
- Loss of property value;
- Concern is raised over the potential for increased anti-social behaviour;

- Loss of security;
- Visual impact;
- Green Belt impact.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case following submission of amended plans to address the initial concerns of the Highway Authority and additional statements to clarify and justify the proposal in relation to adopted Green Belt policy, the proposed development was considered to be acceptable, subject to conditions.

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 The site of the proposal is beyond the defined built up area of New Milton, within Green Belt. It is not designated as Public Open Space, but its formal use is as multi-use games area (MUGA) for recreational play. The site is bound by the Phoenix Centre and residential development to the east, by land designated as Public Open Space to the west, the NMT1 Housing Allocation to the north and by Arnewood School's playing field to the south. Access would be via the existing access to the Phoenix Centre via Culver Road and Milton Mead.

14.1.2 The proposal seeks temporary planning permission for the erection of a single storey modular building of 328 sq.m in floor area and replacement ball-stop fencing around the perimeter of the MUGA. The classrooms are to be used for a temporary period of 24 months, as a school catering for 60 pupils with special educational needs. The proposal would be for an Alternative Provision School for socially and emotionally vulnerable pupils, aged between 7 and 16, under the umbrella of Gryphon (formerly Arnewood) Academy Trust. Initially, it is planned to take 43 pupils from the Hampshire and Dorset catchment area, which is limited to the New Forest and its peripheries. The school would operate between the hours of 08:30 and 15:30 Monday to Friday.

14.1.3 The temporary permission is sought with a view to purchasing and extending the Phoenix Centre to create a permanent new school on the site before the expiry of the temporary consent, which would need to be subject to a separate planning application in future. It is understood that a pilot scheme for the Alternative Provision School (for eighteen pupils) is already in operation at the Phoenix Centre. The proposal would be sited over the footprint of a MUGA and would provide 5 classrooms for up to 60 pupils and ancillary features including 11 no. off-street car parking spaces. The application is submitted with full plans, a design and access statement, transport statements and, latterly, a justification statement.

14.2 Green Belt Implications

14.2.1 As the site lies within the Green Belt national policy applies, in particular paragraphs 88 to 90 of the National Planning Policy Framework (NPPF), in addition to Policy CS10. In light of this guidance the proposal needs to demonstrate very special circumstances which would clearly outweigh the harm caused by inappropriateness and any other harm, including harm to the openness of the Green Belt in this location.

14.2.2 The applicant has provided a justification statement outlining the reasoning for selecting the application site. It explains that fifteen sites/properties within the catchment area were investigated, which were narrowed down to four sites. The Phoenix Centre site was chosen due to its more limited impact on the Green Belt, upon local sports field provision and upon heritage assets.

14.2.3 The applicant explains that there is a locational requirement to site the school appropriately in relation to its catchment, which includes Christchurch, Ringwood and much of the New Forest. There is also a locational requirement to be close to The Arnewood School, with which

the proposal will share facilities. It is noted that the proposal restricts development to a previously developed portion of the wider site and there would be no incursion of the development into open playing field land which is also protected by the Green Belt designation. Paragraph 89 of the NPPF states that 'redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt' may be considered appropriate. While the volume of development would impact upon the openness of the Green Belt to a greater degree than the existing MUGA, the site is very well screened by established vegetation and the existing Phoenix Centre, so its impact upon the openness of the Green Belt will in fact be quite limited. Account also needs to be taken of the fact that land immediately to the north of the site has recently been released from the Green Belt for housing development. While the proposed development cannot be considered appropriate within the Green Belt, the locational requirement for the site, its brownfield status, well screened location and temporary nature, coupled with the educational and community benefits arising, dictate that the applicant has demonstrated the "special circumstances" that would justify this development being permitted in the Green Belt.

14.3 **Character Impacts**

14.3.1 Policy CS2 of the Core Strategy and the guidance offered by the New Milton Distinctiveness SPD relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. With this in mind it is noted that the proposal is single storey height, that the application site is previously developed, bound by 3m high ball-stop fencing to all sides, beyond which the site is screened by high trees and vegetation in all directions, so it will not be readily visible from the public realm. Notwithstanding its low visual impact, the design, scale and appearance of the proposed modular buildings are of reasonable quality and acceptable on the basis of the temporary permission sought.

14.4 **Highway Impacts**

14.4.1 The Highway Authority highlighted initial concerns with the proposed access arrangements. Amended plans have been submitted indicating that the access road between the junction with the highway to the existing parking area to the east of the existing youth centre will be increased in width to a minimum of 4.5m. Also the gates provided at the access to the site will be located 5m back from the edge of the highway and will have a clear width of 4.5m and hung to open inwards away from the highway. The width of the gates at the entrance to the rear parking area has been increased to 3m to allow a fire appliance to pass freely through them and reach the required turning facilities within the site to the south of the parking spaces. This turning area has been identified on the plans and a swept path analysis provided to demonstrate that a fire appliance might turn within the site. The application form refers to the creation of 7 additional cycle parking spaces, although there are no details of these spaces on the plans these should be conditioned to be provided. In light of the amended plans and the submitted transport statement, the Highway Authority raises no concerns with regard to the adequacy of Culver Road for the purposes of accessing the proposed development and is satisfied that adequate parking can be provided within the site. No objection is raised by the Highway Authority, subject

to conditions to address parking, turning and cycle parking provision and setting back of entrance gates.

14.4.2 The applicant has provided a draft travel plan, which highlights the measures that will be undertaken to limit the impact of vehicular movements to and from the site. This includes the coordination and sharing of travel arrangements for pupils who live further afield, as well as proposals to encourage walking and cycling to the premises. A condition will be applied to any approval, to ensure the draft Travel Plan is finalised and that its content is implemented.

14.4.3 With regard to requests for an alternative point of access to be formed from Gore Road, this is not an option for the applicant, as land to the north of the site is not within their control. That land is allocated for housing by the Local Plan Part 2 and it is likely that its residential land value would preclude its purchase for access purposes. In any event the only access proposed for consideration is via Calver Road and no highway objection has been raised in this respect.

14.5 **Analysis of impacts upon Community/Sports Facilities**

14.5.1 Adopted local policy CS8 (community services and infrastructure) states that "Proposals for new and improved health care, education and social facilities that result in improvements in meeting the needs of the Plan Area's population will be supported." The applicant has submitted a statement outlining the need for the facility in this location. The proposal complies with Policy CS8.

14.5.2 Policies CS7 and DM8 provide for a presumption against the loss of sports and recreation facilities except where alternative facilities are provided of equal or better quality, quantity and accessibility as part of the development. Sport England requires the proposal to be assessed under the provisions of para 74 of the NPPF, where it is proposed to build on land which is currently used for sport and recreation. The site is currently occupied by a MUGA, which would clearly be lost following the implementation of the development. However, it is noted that the MUGA is in poor condition, with holes in the surrounding fencing and surface. It is underutilised as a sports facility, often used for car parking and is surplus to the current requirements of the Phoenix Centre. However, it must be acknowledged that permission for use of the site is only sought on a temporary basis (24 months) and that it is the applicant's intention to restore the MUGA to a useable condition following removal of the temporary classrooms, if a permanent school facility is approved at the site. Bearing in mind the temporary nature of the permission and the intention to improve the condition of the MUGA in future, the proposed development may be viewed as a conduit which will see the existing sports facility enhanced, in accordance with adopted policy and guidance.

14.6 **Residential Amenity Impacts**

14.6.1 Policy CS2 also places emphasis upon protecting the amenity of adjoining occupiers, who may be affected by new development proposals. The site is well separated from residential development to the east and the siting, scale, massing and design of the proposal do not appear to have any adverse impact upon those dwellings, in terms of privacy, outlook, overbearing presence and potential disturbance.

14.7 Other Matters

14.7.1 With regard to the comments of notified parties not addressed above, concern is raised over the potential for increased anti-social behaviour, littering and loss of security. In light of these comments it is pointed out that the school will not be enrolling children permanently excluded from school for reasons of anti-social, threatening or defiant behaviour. It will be an 'Alternative Provision School', providing specialist intervention to support emotionally vulnerable children to develop strategies to succeed in mainstream school. The staff to pupil ratio will never be less than 1 to 6, (4 to 5 times the level of supervision of a typical mainstream school), which will ensure the pupils do not create nuisance for the local community.

14.7.2 Loss of property value is not a material planning consideration and cannot be used as a reason to resist development.

14.8 Conclusion

14.8.1 In light of the above, the proposal is recommended for approval, subject to conditions.

14.8.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Temporary Permission

Proposed Conditions:

1. The buildings shall be removed and the use shall cease on or before the expiry of 2 years from the date of this permission and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: To avoid any long term impact upon the openness of the Green Belt and to encourage the restoration of the sports facility in accordance with Policies CS10 and CS7 of the Core Strategy for the New Forest District outside the National Park.

2. The development permitted shall be carried out in accordance with the following approved plans: 6APFS098-A-101 Rev. 0, 6APFS098-A-103 Rev. 4, 6APFS098-A-104 Rev. 0 and 6APFS098-A-105 Rev. 0.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

4. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

5. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: In the interest of highway safety, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

6. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

7. Any gates provided should be a minimum clear distance of 4.5m wide and located a minimum distance of 5m back from the edge of the adjacent highway and open inwards.

Reason: To allow vehicles to stop clear of the highway which is in the interest of highway safety, in accordance with Policy CS2 of the Core Strategy of the New Forest District Local Plan First Alteration.

8. No development hereby permitted shall be commenced until a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the provisions Travel Plan shall be fully implemented in accordance with the agreed details.

Reason: To ensure the development accords with sustainable transport policies, to reduce reliance upon the private motor car for access

and in the interests of highway safety, in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case following submission of amended plans to address the initial concerns of the Highway Authority and additional statements to clarify and justify the proposal in relation to adopted Green Belt policy, the proposed development was considered to be acceptable, subject to conditions.

2. In respect of condition no. 3, the Council's Land Drainage Section advise that under the National Planning Policy Framework all developments should be undertaken in a sustainable manner and under the National Standards for Sustainable Drainage Systems (December 2011) the following destinations must be considered for surface runoff in order of preference:

1. Discharge into the ground
2. Discharge to a surface water body
3. Discharge to a surface water sewer
4. Discharge to a combined sewer

Connection to a foul sewer is not usually permitted as foul sewers are not designed to take surface water and the Water Company's permission would be required. The applicant will need to supply confirmation of the Water Company's approval to discharge surface water to their system along with the agreed rate of disposal and how this is being achieved. Foul sewers are not designed to take surface water and peak surface water flows would cause flooding of the foul water system. If surface water from impermeable areas such as roofs, drive etc is to be passed to any ditch or watercourse it will need to be balanced so that the flow from the site after development does not exceed that which existed prior to development for storms up to 1 in 100 years + climate change. Balancing can be any method that retains water and releases it at a rate at least not greater than the previous runoff of surface water from the site. If this method of surface water disposal is proposed full calculations must be submitted to the Head of Development Control for approval prior to construction. A large number of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Planning & Transportation
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
March 2016**

Item No: 3h
Phoenix Youth Centre
Culver Road
New Milton
15/11742
SZ2394

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.

