

1.0 Application Number: 6/2021/0204

Webpage: [Planning application: 6/2021/0204 - dorsetforyou.com \(dorsetcouncil.gov.uk\)](http://dorsetcouncil.gov.uk/planning-application/6/2021/0204)

Site address: Lytchett Minster School, Lytchett Minster, Dorset, BH16 6JD

Proposal: Demolition of single storey classroom building and construction of replacement two storey classroom building.

Applicant name: Lytchett Minster School - Business Manager

Case Officer: Cari Wooldridge

Ward Member: Councillors Brenton, Pipe and Starr

Publicity Expiry Date:	3/12/2021	Decision Due Date:	30/12/2021
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1.1 Reason the application is being considered by the Committee:

The application has been submitted by or on behalf of the Council where the application form identifies this to be the case (Reference 134 (iii) of the Officer Scheme of Delegation).

2.0 Summary of recommendation:

That the committee be minded to GRANT planning permission for the application subject to conditions set out in the report.

3.0 Reason for the recommendation: as set out in paragraph 16 at end

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The needs of the established school and heritage constraints are judged to provide very special circumstances which outweigh the harm to the Green Belt
- No harm to heritage assets
- There is not considered to be any significant harm to the, Countryside, or protected trees.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable development within the countryside.

Impact on heritage assets	Positive contribution to the preservation and enhancement of the Conservation Area with public benefits in meeting required education provision. No harm to setting of listed building.
Scale, design, impact on character and appearance	Acceptable scale and design within established school setting.
Impact on amenity	Acceptable.
Impact on protected trees	Acceptable.
Very special circumstances	Very special circumstances exist to outweigh the level of harm to the Green Belt.

5.0 Description of Site

- 5.1 The application site is located centrally within the Lytchett Minster School complex of buildings on a campus style development that is set around the Grade II Lytchett Minster School building (south Lytchett House). The site is not visible from outside the school grounds and is screened by existing - largely two-storey - buildings to all sides.
- 5.2 The existing single-storey prefabricated classroom building is in a poor state of repair. Directly to the rear of the building, a protected Dawn Redwood Tree has recently been felled (with consent) due to disease and related safety issues. There are several other small trees / shrubs within proximity of the building.
- 5.3 In terms of constraints, the site is located within close proximity of the Listed School building, is within the Lytchett Minster Conservation Area and is also located within the Green Belt and countryside.

6.0 Description of Development

- 6.1 The application proposes the demolition of an existing single storey prefabricated classroom building of poor repair and replacement with a modern two storey classroom building.

7.0 Relevant Planning History

6/1985/0335 - Site two mobile classrooms – Granted 14/08/1985

6/2005/0524 - Demolish 8 temporary classrooms and erect new temporary classrooms to form new English faculty and caretaker's rooms – Granted 11/07/2005

6/2011/0072 - Retention of temporary classrooms to form English Faculty and Caretaker's rooms - Retrospective. Previous application 6/2005/0524 – Granted 24/03/2011

8.0 List of Constraints

8.1

- Lytchett Minster Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

- Poole Harbour Nutrient Catchment Area
- 1km or less from Regional High-Pressure Pipelines
- 25m or less from Medium Pressure Pipelines
- District of Purbeck (Lytchett Minster School) TPO 1994.
- Close proximity to Ancient Woodland: HILL WOOD
- South East Dorset Greenbelt
- Aerodrome safeguarding zone
- Poole Harbour Recreation Catchment Area

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

1. DC - Conservation Officer (verbal discussion on 14/12/21)

- Enhancement to Conservation Area.
- Modern design and use of materials make a clear distinction between old and new within site.
- Sits comfortably within setting and other modern buildings.
- Also, of public benefit.
- Condition recommended.

2. DC - Trees

- Verbal comments – no objection was raised to the felling of the Dawn Redwood due to a Tree Survey identifying basal decay and a cavity. As no objection was raised, replacement planting could not be enforced. Had an objection been raised, a Tree Preservation Order (TPO) would have had to be made. However, the tree was not of a condition that would justify a TPO.
- Remaining trees to east and north as identified in AMS are of low amenity values and majority are considered shrubs rather than trees. Proposed development would not impact on these trees.

3. Lytchett Minister & Upton Town Council (received 25/11/21)

- No objection.

4. Lytchett Matravers and Upton Ward Councillors (received 05/11/21)

- Replacement will be an improvement to the appearance of the site.
- In close proximity to established tree and the Arboricultural Statement must be conditioned to prevent damage to the tree roots which may cause risk of falling. The Dawn Redwood should be protected with a Tree Preservation Order.

Summary of Local Representations received

No local representations were received.

10.0 Relevant Policies

Development Plan Policies

Purbeck Local Plan Part 1:

The following policies are considered to be relevant to this proposal:

Policy SD - Presumption in favour of sustainable development

Policy LD - General location of development

Policy CO - Countryside

Policy D - Design

LHH - Landscape, Historic Environment and Heritage

Material considerations:

Emerging Purbeck Local Plan:

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council, and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- E2: Historic Environment

- E12: Design
- E10: Biodiversity and geodiversity
- I2: Improving accessibility and transport

Supplementary Planning Documents/Guidance:

Purbeck District Design Guide Supplementary Planning Document 2014.

Lytchett Minster Conservation Area Appraisal.

National Planning Policy Framework revised July 2021

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Section 11 'Making effective use of land'

Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes.
- Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Section 13 'Protecting Green Belt land'- new development is inappropriate within the Green Belt unless it meets one of the exceptions within paragraphs 149-150 or very special circumstances outweigh harm to the Green Belt resulting from inappropriateness and any other harm.

Section 14 'Meeting the challenges of climate change, flooding and coastal change'

Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

National Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

It is noted that the proposed two storey classroom building is served only by stairs so there may be some disadvantage to disabled persons who struggle with mobility.

13.0 Financial benefits

None applicable.

14.0 Climate Implications

14.1 The proposal will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

15.0 Planning Assessment

15.1 The main planning considerations in respect of this application are:

- Principle of development, impact on the countryside and Green Belt with reference to the Development Plan and provisions of the NPPF
- Scale, design and impact on the character and appearance of the area and Lytchett Minster Conservation Area
- Impact on the living conditions of the occupants of neighbouring properties
- Impact on protected trees

Principle of development

15.2 The application site is located outside a settlement boundary within the 'countryside' and is therefore subject to Policy CO: Countryside. Policy CO sets out the types of development that are considered acceptable in a countryside location providing they do not have a significant adverse impact either individually or cumulatively on the environment, visually, ecologically, or from traffic movements.

15.3 New development for an existing community facility that is located close to existing settlements is considered acceptable. In this case, the new development will support the needs of the existing Secondary School which forms an established complex of buildings within the countryside. The proposed development will be located within the existing complex of buildings and will not result in any visual impact on the countryside above that of the existing buildings, and the proposal is therefore considered to be acceptable in principle for the purposes of policy CO.

15.4 The site and proposed development would also be located within the South East Dorset Green Belt the aim of which is to prevent urban sprawl by keeping land permanently open. The National Planning Policy Framework (NPPF) sets out the exceptional circumstances in which new development within the Green Belt may be

considered acceptable. This includes at para 149 d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces and g) limited infilling or the partial or complete 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 and the purpose of including land within it than the existing development.

- 15.5 The existing classroom building is modest in height (approx. 3m) and has a flat roof with a volume of approx. 670 cubic metres. The proposed two storey replacement building will have the same footprint as the existing building (approx. 194sqm), a height of approx. 7m (at its tallest point), and a volume of approx. 1,300 cubic metres. The replacement building is therefore considered to be materially larger than the existing and as such does not accord with NPPF 149 d)
- 15.6 In assessing the impact of the building in respect of exception (g), Officers must consider both the spatial and visual aspects to the openness of the Green Belt. By increasing the bulk of the building, the proposal will impact on the spatial open quality of the Green Belt. In relation to the visual impact, the development will be located within the established complex of school buildings on the site within which there is likely to be minimal impact on the visual openness of the Green Belt
- 15.7 The proposal will result in some harm to openness of the Green Belt so cannot benefit from the exceptions set out in the NPPF. Para 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These are considered at the end of the report.

Scale, design and impact on the character and appearance of the area and impact on heritage assets.

- 15.8 The proposed development is relatively small in scale in comparison to the sizeable buildings that form part of the existing school complex. The development would be located within the centre of the existing complex of buildings, and despite the new building being two-storey, there are no additional impacts on the character and appearance of the area.
- 15.9 The site is located within Lytchett Minster Conservation Area and the existing building is identified as having a neutral quality in the Conservation Area Appraisal. The proposal has been discussed with the Design and Conservation Officer and it is considered that the proposed replacement building would both preserve and enhance the setting of the Grade II Listed South Manor House, and would make a positive contribution to both the preservation and enhancement of the conservation area through its replacement of an existing poor quality prefabricated building with a modern design that differentiates between historic and new.

- 15.10 The school site includes a number of modern buildings and extensions all within close proximity and forming the setting of the listed Manor House, within the Conservation Area. The site also includes a range of external finishes and the proposed timber clad façade with anthracite panels and windows is considered to be acceptable subject to a condition requiring full details to be submitted for approval.
- 15.11 In summary, the proposed development will meet the statutory requirements to preserve the setting of listed building and Conservation Areas and is considered to be acceptable in accordance with policies D and LHH of PLP1 and Chapter 16 of the NPPF.

Impact on the living conditions of the occupants of neighbouring properties

- 15.12 The proposed development is located within the existing complex of buildings forming Lytchett Minster School and there would be no additional impact on neighbouring properties.

Impact on protected trees

- 15.13 Trees within the school grounds are protected by way of their siting within the Lytchett Minster Conservation Area. A number of trees are also protected by way of Group and Area Tree Preservation Orders, although these are distanced from the application site. The proposed site plan indicates that the existing and replacement buildings are located in close proximity to a mature Dawn Redwood, and the accompanying Arboricultural Method Statement assesses impact on this tree. However, following submission of the planning application in April 2021 (validation complete in November 2021), a Notice of Tree Works Application (TWA/2021/030) approved on 27th April 2021 provided consent for the Dawn Redwood to be felled. An earlier survey of the tree - undertaken as part of a wider survey of trees across the school site - identified basal decay and a cavity within the tree. No objection was raised by the Tree Officer to the felling of the tree and on this basis, replacement planting could not be enforced.
- 15.14 The remaining trees within close proximity of the proposed building are identified within the AMS as having poor quality and with root protection areas that would not be impacted by the building. Consultation has taken place with the Tree Officer who has verbally advised that the remaining trees are of low amenity value, the majority being shrubs as opposed to trees, and would not be adversely impacted by the proposed replacement building. As such, the proposal is not considered to result in any demonstrable harm to trees within the Conservation Area.

Very special circumstances

- 15.15 NPPF para 95 supports the provision of sufficient school places to meet the needs of existing and new communities. Local planning authorities are to

'a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications...'

- 15.16 This does not automatically create the very special circumstances necessary to outweigh harm to the Green Belt but it is material to consider whether the proposed development would address a genuine need for school accommodation that could not be provided outside the Green Belt.
- 15.17 The building will provide improved accommodation for existing pupils and staff. A new purpose-built base with five classrooms for the school's Geography department will allow the reorganisation of existing classrooms to provide necessary specialist science labs. The accompanying documentation explains that since the published admission numbers (PAN) increased by 20 from 240 to 260 in 2017, the school has expanded by 110 students to over 1500 students placing pressure on existing facilities. The proposed building is modest in comparison with the cumulative size of the school buildings and it is considered that the size of the development is justified by the need to provide a suitable standard and size of accommodation. The need for a replacement caretaker facility/store is also recognised as appropriate within the context of the large school.
- 15.18 The proposal would also benefit the setting of the Conservation Area by replacing an existing prefabricated building with one where the design and materials are more in keeping with their context.
- 15.19 It is therefore concluded that in this instance there are very special circumstances that outweigh the harm to the Green Belt by reason of inappropriateness and modest harm to openness.

16.0 Conclusion

- 16.1 For the above reasons, the proposal is considered to be acceptable in principle within the countryside and Green Belt; scale, design and impact on the character and appearance of the area; impact on heritage assets; and, impacts on neighbouring amenity and protected trees. The proposal would also provide public benefit. It is therefore considered to be sustainable development for the purposes of NPPF paragraph 11 and approval is recommended subject to conditions.
- 16.2 Approval is recommended subject to conditions and informative notes as set out below.

17.0 Recommendation: That the Committee would be minded to GRANT planning permission for the application subject to the conditions below:

1. The development to which this permission relates must 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan 2039-MEB-XX-00-DR-A-3-100 P2, Proposed Site Plan 2039-MEB-XX-00-DR-A-3-102 P2, Proposed Ground Floor Plan 2039-MEB-XX-00-DR-A-3-103 P2, Proposed First Floor Plan 2039-MEB-XX-00-DR-A-3-104 P2, Proposed Roof Plan 2039-MEB-XX-00-DR-A-3-105 P2, Proposed Elevations 2039-MEB-XX-00-DR-A-3-107 P2, Proposed Elevations 2039-MEB-XX-00-DR-A-3-106 P2, Proposed Elevations in Context 2039-MEB-XX-00-DR-A-3-111 P2 and Proposed Elevations in Context 2039-MEB-XX-00-DR-A-3-110 P2.

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

3. Prior to development above damp-proof course level, details, and samples of all external facing materials for the wall(s) and roof shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

Informative Notes:

1. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

2. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.