

Application Number:	P/FUL/2024/03602		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Hazelbury Bryan Primary School Droop Sturminster Newton DT10 2ED		
Proposal:	Creation of school car park & associated access		
Applicant name:	Mr Andy Muir - Governors of Hazelbury Bryan Primary School		
Case Officer:	Cass Worman		
Ward Member(s):	Cllr Murcer		
Publicity expiry date:	1 October 2024	Officer site visit date:	29/08/2024
Decision due date:	17 October 2024	Ext(s) of time:	07/02/2025
No of Site Notices:	4: - front corner under school name sign - gate at RoW opposite church around back of playing field - fence on NE corner of playing field adjacent to woodland planting and corner of RoW - tied to hedge at proposed entrance/layby		
SN displayed reasoning:	Maximise visibility of site notices around the site		

1.0 Reason application is going to committee: Council owned land

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation:

- Existing school car park has only 6 spaces and is insufficient for needs of the school
- Current arrangements pose concerns for safety and access
- Proposals would increase parking for staff, as well as improved drop off and pick up arrangements for the school
- Proposals are supported by the Highways Engineer

- Proposals would not adversely reduce the size of the school playing field and is acceptable to Sports England
- Loss of trees & hedge translocation to facilitate the new parking area is acceptable with conditions to ensure suitable methodology and replacement planting
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

This must include all those headings which will then be discussed in full in the Planning Assessment section

Issue	Conclusion
Principle of development	The proposals accord with exception 3 of Sports England Playing Fields Policy & Guidance, and paragraph 104 of the NPPF
Scale, design, impact on character and appearance	Acceptable, new planting is proposed
Impact on the living conditions of the occupants and neighbouring properties	No impacts
Impact on landscape or heritage assets	No harm to setting of Grade I listed church, outside (and no harm to setting) to Dorset AONB/National Landscape
Flood risk and drainage	Surfacing is to be porous and an aco drain installed
Economic benefits	n/a
Highway impacts, safety, access and parking	Improved car parking and drop off/collection provision for the school, wider improvements to surrounding highway network
Impact on trees	Loss of small copse of trees acceptable and replacement planting in combination with BNG secured via condition

5.0 Description of Site

The school is situated in a rural hamlet accessed by narrow roads with no pavements. The school currently has a very limited number of parking places, staff use the church car park adjacent. There are very limited spaces for vehicular drop off and collection. The main school gates open directly onto the highway adjacent to a junction.

As such, the junction, local driveways, and farmland accesses become blocked and constrains access for other road users and places pedestrians at increased risk.

6.0 Description of Development

Provision of new car park with associated access

7.0 Relevant Planning History

2/1993/0400 - Decision: GRA - Decision Date: 16/07/1993
Change of use for existing School House to Administration Offices

2/1997/0497 - Decision: GRA - Decision Date: 07/10/1997
Erect extension to infant classroom, erect new reception classroom and toilets

2/2002/0534 - Decision: GRA - Decision Date: 03/07/2002
Erect portable classroom

2/2003/0450 - Decision: GRA - Decision Date: 28/05/2003
Demolition of failing hall, erect new school hall, extend classroom, install new entrance door and form pitched roof over flat roofed toilets

8.0 List of Constraints

LP - North Dorset Local Plan Part 1 (2011-2031); Adopted; Outside settlement boundaries (countryside); Policy 2, 20; NULL - Distance: 0

Neighbourhood Plan - Made; Name: Hazelbury Bryan NP - First Review; Status 'Made' 12/03/2024; - Distance: 0

PROW - Right of Way: Footpath N41/5; - Distance: 0

PROW - Right of Way: Footpath N41/3; - Distance: 2.9

PROW - Right of Way: Footpath N41/15; - Distance: 42.04

PROW - Right of Way: Footpath N41/2; - Distance: 11.68

EA - Groundwater – Susceptibility to flooding; - Distance: 0

EA - Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Dorset Council Land (Freehold): Hazelbury Bryan Primary School, Droop, Hazelbury Bryan, Sturminster Newton (03275 03276 03277) - Reference 09746 - Distance: 0

Area of Outstanding Natural Beauty (AONB): Dorset; - Distance: 420.88

Existing ecological network (Polygons) - Distance: 0

Higher Potential ecological network - Distance: 0

Minerals and Waste Safeguarding Area - ID: 6324; Building Stone - Distance: 0

Grade I listed building – within setting of St James's Church (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

Hazelbury Bryan Parish Council

The parish council fully supports this application. The car park is long overdue and will be of great benefit to all those involved with the school

Blackmore Vale Ward Member - *No comments received*

Historic England – *no comments offered*

Dorset Police Architectural Liaison Officer - *No comments received*

Sport England – *“no objection - it is considered to accord with exception 3 of our Playing Fields Policy and paragraph 103 of the NPPF” [Officer note, this is now para 104 of the updated NPPF updated December 2024)*

Dorset Wildlife Trust - *No comments received*

Ramblers Association - *No comments received*

DC - Highways - *No objection*

DC - Trees – *No objection to removal of small squat trees, as these are not of a size, prominence or condition to make them worthy of statutory protection. Supportive of proposed new tree planting of suitable species, landscaping & planting scheme to be made a condition, hedging should be of native species to suit this rural location.*

DC - Conservation Officers – *no objection – there would be harm to setting of listed church*

DC - Rights of Way Officer - *No objection*

DC - Minerals & Waste Policy - *No comments received*

DC - Public Health Dorset - *No comments received*

DC - Asset & Property - *No comments received*

DC - Highways Asset Manager - *No comments received*

DC - BNG Natural Environment Team – *No objection*

Representations received

Summary of comments of objections: none

Summary of comments of support: The proposals have numerous letters of support from the community on grounds of improved safety & access.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is 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.

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

11.0 Relevant Policies

Development Plan:

North Dorset Local Plan Part 1 - 2011 – 2031. January 2016

Policy 1 – Presumption in Favour of Sustainable Development
Policy 2 – Core Spatial Strategy
Policy 4 – The Natural Environment
Policy 5 – The Historic Environment
Policy 12 – Retail, Leisure and Other Commercial Developments
Policy 13 - Grey Infrastructure
Policy 14 – Social Infrastructure
Policy 20 – The Countryside
Policy 23 – Parking
Policy 24 – Design
Policy 25 – Amenity
Policy 27 – Retention of Community Facilities

Hazelbury Bryan Neighbourhood Plan 2018 to 2031 – Made March 2024

Paragraph 8.5 of the Neighbourhood Plan states:

“Another issue for the primary school relates to access and parking. Most of the school’s families do not walk to school due to road safety concerns, and parking at the school has become increasingly limited adding to these concerns for pedestrians and drivers at school run times. Pedestrian gates were installed along the footpaths under a “walk to school” initiative to provide an alternative off-road route that is baby buggy and mobility vehicle accessible, however many families state that the pedestrian route is not buggy friendly. Further improvements to the off-road route, and additional parking for the school and church would be beneficial”

Policy HB5. Locally Distinctive Development

Any future development will be designed to reinforce the distinctive local character of the settlement or outlying rural area to which it relates... this should include consideration of

....

e) the sensitive inclusion of car parking and infrastructure / services, including electric vehicle charging points and sustainable drainage.

Policy HB10. Droop Distinctive Character

Any future development in the vicinity of Droop should:

- a) respect the scattered rural nature of the area, and the dominance of the church and school as the key local landmarks,*
- b) retain and reinforce the narrow confines created by the rural lanes, the historic field boundaries and native hedgerows and presence of mature trees...*

Policy HB14. Supporting Community Facilities

Development proposals to improve the provision of community facilities (including those listed below) in a manner in keeping with the character of the area will be supported. Every effort should be made to work with the local community and relevant authorities to investigate potential solutions to avoid any loss of the following valued assets:

...

- b) Hazelbury Bryan Primary School (including Pre-School provision)...*

Policy HB23. Supporting Highway Infrastructure Improvements

Developer contributions may be sought where reasonable and necessary for improvements to the road infrastructure

Policy HBP1: Traffic Management in Hazelbury Bryan

Material Considerations

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Policy Framework December 2024

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.

Other relevant NPPF sections include:

Chapter 8: Promoting healthy and safe communities

Open space and recreation

Para 103. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change....

Para 104. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

Chapter 9. Promoting sustainable transport

Chapter 12. Achieving well-designed places

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

Other material considerations

Sport England: Playing fields policy and guidance *Sport England's policy and associated guidance on planning applications affecting playing fields* March 2018
Last Updated December 2021 - www.sportengland.org/playingfieldspolicy

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 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.

13.0 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.

Taking into consideration requirements of PSED, the proposals improve access to the school; arrangements have been made to ensure people with disabilities & mobility impairments have better access to car parking places, access to the school is improved for pedestrians and those pushing buggies.

14.0 Financial benefits

n/a

15.0 Environmental Implications

Improved access to the school. Biodiversity enhancements of new planting.

16.0 Planning Assessment

Improvements to parking & access for the school is understood and supportable in principle and supported by the Local Community.

Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions as outlined in their guidance

www.sportengland.org/playingfieldspolicy

Exception 3 is relevant to this application:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- *reduce the size of any playing pitch;*

- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- *result in the loss of other sporting provision or ancillary facilities on the site;*
or
- *prejudice the use of any remaining areas of playing field on the site.*

The proposal for a new car park would result the loss of approx. 160m² of playing field. Further to Sport England's initial comments, an amended plan has been provided which demonstrates how in combination with the new car park and relocated play equipment, it is still possible to layout a recognised playing pitch in accordance with Sport England's guidelines (the blue and dashed lines on plan AJC/210/23/C/Rev6 shows a Mini Soccer pitch and outfield, as per Sport England guidance on pitch sizes).

With this demonstration that a suitable playing pitch can still be provided, Sport England have confirmed that the development would meet their E3 planning policy exception and they subsequently have no objection to the proposals.

Additionally, the proposals are considered to accord with paragraph 104 of the NPPF as the car park can be established whilst still maintaining a suitably sized playing pitch which meets Sport England's requirements (the blue and dashed lines on plan AJC/210/23/C/Rev6 shows a Mini Soccer pitch and outfield, as per Sport England guidance on pitch sizes).

Highways safety and access

During the course of the application, discussions between the applicant's agent & Highways Officers have taken place. The newly submitted layout now addresses the concerns that were previously raised by Highways Officers:

The access is of a suitable dimension to be used by a bus/coach, as confirmed by the submitted swept path analysis, and is provided with suitable visibility splays. A suitably sized car park is to be constructed which in Highways terms should serve to prevent on-street parking in the vicinity of the school.

The Highway Authority subsequently has no objection, subject to conditions (vehicle access construction, turning/manoeuvring and parking construction, set back gates, visibility splays as shown). The proposal would comply with Policy 13 of the Local Plan.

Impact on character, AONB & Listed Building

The proposals would require the removal of a section of hedgerow to facilitate the opening into the new car park and the new area of hardstanding. This would be read in conjunction with the existing school complex and would not appear out of context nor incongruous. New planting of trees and hedgerows to soften the proposals is welcomed.

The site is outside of the Dorset AONB/National Landscape and the establishment of a modestly sized car park adjacent to an existing school complex would have no adverse impact on the special characteristics of the AONB/National Landscape. Similarly, due to the location of the car park on the other side of the school buildings, and read in association with this complex, there would be no harm to the setting of the nearby Grade I listed church. The proposal would comply with Policy 4 and 5 of the Local Plan.

Biodiversity & Trees

The Council's Tree Officer has no objection to the removal of the small copse of trees to facilitate the development, subject to a planting and landscaping condition for their suitable replacement. The hedgerow would need to be translocated to facilitate the required visibility splays, details to be secured via condition. Details of onsite BNG have been submitted in support of the application and would be secured via condition. The proposal would comply with Policy 4 of the Local Plan.

Amenity

The establishment of a car park in this location poses no concerns with regards to noise or disturbance to occupants of nearby dwellings, and will improve the issues of congestion & obstruction in the vicinity. The proposal would comply with Policy 25 of the Local Plan.

Flood Risk

The surfacing for the car park is to be porous and an ACO drain at the entrance point installed, the proposals would therefore not increase the risk of flooding elsewhere. The proposal would comply with Policy 13 of the Local Plan.

17.0 Conclusion

- Existing school car parking arrangements are insufficient for needs of the school and pose concerns for safety and access
- Proposals would increase parking for staff, as well as improved drop off and pick up arrangements for the school
- Proposals are supported by the Highways Engineer
- Proposals would not adversely reduce the size of the school playing field and is acceptable to Sports England
- Loss of trees & hedge translocation to facilitate the new parking area is acceptable with conditions to ensure suitable methodology and replacement planting
- The development would comply with the development plan taken as a whole and there are no material considerations which would warrant refusal of this application

18.0 Recommendation: Approve subject to the following conditions:

- 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:
AJC/210/23/A Rev 3 Location Plan
AJC/210/23/B Rev 4 Existing Site Plan
AJC/210/23/C Rev 6 Proposed Site Plan
AJC/210/23/D Existing & proposed cross sections

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

- 3.Before the development is occupied or utilised the first 10.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

- 4.Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number AJC/210/23/C/Rev 6 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

- 5.Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number AJC/210/23/C/Rev 6 must be cleared/excavated to a level not exceeding 0.60metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access

- 6.Before the development hereby approved is occupied or utilised any entrance gates must be set back a minimum distance of 7.00 metres from the edge of the carriageway and hung so that the gates can only open inwards. Thereafter,

the gates must be retained at their approved position, maintained and kept free from obstruction.

Reason: To enable a vehicle to be parked clear of the public highway whilst the gates are opened or closed, preventing possible interruption to the free flow of traffic

7. Prior to the surfacing of the car park hereby approved, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include details of hedgerow translocation, and provision for the maintenance. If, within a period of five years from the date of planting, any planting is removed, uprooted, destroyed or dies, planting of the same size and species shall be planted within the first planting season following the removal, uprooting, destruction or death of the planting it replaces.

Reason: In the interest of visual amenity.

Informative Notes:

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

2. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

- 1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

3. INFORMATIVE NOTE: Dorset Highways

In addition to this permission, the vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

4. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

