

Application Number: 17/11771 Variation / Removal of Condition

Site: THE EAGLEWOOD SCHOOL, CULVER ROAD, NEW MILTON
BH25 6SY

Development: Variation of condition 1 of Planning Permission 15/11742 to allow
continued siting of buildings until 31st August 2019

Applicant: Education and Skills Funding Agency

Target Date: 14/02/2018

Extension Date: 16/03/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles

CS2: Design quality

CS4: Energy and resource use

CS7: Open spaces, sport and recreation

CS8: Community services and infrastructure

CS10: The spatial strategy

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

Conservation Area: N

Tree Preservation Order: Y TPO No:NFDC/TPO 0035/16

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 17/10160 - Use of existing building as a school; two storey teaching and administration block; landscaping and parking - approved May 2017.
- 6.2 15/11742 - Temporary school building - temporary approval for two years - March 2016

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - Acceptable, would accept a delegated decision.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

None

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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

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 (now largely complete) 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 renewal of planning permission for erection of a single storey modular building, currently used as Eaglewood School, as the current permission will shortly expire (March 2018). The temporary period sought would be until 31st August 2019, which the applicant considers sufficient time to allow completion of the works for a permanent school building, approved under ref. 17/10160. The proposal is sited over the footprint of a MUGA and provides 5 classrooms for up to 60 pupils and ancillary features including 11 no. off-street car parking spaces.

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 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, upon heritage assets and due to a requirement to be near the host school (Arnewood).
- 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 impacts 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 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. It is also pertinent to acknowledge that the School currently operates from the site, that the current permission will shortly expire and that the temporary period sought would be until 31st August 2019 to allow completion of the works for a permanent school building, approved under ref. 17/10160, thereafter the modular buildings would need to be removed and the MUGA restored to its former use.
- 14.2.4 While the development is inappropriate 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 the short term retention of this development 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 Residential Amenity Impacts

14.4.1 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 backs on to a limited amount of new housing to the north. Considering the siting, orientation, scale, massing, design and temporary nature of the proposal, it would not have any adverse impact upon those dwellings, in terms of privacy, outlook, overbearing presence and potential disturbance.

14.5 Other Matters

14.5.1 It would be pertinent to attach conditions applied to the previous approval to ensure parking, access, turning and travel plan arrangements are adhered to in the interests of highway safety.

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. The modular buildings are on the site of a Multi Use Games Area, which cannot function fully as such due to the development. However, it must be acknowledged that permission for use of the site is only sought on a temporary basis and that it is the applicant's intention to restore the MUGA to a useable condition following removal of the temporary classrooms. 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 Conclusion

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

14.6.2 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 the VARIATION of CONDITION

Proposed Conditions:

1. The buildings shall be removed and the use shall cease on or before 31st August 2019 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-102 Rev. 1 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. The means of disposal of surface water from the site shall be maintained in accordance with the surface water details agreed by the Local Planning Authority's condition discharge letter for planning application ref. no. 15/11742, dated 8th June 2016.

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. Provision for car parking shall be retained 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. Provision for turning to enable vehicles to enter and leave in a forward gear shall be retained 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. Cycle storage within the site shall be maintained in accordance with the details agreed by the Local Planning Authority's condition discharge letter for planning application ref. no. 15/11742, dated 8th June 2016.

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. The development shall be maintained and operated in accordance with the Travel Plan details agreed by the Local Planning Authority's condition discharge letter for planning application ref. no. 15/11742, dated 8th June 2016.

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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

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Planning Development Control Committee

March 2018

Item No: 3e

Eaglewood School
Culver Road
New Milton
17/11771
SZ2394

Scale 1:1250

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

