

 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	<b>TO:</b>	PLANNING COMMITTEE
	<b>DATE:</b>	9 <sup>th</sup> February 2022
	<b>REPORT OF:</b>	HEAD OF PLANNING
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<b>AGENDA ITEM:</b>	6	<b>WARD:</b> <i>Lower Kingswood and Tadworth</i>

<b>APPLICATION NUMBER:</b>	21/00429/CU	<b>VALID:</b>	16/03/2021
<b>APPLICANT:</b>	Land and City Families Trust	<b>AGENT:</b>	WS Planning
<b>LOCATION:</b>	<b>LAND AND CITY FAMILIES TRUST, OLD PHEASANTRY, MERRYWOOD GROVE, LOWER KINGSWOOD, SURREY</b>		
<b>DESCRIPTION:</b>	<b>Change of use of part of the building to a school. As amended on 28/04/2021 and on 24/05/2021.</b>		
<b>All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.</b>			

**This application is referred by Cllr Ashford due to the public interest**

## SUMMARY

The application seeks permission for the change of use of a small part of an existing building in use for educational/rural activities retreat for disadvantaged children. The use of the main part of this building would remain as a retreat/activities centre for disadvantaged children. The site lies in a rural location within the Green Belt and an Area of Great Landscape Value where the character is one of detached housing set in spacious plots and set within significant levels of mature planting where the natural planted landscape is the dominant character.

The property was granted planning permission in 198 under reference 85/0601/S.32 for: 'Continued Use as a residential centre for disadvantaged children and adults'. This was granted conditionally, with condition 1 stating "The premises shall be used as a rural centre for a maximum of 20 disadvantaged children and adults and for no other purpose without the prior approval of the Local Planning Authority."

The use has already commenced bringing children to the site in a mini-bus whilst teachers and other staff drive to the site: any car sharing is on an informal basis only. Parking has been created amongst the trees of the north/east corner of the site adjacent to the public footpath 631. Access is via a private road which runs along the public footpath. The site is not in a sustainable location being too far removed from any public transport to allow such use by the applicants or by nearby residents so the school would rely on the use of the private motor vehicle for all of its journeys.

The scheme does and would continue to provide a school facility that would assist in the provision of sufficient school places to meet the needs of existing and new communities in accordance with the provisions of the NPPF.

The creation of the car park amongst trees within the site has resulted in visual change to this part of the site with the car park being visible from outside the site from the adjacent public footpath. The original and retained use of the site would use the grass verge adjacent to public footpath 631 for the parking of 10 cars. This parking lies outside the site and does not form part of this application. Nevertheless, this should be considered as part of the overall assessment of the use of the building upon its surroundings. Whilst there is evidence that some parking for the original use took place on the grass verge previously, the use of the site for school parking effectively prevents its use for parking for the activities centre. The visual impacts of parking in and around this site would be significantly greater than previously experienced, leading to a less rural character as a result and changing the otherwise previously low key, well screened parking that accompanies surrounding houses. Not only would this change the character of the site but it would also cause harm to the Green Belt: resulting in harm to the openness of the surrounding Green Belt. Although a transitory feature, it would nevertheless cause a harmful change.

The site lies within the Area of Great Landscape Value and the parking in and around the site would cause harm to the character of the site and its immediate surroundings, contrary to the provisions of Policy CS2 of the Reigate and Banstead Core Strategy, Policy NHE1 of the Reigate and Banstead Development Management Plan and the provisions of the National Planning Policy Framework.

The level of traffic drawn to the site would be significantly different to that previously experienced, but it is not considered to cause either highway safety concerns nor concerns regarding the free flow of traffic. It would unquestionably be noticeable to residents, but is not considered to be so severe an increase as to justify a reason for refusal.

There are no very special circumstances that would clearly outweigh the harms identified and this scheme would therefore constitute inappropriate development in the Green Belt.

## **RECOMMENDATION**

Planning permission is **REFUSED** for the following reasons

1. The use hereby considered, constitutes inappropriate development in the Green Belt, causing harm to the openness of the Green Belt, by virtue of the increased levels of activity and car parking which further harms the character of the local area, including the Area of Great Landscape Value designation. In the absence of very special circumstances to outweigh these harms the proposal is contrary to Policies CS2 and CS3 of the Reigate and Banstead Core Strategy, Policies DES1, NHE5 and NHE1 of the Reigate and Banstead Development Management Plan and the provisions of the National Planning Policy Framework.

## **Consultations:**

### County Highway Authority:

The proposed development is in an unsustainable location which is in excess of maximum walking distance from rail and bus services and would involve cycling along roads that are not conducive to cycling and would involve cycling along unlit and unmade paths al contrary to the NPPF 2021 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel options and accessibility).

Access to the site is along roads that are privately maintained and owned and provide access to a number of properties. They also carry rights of way. We have no record of any complaints about pedestrian conflict with traffic accessing the application site. Any potential conflict would be mitigated by incorporating passing places but consent would be required from the relevant landowners where the land is not owned the applicant. I have recommended that a passing place be provided on Banstead public footpath no 631.

Increased traffic will wear on the existing road surface and any resulting damage may pose a hazard to public users. Maintenance of the surface to enable vehicle use is the responsibility of the landowner and/or those exercising a private vehicular right and they must ensure it is safe for the public. Any changes to the surface of rights of way must be in consultation with the Countryside Access to ensure it is suitable for the public traffic.

A significant reduction in car use is unlikely to be achieved in this unsustainable location, even with the implementation of a travel plan. The daily number of trips to/from the school itself is low 1 x minibus, 1 x cyclist, 1 x taxi and upto 14 staff carts. Although car sharing takes place on an informal basis so this number may be less on some days. A small number of trips are generated by part time staff. The Travel Plan states that there are 1 full time members of staff who arrive between 7.30-8.15 and who leave between 4 – 6.30pm. 1 part time member of staff works in the afternoons only and another (cleaner) works on Thursday and Sunday evenings only, the remaining 3 work as therapists but only work at the school a total of 3.5 days per month between them.

A travel plan would mean that the school commit to building on their existing proposals .eg to provide cycle storage, encourage staff to car share and to provide road safety training for pupils without committing to targets which would be rather meaningless given the location of the site.

If the planning authority is minded to approve the application conditions are recommended to address the following matters:

- Submission of a travel statement
- Provision of a passing place
- 

Surrey CC Countryside Access - Access to the Old Pheasantry is along roads that are privately owned and maintained and provide vehicular access to a number of properties. They also carry the above rights of way. Would be concerned that any

increase in traffic may result in conflict with public users, (pedestrians, equestrians and cyclists), although they have no record of any such complaints about conflict with traffic accessing the application site. Any potential conflict might be mitigated by incorporating passing places, but consent would be required from the relevant landowners where the land is not owned by the applicant. It may be that an alternative access into the western boundary of the site would reduce this problem. I would recommend that the applicants undertake to mow the verges either side of the tarmac and as long as there is plenty of room for pedestrians to step off the path I would be willing to accept this in addition to the passing place.

To be clear it is Public Footpath 631 where I think there might be conflict between public users and vehicles.

Increased traffic will increase wear on the existing road surface and any resulting damage (e.g. potholes) may pose a hazard to public users. Maintenance of the surface to enable vehicle use is the responsibility of the landowner and/or those exercising a private vehicular right and they must ensure it is safe for the public. Any changes to the surface of rights of way must be in consultation with Countryside Access to ensure it is suitable for the public traffic (e.g. new tarmac can be very slippery for horses). Applicants are reminded that the granting of planning permission does not authorise obstructing or interfering in any way with a public right of way. This can only be done with the prior permission of the Highway Authority (Surrey County Council, Countryside Access Group).

NATS Safeguarding:

No objections

**Representations:**

Letters were sent to neighbouring properties on 19<sup>th</sup> March 2021 and a site notice was posted 25<sup>th</sup> March 2021. Neighbours were re-notified on the revised plans for a 14 day period commencing 25<sup>th</sup> May 2021 and again in November 2021..

140 responses have been received across the revised application including many from the same residents raising the following issues:

<b>Issue</b>	<b>Response</b>
Inadequate parking	See paragraph.4.6,6.10,6.12 6.31
No need for the development	See paragraph 6.33
Noise & disturbance	See paragraph 6.27 -6.29
Inconvenience during construction	See paragraph 6.29
Out of character with surrounding area	See paragraph 6.23 – 6.26
Increase in traffic and congestion	See paragraph 6.16-6.18 & 6.30- 6.34

Overdevelopment	See paragraph 6.16-6.18
Hazard to highway safety	See paragraph 6.30-6.34
Harm to Conservation Area	The site is not located within a conservation area.
Harm to listed building	The building is not listed.
Overlooking and loss of privacy	See paragraph 6.27-6.29
Crime fears	See paragraph 6.27.- 6.29
Loss of/harm to trees/wildlife habitat	See paragraph 6.35-6.37
Harm to Green Belt/countryside	See paragraph 6.3-6.22
Property devaluation	This is not a material planning consideration
Alternative location or proposal preferred	Each application must be assessed on its own merits.

These comments include 21 responses expressing support for the proposed change of use.

Support - Community/regeneration benefit	See paragraph 6.33
Support - Economic growth / jobs	See paragraph 6.33
Support - Visual amenity benefits	See paragraph 6.8-6.15

## **1.0 Site and Character Appraisal**

1.1 The application site is situated on the south side of Merrywood Grove in Mogador, Tadworth. The site comprises part of a two-storey building with rooms in the roof, with grounds located to the north. The site is currently owned by Land and City Families Trust and is occupied by Merrywood House School who since 1988, have used The Old Pheasantry, including the main building and the grounds to provide accommodation for groups of disadvantaged children. The larger part of the main building, which is not the subject of this application, continues to be used as accommodation for short periods of time (weekends or weekday uses) by groups bringing disadvantaged children for educational or recreational breaks. The applicants state that the building sleeps up to 20 children and has a sitting room, dining room, garden room, kitchen and utility room, together with dormitories, bathrooms and shower rooms. It is noted that this use is currently suspended due to the COVID-19 restrictions. Off site parking for this part of the building will continue to be along the grass verge adjacent to the footpath no 631 which runs along the front of the property.

- 1.2 The part of the building that is the subject of this application was previously occupied by the Site Manager and is located principally at first and second storey (roof space) levels with access to the ground floor. The applicants state that this use ceased in 2019 when the Manager left, and the Trustees decided to appoint an off-site Manager.
- 1.3 Merrywood House is located in spacious grounds which include open areas laid to grass as well as areas of woodland.
- 1.4 The site is located in open countryside just to the south of the M25 motorway. The site is accessed from Merrywood Grove, a private road which is designated as bridleway in part and as a public footpath. Merrywood Grove is partially surfaced, and its upkeep is undertaken by the residents who use it for access to their properties.

## **2.0 Added Value**

- 2.1 The applicants did not engage in pre-application discussions with the Council
- 2.2 Improvements secured during the course of the application: none the scheme is recommended for refusal
- 2.3 Further improvements are not considered inappropriate since the principal of the scheme is considered a unacceptable.

## **3.0 Relevant Planning and Enforcement History**

- |     |              |  |   |
|-----|--------------|--|---|
| 3.1 | 94/08100/F   | Erection of a stable block   | Approved 20<br>September 1994                   |
| 3.2 | 85/06010/F   | Continued use as rural centre for disadvantaged children and adults  | Granted 29 July<br>1985                         |
| 3.3 | 85P/0601/S32 | Continued use as rural centre for disadvantaged children and adults  | Approved with<br>conditions 29 July<br>1985     |
| 3.4 | 77P/0106     | Continued use as a rural centre for deprived and handicapped children  | Approved with<br>conditions 21 April<br>1977    |
| 3.5 | 75P/1111     | Renewal of temporary permission for use of The Old Pheasantry as a rural centre for handicapped children for a further 2 years | Approved with<br>conditions 14<br>January 1976  |
| 3.6 | 74P/0468     | Temporary use as a rural centre for up to 20 educationally handicapped children  | Approved with<br>conditions 29<br>November 1974 |

#### **4.0 Proposal and Design Approach**

- 4.1 This is a full application for the change of use of part of the building at Merrywood House to a school. The application relates to the part of the school which was formerly occupied by the Site Manager and is located principally at first and second storey (roof space) levels with access to the ground floor.
- 4.2 The Trustees of the site have leased this part of the building to Merrywood House School, to be used for a special school for primary children with complex educational needs. It is noted that Merrywood House School is an independent special school for pupils aged 6 to 11 with complex educational and social needs. Merrywood House School offers places to children throughout the local area and surrounding boroughs (see supporting letter from Merton Council). In addition to the part of the building leased to Merrywood House School, an area of the grounds is also leased to the School, providing an area for parking and outdoor space for the children (parking to the north/east of the house).
- 4.3 The applicants note that Ofsted gave their approval to use the premises as a school in May 2020. The opening of the school was delayed by the COVID-19 restrictions, but it operated for 6 weeks before the summer holidays, housing a total of 6 children. The school reopened in September 2020 where the number of children increased to 16 children in total. The School's maximum capacity would be for 18 children. The School has 15 full-time staff members and 7 part-time staff members. It should be noted that Merrywood House School is a day school only, and there is no requirement for overnight stays.
- 4.4 In October 2020, the Council's Senior Enforcement Officer contacted the owners of The Old Pheasantry to clarify the use of the site. It was confirmed that part of the building is being used as a fee-paying school, which the Enforcement Officer advised requires planning permission. Therefore, this application has been submitted following requests from the Council's Enforcement Officer.
- 4.5 The School has a minibus which picks up the children from an agreed collection point, with the exception of one pupil who cannot travel with a group and is delivered and collected by taxi.
- 4.6 The application site currently has an informal parking forecourt arrangement, that provides space for the minibus and 15 cars. The applicants state that the parking arrangements are not ideal and have the potential to harm the existing trees on site. Therefore, the layout of the parking forecourt is proposed to be rearranged. The rearrangements are proposed in order to create a more practical layout and to minimise the impact on the existing trees. The new parking layout would include the removal of several low value tree, as detailed in the submitted Arboricultural Report prepared by David Archer Associates. The removal of these low value trees would not be detrimental to the character or appearance of the site, and proposals for

replacement tree planting are being considered and could be achieved by means of an appropriate condition. A passing place along footpath 631 would be maintained as part of an agreement with the school if permission were granted

- 4.7 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:  
Assessment;  
Involvement;  
Evaluation; and  
Design.

- 4.8 Evidence of the applicant's design approach is set out below:

Assessment	The character of the surrounding area is assessed as being semi-rural and already in a quasi-educational use.
	Site features meriting retention are listed as a number of trees.
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered.
Design	The statement does not explain why the proposal was chosen

- 4.9 Further details of the development are as follows:

Site area	0.34 ha
Existing use	Residential Centre for children
Proposed use	School
Existing parking spaces	16
Proposed parking spaces	16

## 5.0 Policy Context

### 5.1 Designation

Metropolitan Green Belt  
Area of Great Landscape Value

### 5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)  
CS2 (Valued Landscapes and Natural Environment),  
CS3 (Green Belt)  
CS5 (Valued People/Economic Development),  
CS10 (Sustainable Development),  
CS12 (Infrastructure Delivery),  
CS17 (Travel Options and accessibility)

### 5.3 Reigate and Banstead Development Management Plan 2019

DES1 (Design of New development)  
TAP1 (Access, Parking and Servicing)  
NHE1 (Landscape Protection)  
NHE2 (Protecting and enhancing biodiversity and areas of geological importance)  
NHE3 (Protecting trees, woodland areas and natural habitats)  
INF1 (Infrastructure)  
INF2 (Community Facilities)

### 5.4 Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Supplementary Planning Guidance

Local Distinctiveness Design Guide  
Vehicle and Cycle Parking  
Guidance 2018

Other

Human Rights Act 1998

## 6.0 **Assessment**

6.1 The site is located within the Metropolitan Green Belt. National and Local Policy requires that in order to preserve the openness of the Green Belt, planning permission should not be granted for development that is inappropriate unless justified by very special circumstances.

6.2 The main issues to consider are:

- The principle of development in the Green Belt
- Design appraisal
- Neighbour amenity
- Highway matters
- Trees and Landscaping

### The principle of development in the Green Belt

6.3 The site is located in the Green Belt and Core Strategy Policy CS3 and DMP Policy NHE5, in line with the NPPF (2019), state the construction of new

buildings will be regarded as inappropriate in the Green Belt unless they fall within one of the listed exceptions.

- 6.4 Para. 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para.145 sets out a number of exceptions to this, whilst para 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with then purposes of including land within it, including at part (d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 6.5 The existing building at Merrywood House is one that is of permanent and substantial construction. With regards to the impact on openness, the National Planning Practice Guidance published advice on the assessment of openness in the Green Belt in July 2019. It states that *“assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*
- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
  - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
  - *the degree of activity likely to be generated, such as traffic generation.”*
- 6.6 Each of these issues is discussed in turn below.

#### *Spatial Impact*

- 6.7 The proposed development would not result in an increase in built form on the site, as the proposed school would be accommodated within the existing building. No changes are proposed to the external elevations of the building. In spatial terms, therefore, the proposed development would have no greater impact on the openness of the Green Belt than existing development.

#### *Visual Impact*

- 6.8 The proposal involves the change of use of part of the existing building to a school. The proposal does not include any external alterations or extensions and hence the change of use would not impact the character and appearance of the site or the surrounding area in this regard.
- 6.9 Merrywood House School currently use an area of the grounds located to the north of the building as outdoor space for the children. The use of this area of the site is not dissimilar to the previous use as part of the rural centre for disadvantaged children. Furthermore, the site is relatively well screened from

the road and from surrounding properties by mature planting. Therefore, the proposal would have little impact upon the character and appearance of the site or the surrounding area in this respect.

- 6.10 The school currently use an area in front of the building for informal parking and it is proposed that this would be rearranged in order to create a more practical layout and to minimise the impact on the existing trees. This parking has only arisen since the school started occupation of the site in 2019. Prior to the start of the school at this time, the only parking that took place in this area was by a single vehicle by the Site manager.
- 6.11 The use of part of the woodland area for parking undoubtedly has an impact on the character and visual amenities of part of the site which prior to the occupation by the school was open and free from parking. The area used for parking has therefore changed in character and appearance of this part of the site, particularly in short views through the trees and is adversely affected. It is proposed to formalise the parking area in front of the school and the concentration of vehicles in a smaller area, including in tandem formation would lead to a reduction in the open rural quality of the environment in front of the building. The removal of trees in this area has also increased the visibility of Merrywood House and the area used for parking and as a result, it is considered that the proposals have a harmful visual impact on the site and a consequent reduction in the openness of the green belt in this location.
- 6.12 We are advised that the parking associated with the previous/existing use of the main part of the building resulted/results in parking along the grass verge lying adjacent to the public footpath no. 631 in front of the building. This grass verge will continue to be used for parking for approximately 10 cars associated with the use of the main part of the building. Whilst officers have observed this site there has been no parking on this verge, but photographs have been submitted to show some parking along this verge previously and the agent has submitted a plan to show 10 spaces along this verge for future use. Whilst this does not block the actual footpath it would present an unsightly urban appearance to this rural footpath. Albeit it is not clear when this last happened on a regular basis, a grant of permission for the school would prevent cars from the rural centre parking within the site and would, in combination with the parking area for the school, lead to a large number of cars parking in in and around a site in this otherwise very rural location. The combination of uses on this site would lead to a harmful visual impact.
- 6.13 It is of course the case that cars provide only a transitory impact upon the openness of the green belt, that harm ceasing when they leave the site. However the presence of this many cars in a relatively small area when they are visible to the surrounding area, and in the case of the cars that would be forced to park on the grass verge, being incapable of being screened by planting, would lead to harm to the openness of the green belt as well as being a visually unattractive and discordant feature in this rural location.
- 6.14 The site is located in an Area of Great Landscape Value (AGLV) where development proposals should seek to conserve and enhance the landscape.

Given the comments noted above, it is not considered that the landscape is conserved or enhanced by the proposals and that the change of use and the consequent increase in activity would have a harmful impact on the AGLV. The scheme would thus be contrary to Policies CS2 of the Core Strategy and NHE1 of the DMP. In light of these comments, it is considered that the proposals would have a harmful visual impact on the Green Belt .

*Duration of Development*

- 6.15 The PPG refers to the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness. In this case, the proposed development would comprise the change of use of an existing building and therefore on this point, the proposed development would have a neutral impact on the Green Belt.

*Degree of activity likely to be generated*

- 6.16 The existing site is in use as a residential centre for underprivileged children. Information submitted with the application states that the school currently accommodates 16 pupils. Of these 15 arrive in a mini-bus whilst the other pupil is brought to school by taxi. The school state that there are generally 15 members of staff on site at any one time. The number of part-time staff has just recently reduced to 5 staff members, and these people are rarely on site together and at times work virtually. The applicants also note that the part-time staff comprise the School's therapy team and one part-time daily staff member. One therapist only comes on site once a month for half of a day. The other two therapists work on different days and work 1.5 days each. The other staff member works in the PM for two hours a day. The final person is the School's cleaner and works Sunday and Thursday evening. The applicants also state that 6 members of staff currently car-share and 1 member of staff does not have a vehicle and travels by bike.
- 6.17 The use of part of the building at Merrywood House has undoubtedly resulted in an increase in the amount of activity at the site, evidenced by the number of cars that arrive and leave along Merrywood Grove and which are parked at the site. This increase in activity has generated a large volume of objection from local residents who have raised concerns about the impact of the additional traffic on Merrywood Grove, which is a private road, and which is designated a bridleway over part of its length and a footpath over part. The increase in activity generally happens on weekdays during the school term although evidence from local residents would appear to show vehicles attending the site on weekends, bank holidays and during the school holidays, although it is not clear whether this is associated with the school or with the residential centre.
- 6.18 As discussed above, it is considered that the activity generated by the school in terms of traffic movements and the parking of cars, has had a harmful visual impact on the Green Belt in this location, and that impact has been exacerbated by the removal of trees. Further trees are proposed for removal

which will increase that impact, and which could not be mitigated by planting in the short term.

- 6.19 The use of the site for parking for the school also results in encroachment of areas of hardstanding and the parking of cars onto land that was formerly open. It is considered that this would conflict with one of the purposes for including land within the Green Belt.
- 6.20 In light of these comments, it is considered that the proposals do not preserve the openness of the Green belt.
- 6.21 The proposals would not, therefore, qualify as an exception under the terms of NPPF paragraph 149 and would comprise inappropriate development within the green belt. Therefore, in accordance with Policy CS3, planning permission should be refused unless it is demonstrated that very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm.
- 6.22 The application will therefore be assessed against the other planning considerations before an assessment of whether 'very special circumstances' which outweigh the harm by reason of inappropriateness exist.

#### Design appraisal

- 6.23 DMP Policy DES1 relates to the Design of New Development and requires new development to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings. New development should promote and reinforce local distinctiveness and should respect the character of the surrounding area. The policy states that new development will be expected to use high quality materials, landscaping and building detailing and have due regard to the layout, density, plot sizes, building siting, scale, massing, height, and roofscapes of the surrounding area, the relationship to neighbouring buildings, and important views into and out of the site.
- 6.24 The proposal involves the change of use of part of the existing building to a school. The proposal does not include any external alterations or extensions and hence the change of use would not impact the character and appearance of the site or the surrounding area in this regard.
- 6.25 However, as discussed above, the location of the school to Merrywood House inevitably means that the majority of trips to the school by both pupils and staff are by private car. To date the school have used areas beneath trees in front of the school building for parking but are proposing to formalise the parking arrangements as part of this application.
- 6.26 The use of part of the woodland area for parking has undoubtedly had an impact on the character and visual amenities of part of the site which prior to the occupation by the school was open and free from parking. The area used

for parking has therefore changed in character, and the appearance of this part of the site, particularly in short views through the trees, is adversely affected. It is proposed to formalise the parking area in front of the school and the concentration of vehicles in a smaller area, including in tandem formation would lead to a reduction in the open rural quality of the environment in front of the building. The removal of trees in this area has also increased the visibility of Merrywood House and the area used for parking and as a result, it is considered that the proposals have a harmful visual impact on the site thereby contrary to DMP Policy DES1. This is further exacerbated by the parking which we are advised will take place on the adjacent grass verge for the rest of the building. Whilst that does not form part of this application, it would nevertheless appear that by using the grounds within the site for the school parking use of the site for parking associated with the rest of the building is prevented. Thus the impact upon the character of the area by parking is exacerbated.

#### Neighbour amenity

- 6.27 In addition to the comments noted above DMP Policy DES1 also requires new development to provide an appropriate environment for future occupants whilst not adversely impacting upon the amenity of occupants of existing nearby buildings, including by way of overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy.
- 6.28 The nearest residential property to the school is located some 80m to the east at Pilgrims Corner and is separated from Merrywood House by areas of woodland and by the road in front of the school. In this regard, the proposed change of use would be unlikely to result in overlooking, or a loss of privacy, nor would there be an overbearing impact. The main concerns of residents relate to the additional traffic generated by the school and the increase in activity on Merrywood Grove, although concerns have been expressed about increased crime.
- 6.29 In this regard the comments from the Highways Authority are clear that this is a private road and there have been no complaints regarding potential highways conflicts/accidents. However it is equally clear that the increase in traffic is a matter of concern for local residents. Whilst acknowledging the change in character that the increased use has created for local residents, it is not considered that this is so severe as to justify a refusal of permission on these grounds. Likewise the parking of vehicles on the grass verge and round the site would be unsightly but there is no evidence to suggest that it harms neighbours amenities in a manner such as to justify a refusal of permission on these grounds. It is acknowledged that some inconvenience may arise during the works to layout the car park but these would not be considered such as to justify a refusal. There is no evidence to suggest that this scheme would in any way affect crime in the area.

#### Highway matters

- 6.30 Policy TAP1 of the Development Management Plan 2019 requires new development to demonstrate that it would not adversely affect highways safety or the free flow of traffic, that it would provide sufficient off-street parking in accordance with published standards and that it would constitute development in a sustainable location.
- 6.31 It is clear that the site is not in a sustainable location and that the scheme increases the amount of on and off site parking around the site. However there is no evidence to support a refusal based upon the level of traffic drawn to the site, nor the impacts of that traffic on highways safety and the free flow of traffic. A passing place has been agreed should permission be granted that would help alleviate the difficulties of the use of these rural lanes. Parking within the site is provided although as noted elsewhere in this report that needs to be more formally laid out but is considered to provide sufficient parking for the staff and the school mini bus.
- 6.32 The issue of the sustainability of location is one that was considered as part of an appeal relating to a change of use of a house to an independent school for children with autism and special educational needs and disabilities in a property in Coulsdon Lane Chipstead (ref 19/02269/F). In that instance permission was refused because of the unsustainable location of the site, expected trip generation and travel modes of pupils and staff. Pupils would generally use either the school mini bus or taxi and staff part school mini bus and part private car. The site is similar to this insofar as it lies beyond walking distance from public transport, pupils would be taken to school mainly by minibus and taxi and there are no footpaths to allow pedestrian access to the school. The differences lie in that the school lies on a metalled road rather than unmade lane/public footpath as does this site and that staff were also expected to largely use the school minibus or to be taken to the school by two cars designated for that purpose from specified drop off/collection points twice daily. A copy of the appeal decision is attached.
- 6.33 The Inspector concluded that given the needs of the children that most journeys would need to be bespoke and that public transport would not be a practical option even if it were available. He also concluded that accessibility and modes of transport to be used are but one aspect of sustainable development and that whilst there would be tension with one of the criterion of Core Strategy Policy CS10 that the proposed use would meet many of the economic and social aspects of sustainable development. He referenced the fact that the NPPF (para 95) encourages a sufficient choice of school places (with which the Council do not take issue) and finally that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
- 6.34 It is offices view that this summary applies equally well to this application proposal and site and that whilst this site is clearly not in a sustainable location, the nature of the use would prevent full use of public transport even were it close to the site by the children. It does however appear that staff at this site would not make use of shared transport in a manner that reflects the

Coulsdon Lane site, drawing more traffic to the site. However overall it is not considered that the lack of sustainability would in this instance be unacceptable. For these reasons there is no objection from the highway Authority and it is to be noted that the private nature of the road and its upkeep would not be a planning matter. Subject to an appropriate passing place there is considered to be no safety risk arising from the proximity to the public footpath for the reasons outlined also.

#### Trees and Landscaping

- 6.35 Policy NHE3 advises that unprotected but important trees, woodland and hedgerows with ecological or amenity value should be retained as an integral part of the development.
- 6.36 The tree officer has been consulted on the proposals in order to assess the proposed development against impact upon existing trees and vegetation. The application is supported by an arboricultural method statement that identifies trees to be removed to facilitate the new parking bays, which are low quality and will not have an adverse impact on the local canopy cover or the character of the local landscape. The additional parking bays will be located in the root protection areas (RPA) and to prevent soil compaction cellular web system is shown to be used. The level of information provided in the report is basic and to ensure the correct system is used and complies with Guidance Note 12: The Use of Cellular Confinement Systems Near Trees, a finalised tree protection plan would be required if planning permission was to be granted.
- 6.37 Also included is a structural planting plan showing location of trees and species to compensate for those removed. It is not clear what size they will be and what measures will be implemented to guarantee their survival, however this information could be secured by condition if planning permission was to be granted.

#### Very Special Circumstances

- 6.38 The application site is located within the Metropolitan Green Belt. It is considered that the proposed use of part of Merrywood House as a school has a harmful impact on the openness of the green belt as a result of the increase in activity and the harmful visual impact of the parking generated by the school.
- 6.39 Accordingly, the proposal is considered to comprise inappropriate development within the green Belt which, by definition would be harmful and which would have a harmful impact on the openness of the site.
- 6.40 As a result of the concentration of parking around the site it is also considered that the scheme would result in harm to the visual amenities and rural character of the site.

6.41 Support for the school in this location has been expressed by those involved with its operation as follows:

- The proposal is for a school for children with very special needs who are extremely vulnerable and who we, as a community should care for, not abuse their right to education and development. Which is the aim of the Charity making the Application.
- The whole building is currently an 'educational establishment' and has been since 1985.
- Traffic generated by the school is limited to school term times and peak hours and amounts to no more than 38 vehicle movements per day, or 190 per week.
- The amount of traffic generated is similar to the traffic generated by surrounding residential properties.
- Pupils are brought to school by minibus which reduces the overall number of vehicle movements.
- The occupiers of Merrywood House, have a right of way over Merrywood Grove.
- The use of the site for residential stays by disadvantaged children is well-established.
- The school provides a valuable service for children with special needs.
- The school has offered to improve the passing places on Merrywood Grove in order to improve access and also contribute to the Road Fund to maintain Merrywood Grove
- The trees which have been removed were either diseased or of low quality.
- The site is already in an educational type use.

6.42 A letter of support has also been received from Merton Council who currently place a vulnerable child at the school with complex specialist needs for which the school is able to cater for as well as those of other children placed by them.

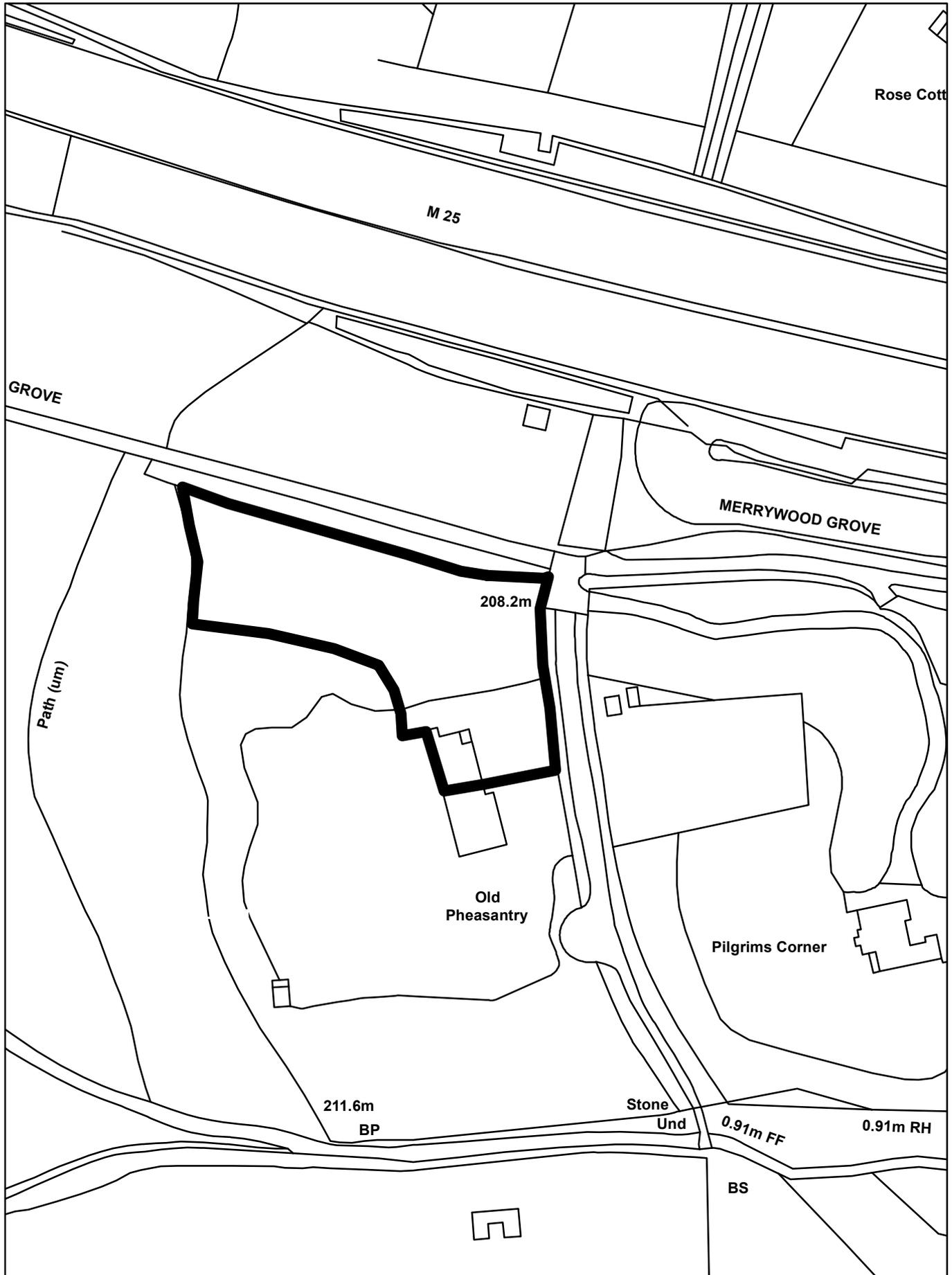
6.43 The support for the school is noted and it is appreciated that the school provides a valuable service to the wider community. That is afforded some weight and given the upheaval for such children associated with the need to find alternative schooling. However, it is considered that provision could be equally provided in a location outside the green belt and in the urban area, and as a result it is not considered that the arguments put forward in support amount to the very special circumstances required to outweigh the harm that is caused by reason of inappropriateness and the other harm identified.

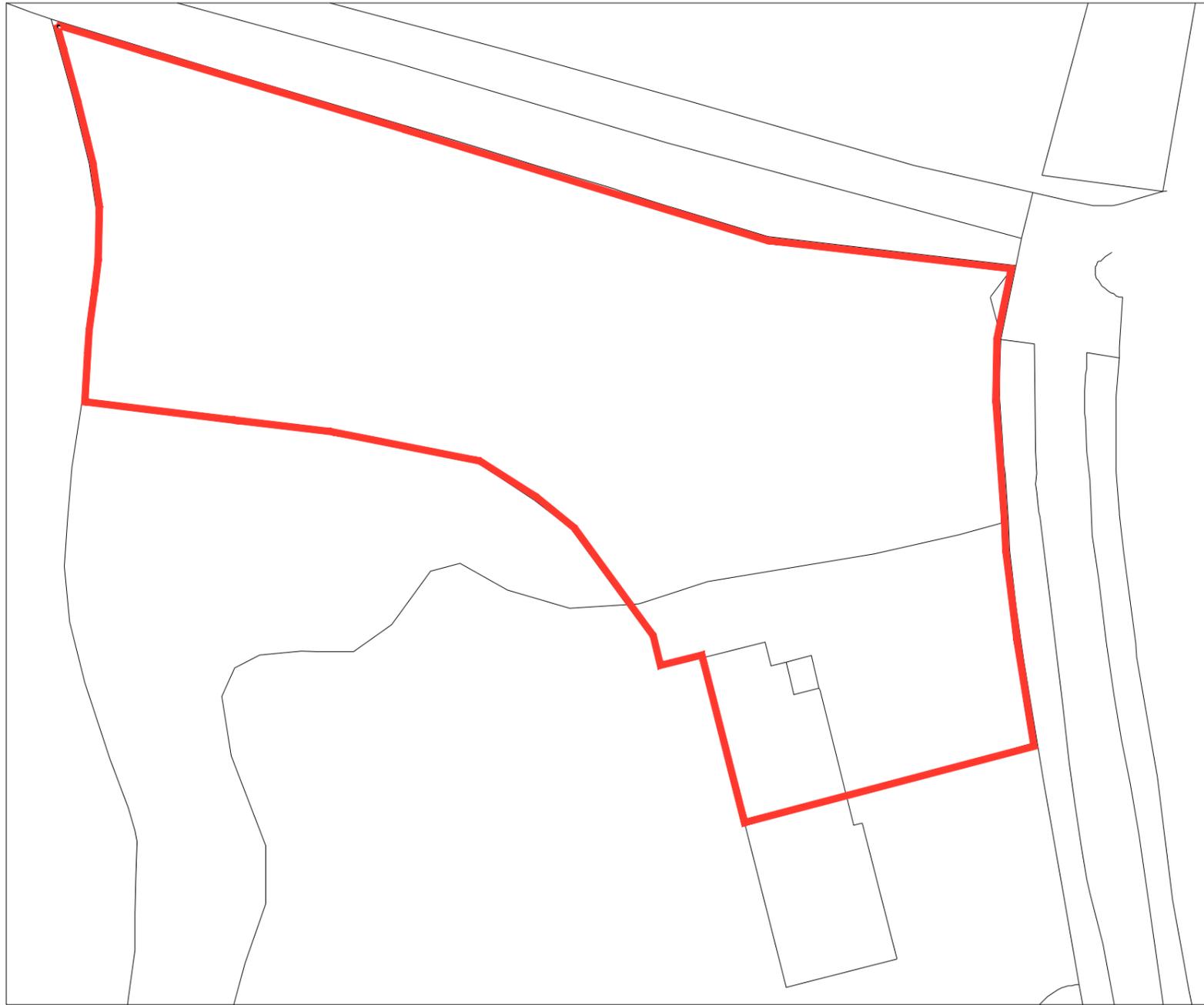
6.44 In summary therefore, it is considered that the proposed change of use would constitute an inappropriate form of development which causes harm to the openness of the Green Belt and the character of the area.

### **REASON FOR REFUSAL**

1. The use hereby considered, constitutes inappropriate development in the Green Belt, causing harm to the openness of the Green Belt, by virtue of the increased levels of activity and car parking which further harms the character of the local area, including the Area of Great Landscape Value designation. In the absence of very special circumstances to outweigh these harms the proposal is contrary to Policies CS2 and CS3 of the Reigate and Banstead Core Strategy, Policies DES1, NHE5 and NHE1 of the Reigate and Banstead Development Management Plan and the provisions of the National Planning Policy Framework.

# 21/00429/CU - Land And City Families Trust, Old Pheasantry, Merrywood Grove, Lower Kingswood

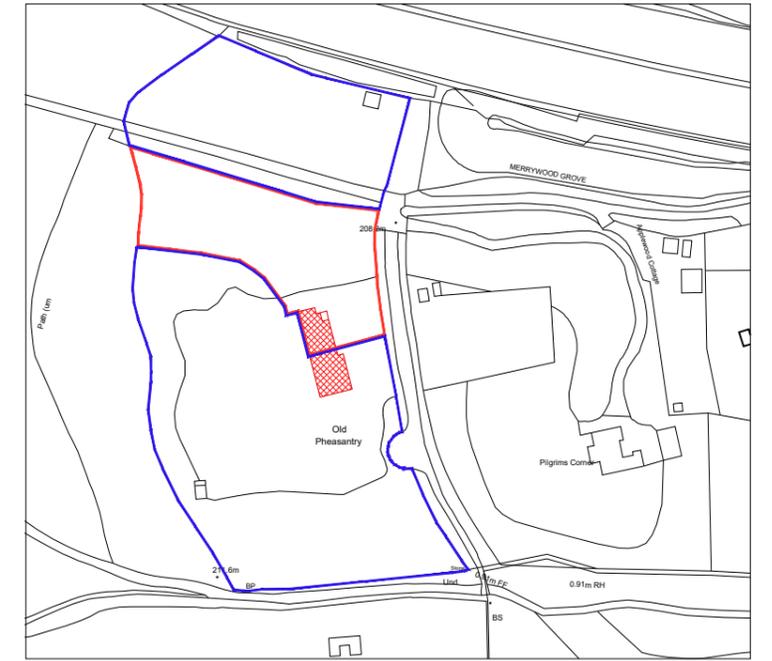




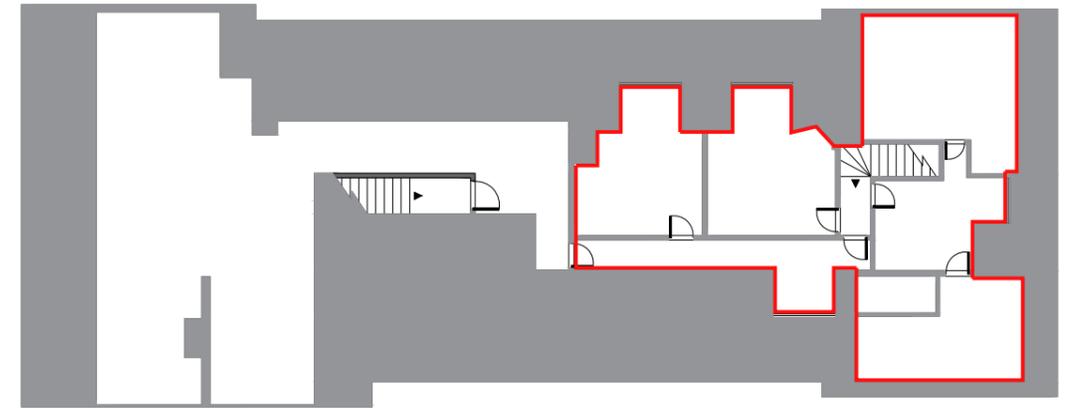
SITE PLAN  
SCALE 1:500



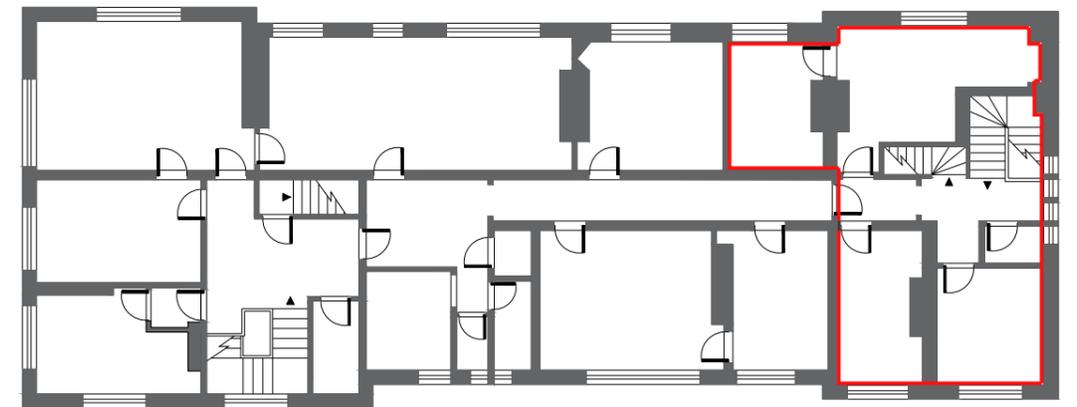
LOCATION PLAN  
SCALE 1:2500



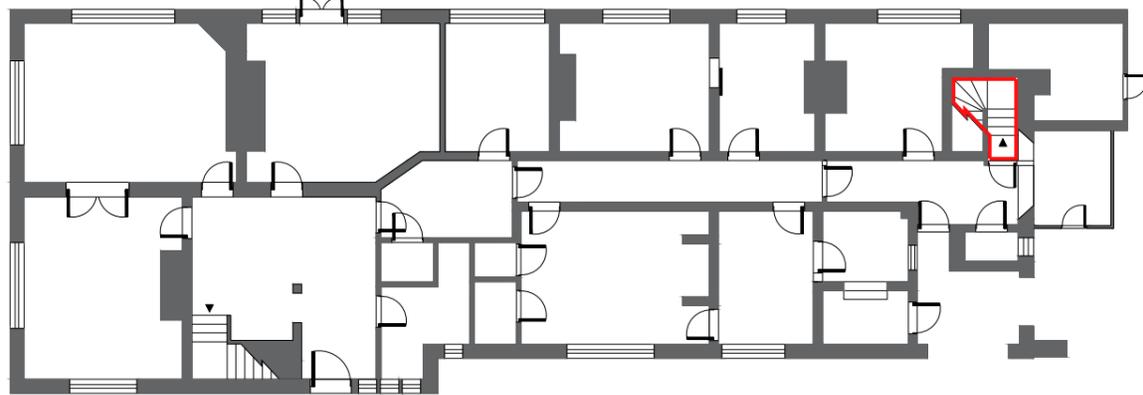
SECOND FLOOR PLAN  
SCALE 1:200



FIRST FLOOR PLAN  
SCALE 1:200



GROUND FLOOR PLAN  
SCALE 1:200





## Appeal Decision

Site visit made on 21 January 2021

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 March 2021.**

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**Appeal Ref: APP/L3625/W/20/3258530**

**Rowans Hill, Coulsdon Lane, Chipstead, CR5 3QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Gareth McCullough against the decision of Reigate & Banstead Borough Council.
  - The application Ref: 19/02269/F dated 8 November 2019, was refused by notice dated 16 July 2020.
  - The development proposed is change of use to an independent school for children with autism and related special educational needs and disabilities, with the provision of ancillary facilities including a playground, noise barriers and canopy and additional parking.
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use to an independent school for children with autism and related special educational needs and disabilities, with the provision of ancillary facilities including a playground, noise barriers and canopy and additional parking at Rowans Hill, Coulsdon Lane, Chipstead, CR5 3QG in accordance with the terms of the application, Ref 19/02269/F dated 8 November 2019, subject to the conditions set out in the schedule at the end of this decision letter.

### Preliminary Matters

2. The application was amended a number of times prior to determination and my decision is based on the proposals as determined by the Council. The description of development as set out on the application form provided a considerable amount of detail on the proposed use and development; I have therefore taken the description as set out by the Council on the decision notice and which the Appellant used on the appeal form.
3. As part of the appeal process the Appellant submitted a signed and dated Unilateral Undertaking which provides for payment of a travel plan monitoring fee to the County Council, in the event that planning permission is granted. At the same time a letter was received from the Council advising that as part of the process to complete the unilateral undertaking, a parcel of land was identified as being outside the ownership title of the Appellant and which would be required to enable the improved access to be provided. In the event of permission being granted, pre-commencement conditions have been recommended relating to the provision of the improved access points and

visibility splays. This letter was forward to the Appellant for comment and the Unilateral Undertaking to the Council for comment. No further representations were received.

4. On 1<sup>st</sup> September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, amending the Town and Country Planning (Use Classes) Order 1987. These Regulations amend and simplify the system of Use Classes and, amongst others, a new class F1 has been created, the Learning and Non-Residential Institutions use class. However, as the application was submitted prior to the new Regulations coming into effect, the Regulations provide that the application should be determined on the basis of the use or use class referenced in the application. That is therefore the basis of my assessment.

### **Main Issues**

5. The main issues in this appeal are:
  - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, and
  - b) whether the proposal would be a sustainable form of development.

### **Reasons**

#### ***Issue a) Whether Inappropriate Development***

6. The appeal property is a vacant, large detached residential property in extensive grounds, comprising a lawned area to the rear of the house with planting and woodland to the side and rear boundaries. To the rear and to the side of the main house is a detached garage / outbuilding which appears to have accommodation at the upper level. There are two vehicular access points to the site off Coulsdon Lane with residential properties on both sides of the road. The appeal site is situated within the Green Belt and an Area of Great Landscape Value.
7. The proposed development would change the use of the existing building and site to an independent Special School for Children with Special Educational Needs and Disabilities (SEND). The School would operate as an autism special school with a capacity for 50 boys of secondary school age, with an estimated 15 members of staff. The proposed School would operate in conjunction with an existing school in Croydon, relocating some pupils to the new school and enrolling new pupils.
8. The National Planning Policy Framework (Framework) sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 146 sets out that a number of forms of development are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it, including at d) the re-use of buildings providing that the buildings are of permanent and substantial construction and e) material changes in the use of

- the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
9. I am satisfied that the existing buildings on the site are of permanent and substantial construction and that the principle of the proposed change of use of these buildings and the rear garden area to educational use would not be inappropriate development. There would be some consequential changes to the layout of the grounds to allow for parking and turning as well as to create playground and associated areas, but these would not materially affect the openness and would not conflict with the purposes of including land within the Green Belt. These associated elements would also not be inappropriate development. The Council also drew the same conclusion in respect of the proposed change of use and these layout amendments.
  10. Some minor associated operations in the form of acoustic measures would be introduced to protect surrounding residential neighbours. These would include a minimum 2.5 m fence particularly along the western boundary and branching into the site. Given the limited length of the fence line and its siting close to a belt of existing trees I agree with the Council that it would not materially affect the openness of the site; it would not be inappropriate development.
  11. The acoustic proposals also include for a canopy cover linking the main house with the outbuilding, but very limited details have been provided as to the nature and materials for this element. The Appellant indicates that the principal purpose of this element would be to serve as an acoustic screen for the neighbouring properties and to serve this purpose would integrate with the boundary wall and rise to a height of 5m.
  12. I agree with the Council that this would be considered under Paragraph 145 of the Framework which states that the construction of new buildings are inappropriate with a limited number of exceptions including under sub section c) which refers to the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define the term, 'disproportionate'. The Council has also referenced Policies NHE5 and DES1 of the Council's Local Plan Development Management Plan 2019 (DM Plan). In this regard. Policy NHE5 specifically addresses under 1) extensions and alterations to buildings in the Green Belt but Policy DES1 seeks a high quality of design in all new development which I do not consider is directly relevant to this consideration as to whether the proposal would be inappropriate development within the Green Belt.
  13. The Council has referred to previous extensions to the house although no detailed information has been provided. Similarly, the Appellant has referenced the demolition of various structures in the grounds as part of these proposals, but again these have not been set out in detail. Although the details are not before me, the canopy would, as I understand the proposal, be attached to an existing wall and to the sides of the house and former garage building. It would however be open on the side facing into the site. It would not in my view be visually prominent or in a visually prominent part of the site. Given its modest size and footprint in relation to the built form and size of the site and in particular its open sided form, I do not consider that it would be a disproportionate addition to the original building or would harm openness. It would not therefore be inappropriate development.

14. Taking all of these factors together, it is my conclusion that the proposed development would not be inappropriate development for the purposes of the Framework and development plan policy. The development would not harm the openness of the Green Belt in this location. There is therefore no need for the development to be justified by special circumstances.

**Issue b) Sustainability**

15. There is no dispute between the Council, the Highway Authority and the Appellant that given the location of the site in relation to public transport facilities, most trips would be by private vehicle. However, the Appellants advise that given the specialist nature of the School and the particular needs of the individual pupils, most travel movements are bespoke and public transport, even if accessible, would not be a practical option. Shared transport would be used where possible, including a school shuttle bus service for pupils and staff members.
16. It is my understanding that the School site has been specifically selected because of its location and the opportunities for a bespoke curriculum to meet the needs of the students. I have been provided with no information to suggest that the selected School site would not be a suitable site to meet the needs of the pupils.
17. Paragraph 111 of the Framework promotes the use of Travel Plans and the Appellants have submitted a Travel Plan which sets out in detail the proposed transport arrangements for students and staff. I consider that this could be controlled by condition and a signed and dated Unilateral Undertaking has been submitted to cover the costs of monitoring the Travel Plan. I appreciate that the operator could change over time but given the size of the site, the available accommodation and bespoke form of development, this would be likely to limit the number of potential alternative users.
18. Accessibility to the site and the modes of transport to be used are but one aspect of sustainable development as set out under the Framework, including under paragraph 8 and under Policy CS10 of the Council's adopted Core Strategy (Core Strategy). Whilst there is no dispute that the most trips would be by private vehicle and that therefore there would be a tension with one of the criteria (criterion 6) set out under Policy CS10 of the Core Strategy, the proposed use of the site would meet many of the economic and social aspects of sustainable development. Indeed, paragraph 94 of the Framework notes that it is important that there is a sufficient choice of school places to meet the needs of existing and new communities. Furthermore, the Framework is clear that sustainable transport should be promoted but it does recognise at paragraph 103 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
19. In the particular circumstances of this case, and the clear reasons for the location selected, I do not consider that the proposed use would harm the principles of sustainable development. The scheme proposals would not comply with one of the criteria of Policy CS10 of the Core Strategy, but taking all aspects of sustainable development into consideration, there would be no material conflict with the overall objectives of both the Framework and Policy CS10 of the Core Strategy to secure sustainable development.

## **Other Considerations**

20. Both the access points as existing have very restricted sight lines, particularly in a westerly direction. Without improvements to the access points and visibility splays, and given the narrowness of the road, the proposal would not provide a safe access and egress for the site and for other road users on Coulsdon Lane and would therefore be a reason for refusal.
21. The proposals include for works to the access points to improve the access arrangements and the visibility splays. It has, however, transpired that not all the land required for these works is within the control of the Appellant. I therefore agree with the Council that the resolution of this matter and the provision of the required improvements to both access points would require to be undertaken before commencement of development, and in these circumstances consider that a Grampian condition is required. I also agree with the Council that it would be necessary to ensure appropriate measures were put in place to enable parking and related servicing to be within the site for reasons of highways safety for users of Coulsdon Lane.
22. The site is within an Area of Great Landscape Value (AGLV), but given the limited external works proposed and the existing planting and vegetation to the side and rear boundaries, I am satisfied that there would be no material harm to the landscape setting of the site and to the landscape and scenic beauty of the wider AGLV. The Council also raised no concerns in this regard.
23. Although the surrounding uses are primarily residential dwellings, given the very large size of both the site and the existing building, and on the basis of the information before me, the appeal site would be suitable for the proposed use in terms of the accommodation and open space it would offer. A range of acoustic measures are proposed and subject to these being in place, I am satisfied that the proposed use would not be unneighbourly or materially harm the living conditions of surrounding neighbours. Moreover, the School would not be operating at the very times when the residential neighbours would be most likely to wish to enjoy their gardens.

## **Conditions**

24. The Council has suggested a number of conditions in the event that planning permission is granted. I have already set out why I consider that conditions relating to the provision of access improvements and visibility splays must be pre-commencement conditions because of the substandard form of the existing access points, from the point of view of highway safety. For the same highway safety reasons, I also agree with the Council that a Construction Transport Management Plan is both required and needs to be approved and implemented pre-commencement.
25. To improve the sustainability of the proposed use in accessibility terms, a condition to require a travel plan as offered by the Appellant and requested by the Council should be imposed. However, as the submitted Travel Plan includes for a number of the measures to be in place prior to occupation, it is my view that an updated Travel Plan should be submitted and approved prior to first occupation in order that these matters can be controlled and monitored from the outset. The Appellant has offered for individual conditions to be imposed on elements of the Travel Plan but I consider that a holistic approach would be more useful to secure the overall accessibility objectives. In the

- interests of sustainability, I also agree that 2 of the parking spaces should be set up for recharging but I consider that the requirements are clear and that there is no need to require further details to be first submitted.
26. A range of conditions are required to ensure that the details of various acoustic measures, to follow on from the information provided by the Appellant's Acoustic reports, are in place to ensure that the living conditions of the neighbours are respected. However, I consider that these measures need to be approved and in place prior to the use commencing rather than the development commencing. For the same reason, that is to protect the amenities of residential neighbours, I also agree that conditions to regulate the proposed use of the site are necessary.
27. Although the application was accompanied by a detailed arboricultural assessment, including with reference to trees to be felled and trees to be retained together with protection measures, this appeared to be based on the previous permitted residential redevelopment scheme. I consider that this should be revisited to ensure that it is fully comprehensive in relation to the development now proposed and in respect of the access and visibility works required to be undertaken in compliance with other conditions on the permission. In order to be effective and protect existing trees and to relate to the access and visibility works, this condition also needs to be pre-commencement. I also agree that a landscaping scheme should be provided but I consider that this can be later in the programme and need not be a pre-commencement condition.
28. Finally, I shall impose a condition to list the approved plans for the avoidance of doubt and in the interests of proper planning.
29. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have requested and received the Appellant's written agreement to the imposition of the several pre-commencement conditions I consider it necessary to impose. In the interests of fairness to both the Appellant and the Council I have also provided the opportunity for comment where I have proposed changes to the conditions proposed by the Council that could be regarded as being more onerous in their requirements. I have taken the further representations into account.

### **Conclusion**

30. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

*L J Evans*

INSPECTOR

**Schedule of Conditions (1 – 20 inclusive):**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (unnumbered); 1067.P01.4; 1067.P01.3; 1067.P01.2; 1067.P01.1; 1067.P01.5 Rev D; 1067.P01.6 Rev A.
- 3) No part of the development hereby approved shall be first commenced unless and until the proposed amended vehicular access points to the site on Coulsdon Lane, with visibility splays, have been constructed and provided to the satisfaction of the Local Planning Authority, in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority, based on drawing ref: Feargal Carolan 1067.P01.5 Rev D dated 21 May 2020. Thereafter the vehicular access points shall be retained and maintained as approved and the access visibility splays shall be kept permanently clear of any obstruction over 0.6m high.
- 4) No part of the development hereby approved shall be first commenced unless and until pedestrian inter-visibility zones measuring 2m by 2m have been provided to the satisfaction of the Local Planning Authority, on each side of each access off Coulsdon Lane, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall thereafter be erected within the area of such zones.
- 5) No part of the development hereby approved shall be first commenced unless and until a Construction Transport Management Plan (CTM Plan), has been submitted to and approved in writing by the Local Planning Authority, to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing
  - (h) measures to prevent the deposit of materials on the highway
  - (i) HGV movements to or from the site shall take place between the hours of 9.00 am and 4.30 pm only, nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting in Coulsdon Lane outside of these times
  - (j) on-site turning for construction vehicles.

The construction of the development shall be carried out in full accordance with the approved CTM Plan unless otherwise agreed in writing with the Local Planning Authority.

- 6) The use hereby permitted shall not commence until the following facilities have been provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority for:
  - (a) The secure, level and covered provision for 20 bicycles storage spaces, as outlined on the approved plans.
  - (b) Clear guidance to all visitors and servicing operations (excluding waste collection) that stopping and or parking on Coulsdon Lane is not promoted and a system to ensure that visitors and service operations shall be pre-booked and managed to enter and exit the site in forward gear.
  
- 7) The use hereby permitted shall not commence until an updated School Travel Plan based on the Travel Plan (Ref: 11356/JT/002/04 dated May 2020 prepared by Sanderson Associates) has been submitted to and approved in writing by the Local Planning Authority, to include the timescales for further survey work to be undertaken. The Travel Plan shall be prepared in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with comments provided by the Travel Planning Officer. The approved Travel Plan shall be implemented for the site in accordance with a timescale to be agreed in writing with the Local Planning Authority and every subsequent occupation of the development, and thereafter the Travel Plan shall be maintained, reviewed and developed to the satisfaction of the Local Planning Authority.
  
- 8) The use hereby permitted shall not commence unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for the loading and unloading of vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / loading and unloading / turning areas shall be retained and maintained for their designated purpose.
  
- 9) The use hereby permitted shall not commence unless and until at least 2 of the available parking spaces associated with Education use are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply).
  
- 10) The use of the site hereby approved shall operate as a school only and during weekdays and school term time only and shall not be used for any other purposes during the weekends and holiday periods.
  
- 11) Notwithstanding Condition 2, the use hereby permitted shall not commence until the following details, based on the plan in Annex D of the Noise Assessment by Civil Engineering Dynamics, Rev A, have been submitted to and approved in writing by the Local Planning Authority:
  - a) detailing of the boundary treatments;
  - b) details of the siting, design, materials and finishes of the minimum 2.5m high acoustic fences;

- c) details of the siting, design, materials and finishes and acoustic performance of the canopy noise barrier between the main building and the garage annexe;
- d) The school amenity space, including the playground area, shown in blue, shall be surfaced and delineated as indicated in para 7.4 of the Noise Assessment by Civil Engineering Dynamics, Rev A.

These details shall be implemented as approved prior to the commencement of the use hereby permitted and shall be retained and maintained thereafter to the satisfaction of the Local Planning Authority.

- 12) The use hereby permitted shall not commence until a Playground and Amenity Space Management Plan has been submitted to and approved by the Local Planning Authority detailing how the amenity spaces will be managed, in particular but not limited to the management and supervision of free play within the playground, organised teaching sessions within the amenity area and management of lunchtime groups in accordance with the details specified in Rowans Hill Noise Assessment by Civil Engineering Dynamics, Rev A. The approved Management Plan shall be implemented as approved prior to the commencement of the use hereby permitted unless otherwise agreed in writing with the Local Planning Authority.
- 13) There shall be no teaching or practicing of musical instruments on the site at any time without the prior approval in writing of the Local Planning Authority. Details of the provision and mitigation will need to be approved in writing by the Local Planning Authority and this should include an adequate design of sealed glazing and suitable ventilation for thermal comfort of future occupiers.
- 14) The forest school area shall only be used within the hours of 08:30 to 14:00 hours Monday to Friday.
- 15) The use hereby permitted shall not commence until details, full specifications and elevational drawings of the kitchen extraction and filtration equipment, and an ongoing maintenance plan, have been submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence until the approved details are fully implemented. The approved fume extraction and filtration equipment shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.
- 16) The use hereby permitted, or the operation of any building services plant, shall not commence until an assessment of the acoustic impact arising from the operation of all internally and externally located plant has been submitted to and approved in writing by the local planning authority.  
  
The assessment of the acoustic impact shall be undertaken in accordance with BS 4142: 2014 (or subsequent superseding equivalent) and current best practice, and shall include a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed building services plant is 5db less than background.
- 17) The use hereby permitted, or the operation of any building services plant, shall not commence until a post-installation noise assessment has been carried out to confirm compliance with the noise criteria. The scheme shall be implemented in accordance with the approved details and

attenuation measures, and they shall be permanently retained and maintained in working order for the duration of the use and their operation.

- 18) No development hereby permitted shall commence including demolition and groundworks preparation until a detailed, scaled Tree Protection Plan (TPP) and the related Arboricultural Method Statement (AMS) have been submitted to and approved in writing by the Local Planning Authority. These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees (RPA) shown to scale on the TPP. The AMS shall also include a supervisory regime for their implementation & monitoring with a reporting process to the Local Planning Authority. All works shall be carried out in strict accordance with these details when approved.
- 19) Notwithstanding Condition 2, the use hereby permitted shall not commence until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard and soft landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to the use commencing or within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing with the local planning authority.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, shrubs of the same size and species.

- 20) Notwithstanding Condition 2, the use hereby permitted shall not commence unless and until full details (and plans where appropriate) of the waste management collection point, (and pulling distances where applicable), have been submitted to and approved in writing by the Local Planning Authority. The waste collection point should be of an adequate size to accommodate the bins and containers required for the approved use. The development shall be provided with the above facilities in accordance with the approved details prior to the use first commencing.