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|  Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate | TO: | | PLANNING COMMITTEE |
| | DATE: | | 6 th July 2022 |
| | REPORT OF: | | HEAD OF PLANNING |
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| AGENDA ITEM: | 9 | WARD: | Lower Kingswood and Tadworth |

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|---|--|-------------|---------------|-------------|
| APPLICATION NUMBER: | | 21/00429/CU | VALID: | 16/03/2021 |
| APPLICANT: | Land and City Families Trust | | AGENT: | WS Planning |
| LOCATION: | LAND AND CITY FAMILIES TRUST, OLD PHEASANTRY, MERRYWOOD GROVE, LOWER KINGSWOOD, SURREY | | | |
| DESCRIPTION: | Change of use of part of the building to a school. | | | |
| 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. | | | | |

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

SUMMARY

The application seeks permission for the change of use of part of an existing building which has lawful use as a rural activities retreat for disadvantaged children to accommodate a new school use for up to 18 pupils with social, emotional and mental health needs. 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 1985 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 school use is retrospectively applied for as it 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 and minibus for all of its journeys.

The proposals have been amended during the application process to seek to overcome concerns raised by officers with regard to the impact of the proposed parking area and increased activity on the Green Belt. The amendments include a reduction in size of the proposed car parking area from 15 to 9 car parking spaces which has meant that the number of trees to be removed has been reduced from 18 individual trees and 1 group to 11 individual trees and 1 group. These low grade trees which are to be removed are to be replaced by 16 new trees.

In terms of Green Belt impacts the change of use of the building and site can be considered appropriate green belt development provided they preserve its openness and do not conflict with then purposes of including land within it. The assessment of openness requires a number of factors to be taken in to consideration including spatial impact, visual impact, duration of development and degree of activity.

It is considered that the proposed change of use would result in a visual change to the appearance of the site, particularly from a localised point of view due to the addition of the car parking and clearly the proposal would result in an increase in activity at the site. However taking in to account the proposed amendments to the proposed parking area and also reduction in staff car movement, the well screened nature of the site and the historic and lawful use of the wider site it is not considered that the proposed changes would result in such an impact that it would fail to preserve the openness of the Green Belt or conflict with the purposes of the Green Belt.

The site lies within the Area of Great Landscape Value (AGLV) and is rural in character. However taking in to account the amended plans which reduce the amount of formalised car parking and reduce staff car movement and the well screened and contained nature of the proposed school use it is considered that the impact of the proposed use would not cause unacceptable harm to the character of the site, surrounding area and wider AGLV.

The impact on neighbouring amenity is considered to be acceptable due to the distance of the site away from residential properties.

The loss of the trees has been considered by the Tree Officer. The trees to be removed are of low quality and the applicant proposes to replace the trees with 16 trees, which is above the number removed. The Tree Officer has therefore raised no objection subject to conditions to secure finalised tree protection measures and further details of the proposed landscaping.

The level of traffic drawn to the site would be 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, particularly as the County Highway Authority has raised no objection with

regard to highway safety or capacity and the County Rights of Way Officer has also raised no objection to the proposals.

Significant concerns have been raised by third parties regarding a recent increase in parking which takes place on the grass verge adjacent to the main part of the building. There is no doubt that parking does take place along this road. This parking appears to be related to the lawful existing use of the remainder of the building, although it is difficult to identify precisely. The applicant has advised that parking has always taken place along here. This may or may not be the case but the important point to note is that the existing activities and any parking related to the main part of the building are not subject of this application and there is no mechanism in which planning can prevent or control parking along this verge. The issue for this application is whether the proposed change of use impacts on Green Belt, visual amenity, neighbouring amenity and highway safety/parking. As set out above the proposed parking is contained within the site and the level of parking, in combination with the travel plan, is considered acceptable. Therefore the proposed school use does not lead to overspill parking outside the site. This is a management issue of the use of the main use of the building. It is understood that the car park for the school remains open at weekends so there is no reason why the new parking area, once installed, could not be used for parking of visitors to the main part of the building during weekends. But the parking on the verge is not considered to be a matter which could reasonably lead to a reason for refusal on planning grounds when it does not clearly relate to the actual proposed school use.

Officers are satisfied that 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 with regard to SEN school provision in accordance with the provisions of the NPPF. Such a benefit should be given weight in favour of approving the application in any required balancing exercise.

In summary, following the reduced parking areas from previously, it is considered that the proposed change of use would constitute an appropriate form of development which does not cause unacceptable harm to the openness of the Green Belt and the character of the area and AGLV. There are no neighbouring amenity concerns or unacceptable impact on trees. There are no highway safety or capacity concerns. The SEN school provision for the borough and wider area also adds weight to the application in terms of the benefit of such a proposal. The application is therefore recommended for approval.

RECOMMENDATION(S)

Planning permission is GRANTED subject to conditions.

Subject to the completion of all documentation required to create a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended to secure:

- (i) To secure the minibus meeting point at OYO Bridge Hotel, Reigate Hill in accordance with the School Travel Plan
- (ii) The Council's legal costs in preparing the agreement

Planning permission is **GRANTED** subject to conditions.

In the event that a satisfactorily completed obligation is not received by 8 November 2022 or such longer period as may be agreed, the Head of Places and Planning be authorised to refuse permission for the following reason

1. Without a completed planning obligation the proposal fails to secure the minibus meeting point at OYO Bridge Hotel and therefore fails to comply with the Travel Plan and is therefore contrary to the National Planning Policy Framework 2021 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility) and Reigate and Banstead Development Management Plan 2019 Policy TAP1.

Consultations:

County Highway Authority: recommend refusal on sustainability grounds but raise no highway safety concerns. They go on to advise that if local authority it minded to grant consent that a number of conditions are recommended as well as a legal agreement to secure the minibus drop off/pick up proposals. Their comments were as follows:

"A significant reduction in car use is unlikely to be achieved in this unsustainable location, even with the implementation of a travel plan.

The proposed school would be located in an area which is well in excess of the preferred maximum commuting walking distance of 2.0 km from bus stops according to The Institution of Highways And Transportation Document "Providing for Journeys on Foot". It is noted that there are also no footways and street lighting in the area so the walk to bus stops would be along routes that would be unsuitable to consider using any local bus services.

The nearest train station to the site is 6.3 km away along routes that are unlit and not overlooked therefore unattractive to use as an every day form of travel by most if not all people.

According to the Reigate and Banstead Accessibly Map the site is in an area with low accessibility. This is apparent when looking at the site which is in a rural location with few if no opportunities to travel by none car modes of transport to reach the site.

It is noted that there is an existing rural retreat centre for disadvantaged children next to the proposed development. This is an existing use. The proposed use would be entirely new and would intensify the use of the site which would require the car in most if not all trips to the site by staff and pupils.

It is noted that sustainable development encompasses not just the environment which underpins the Highway Authority objection, but is also includes economic and social aspects of sustainable development.

If the Local Planning Authority were minded to approve the application, there would be no highway safety concerns.

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 rights of way. We have no record of any complaints by the general public 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 by the applicant. I note that the applicant has provided a passing place on footpath. 631 within land they control. This should be retained and maintained by the applicant.

Increased traffic will increase wear on the existing road surface and any resulting damage (eg.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 rights 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 Team to ensure it is suitable for public traffic (eg. 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).

As Highway Authority, Surrey County Council is only required to maintain a surface to the standard required for the intended users of different types of right of way. Where a higher private right is exercised (such as cars as is the case here) it is the responsibility of the landowner and residents/frontagers to provide and maintain a surface suitable for their vehicles. This is usually delivered via a Roads Association or similar.

There are local concerns about the use of the verge for parking of cars on footpath 631 next to the eastern boundary of the site. The verge is not part of the footpath. If this was part of the footpath as shown in the definitive map, there would be adequate space to pass the parked cars, therefore it would be unlikely that enforcement action would be taken.

The daily number of trips to/from the school site itself is low – 1 x minibus, 1 x cyclist, 1 x taxi, and up to 14 staff cars - although car sharing takes place on an informal basis and staff can chose to use the mini bus service, so this number maybe less on some days - and a small number of trips per month generated by part time staff. Paragraph 3.8 of the proposed travel plan states that there are 15 full time members of staff, who arrive between 7.30am-8.15am and who leave between 4.00-6.30pm. 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 for half a day per month for one part time members of staff and 1.5 hours per week for the remaining two members of part time staff. There are nine parking spaces proposed given that 8 staff members are likely to drive to the site, while the remaining 7 staff are likely to use the proposed mini bus service. However it is not clear what would happen to the mini bus service if the drop off pick up service at OYO Bridge House Hotel, Reigate Hill, Reigate, RH2 9RP were to cease.

A travel statement will 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 (as appropriate to their special needs) 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/retention of a passing place on footpath 631
- Plus legal agreement to secure drop off and pick up service

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 19th March 2021 and a site notice was posted 25th March 2021. Neighbours were re-notified on the revised plans for a 14 day period commencing 25th May 2021 and again in November 2021 and 16 May 2022 following the submission of the amended Travel Plan, Tree Information and additional statement.

151 responses have been received to date (121 objections, 28 letters of support and 2 letters of representation) across the revised application including many from the same residents raising the following issues and comments of support:

| Issue | Response |
|-----------------------------|-------------------------|
| Inadequate parking | See paragraph 6.31-6.35 |
| No need for the development | See paragraph 6.39-6.45 |
| Noise & disturbance | See paragraph 6.28-6.30 |

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| Inconvenience during construction | See paragraph 6.28-6.30 |
| Out of character with surrounding area | See paragraph 6.22-6.27 |
| Increase in traffic and congestion | See paragraph 6.31-6.35 |
| Overdevelopment | See paragraph 6.22-6.27 |
| Hazard to highway safety | See paragraph 6.31-6.35 |
| 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 6.28-6.30 |
| Crime fears | See paragraph 6.28-6.30 |
| Loss of/harm to trees/wildlife habitat | See paragraph 6.36-6.38 |
| Harm to Green Belt/countryside | See paragraph 6.3-6.21 |
| 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 28 responses expressing support for the proposed change of use.

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| Support - Community/regeneration benefit | See paragraph 6.39-6.45 |
| Support - Economic growth / jobs | See paragraph 6.39-6.45 |
| Support - Visual amenity benefits | See paragraph 6.22-6.27 |

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. 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: updated Travel Plan Statement, amended parking plan showing reduction in number of spaces.
- 2.3 Further improvements via condition: conditions to limit the maximum number of pupils. Conditions to secure implementation of the parking layout and tree protection. Condition to secure updated Travel Plan Statement and retention of passing pace on footpath 631.

3.0 Relevant Planning and Enforcement History

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| 3.1 | 94/08100/F | Erection of a stable block | Approved 20 September 1994 |
| 3.2 | 85/06010/F | Continued use as rural centre for disadvantaged children and adults | Granted 29 July 1985 |
| 3.3 | 85P/0601/S32 | Continued use as rural centre for disadvantaged children and adults | Approved with conditions 29 July 1985 |
| 3.4 | 77P/0106 | Continued use as a rural centre for deprived and handicapped children | Approved with conditions 21 April 1977 |
| 3.5 | 75P/1111 | Renewal of temporary permission for use of The Old Pheasantry as a | Approved with conditions 14 |

rural centre for handicapped
children for a further 2 years

January 1976

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|-----|----------|---|---|
| 3.6 | 74P/0468 | Temporary use as a rural centre for up to 20 educationally handicapped children | Approved with conditions 29 November 1974 |
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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 with a reduction in the number of spaces provided from 15 to 9 cars. 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 reduction of proposed spaces from 15 to 9 under the amended proposals does however mean that less trees are to removed (11 & 1 group compared to 18 and 1 ground). 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:

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| 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 in detail why the proposal site was chosen. In subsequent submissions the applicant states: "The Old Pheasantry was chosen primarily due to its quiet and tranquil location, plus the classroom sizes which provide calming locations to educate the severely impacted special needs children who receive an Ofsted triple A rated education. The style of accommodation provided at the Old Pheasantry is unique in terms of its countryside setting which forms a comprehensive easy learning environment" |

- 4.9 Further details of the development are as follows:

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| Site area | 0.34 ha |
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| Existing use | Residential Centre for children |
| Proposed use | Mixed residential centre and School |
| Existing parking spaces | Ad-hoc/Informal |
| Proposed parking spaces | 10 (9 cars and 1 minibus space) |

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)
NHE5 (Development within the Green Belt)
INF1 (Infrastructure)
INF2 (Community Facilities)

5.4 Other Material Considerations

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| 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 (2021), 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. 147 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.149 sets out a number of exceptions to this, whilst para 150 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 and (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
- 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. Whilst some ancillary outdoor structure have been installed in the garden area these do not appear to be structures which constitute development and therefore could be installed irrelevant of the change of use of the site. In any case these elements do not form part of this change of use application. 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. However it is proposed to formalise the parking area in front of the school with a proper surface and by concentrating of vehicles in a smaller area, including in tandem formation.
- 6.12 Whilst this would lead to a reduction in the open soft landscaped rural quality of the environment in front of the building such impact would be localised. The submission of amended plans reducing the amount of proposed spaces by 5 has further concentrated the proposed parking area and reduced the impact on the existing trees and wooded area. The surface is stated to be a "above existing soil, no dig, low invasive, permeable free draining

construction” which on the submitted Arboricultural Method Statement is shown to be a Geo-grid ground stabilisation system. Such systems are less urbanising than tarmac or other hardsurfacing as they are normally filled with a gravel or similar material or allow grass to grow through. The car parking area is gated and this is closed during school hours and the site is well screened from the wider area by fencing and existing trees. Whilst trees are proposed to be lost due to the car park works additional trees are proposed to replace the lost poor quality trees and which will over time help to further screen any impact from the car park area. As such whilst the proposal would result in some localised impact to the woodland area for the reasons set out above it is considered that on balance the impact is not such that it is considered to have an unacceptable visual impact on the site or result in such a reduction in the openness of the green belt in this location that it fails to preserve its openness.

- 6.13 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 associated with the use of the main part of the building. Photographs have been submitted to show some parking along this verge previously and the applicant has confirmed that this verge is used for parking and has historically been used as such. Such use does not block the actual footpath and whilst this would have some impact on the appearance of the verge such an impact would be temporary due to the transitory use of the parking. It is also of note that as this parking relates to the main use of the building and not the proposed school use it is not considered that this parking, which appears to be independent from the school activities should be counted against the school use in terms of impact on openness.

Duration of Development

- 6.14 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

- 6.15 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. In addition the updated Travel Plan states that 7 members of the full time staff have committed to travel in the school minibus using the meeting point at OYO Hotel, Reigate Hill. Which has further reduced the number of daily car movements.

- 6.16 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, although the concerns mainly relate to highway safety issues. 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.
- 6.17 It is noted that the applicant has stated that the use of the main part of the building for residential trips in line with the lawful use of the building has re-started so it is not clear whether the increase in activity is associated solely with the school or with the residential centre or a mixture of the two. It is likely in reality to be a combination of the two, particularly any activities at weekends and bank holidays. This needs to be taken in to consideration when assessing the impact of the activity generated by this application.
- 6.18 Therefore the question is whether the increase in activity, when considering the overall activity and use at the whole site is such that it results in an unacceptable increase in activity which fails to preserve the openness of the Green Belt. Taking in to consideration of the above factors and the relatively small size of the school, maximum 18 pupils and approximately 15 staff at any one time, and the fact that the CHA advises that "The daily number of trips to/from the school site itself is low" it is not considered that the degree of activity generated by the use is such that it could be considered significant or excessive and would in the view of officers have an acceptable impact on openness.
- 6.19 It is noted that concerns have been raised about whether pupils from another school use the site and also about the travel plan and how this is implemented. The applicant has advised that pupils from another school site do not visit the site and also that they have an agreement with the OYO Hotel to ensure the operation of the minibus service. Were the application to be approve it is recommended to use condition to limit the amount of pupils on site at anyone time to 18 (the maximum capacity of the school) and also to secure the minibus pick up point through a S106. This will ensure that the

activity of the site will not increase beyond the approved level without further consent.

- 6.20 The use of the site for parking for the school, due to its contained nature (with the now reduced level of parking) would also not result in encroachment in to the countryside. As such it would not conflict with the purposes for including land within the Green Belt.
- 6.21 In light of these comments, it is considered that the proposals would preserve the openness of the Green belt and would not conflict with the purposes of including land within it. As a result the proposal is considered to represent appropriate Green Belt development and 'very special circumstances' are not required.

Design appraisal

- 6.22 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.
- 6.23 The proposal involves the change of use of part of the existing building to a school. The proposed plans do 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.
- 6.24 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.
- 6.25 The use of part of the woodland area for parking has undoubtedly altered 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 with a proper surface and the concentration of vehicles in a smaller area, including in tandem formation.
- 6.26 Whilst this would lead to a reduction in the open soft landscaped rural quality of the environment in front of the building such impact would be localised. The submission of amended plans reducing the amount of proposed spaces

by 5 has further concentrated the proposed parking area and reduced the impact on the existing trees and wooded area. The surface is stated to be a “above existing soil, no dig, low invasive, permeable free draining construction” which on the submitted Arboricultural Method Statement is shown to be a Geo-grid ground stabilisation system. Such systems are less urbanising than tarmac or other hardsurfacing as they are normally filled with a gravel or similar material or allow grass to grow through. The car parking area is gated and this is closed during school hours and the site is well screened from the wider area by fencing and existing trees. Whilst trees are proposed to be lost due to the car park works additional trees are proposed to replace the lost poor quality trees and which will over time help to further screen any impact from the car park area. As such whilst the proposal would result in some localised impact to the woodland area for the reasons set out above it is considered that on balance the impact is not such that it is considered to have an unacceptable impact on the character of the Old Pheasantry Site or wider area and AGLV and would therefore comply with DMP Policy DES1 and NHE1.

- 6.27 Significant concerns have been raised by third parties regarding a recent increase in parking which takes place on the grass verge adjacent to the main part of the building. There is no doubt that parking does take place along this road. This parking appears to be related to the lawful existing use of the remainder of the building but again it is impossible to differentiate. The applicant has advised that parking has always taken place along here. This may or may not be the case but the important point to note is that the existing activities and any parking related to the main part of the building are not subject of this application and there is no mechanism in which planning can prevent or control parking along this verge. The issue for this application is whether the proposed change of use impacts on character and as set out above the parking is contained within the site and therefore the proposed school use does not lead to overspill parking outside the site. This is a management issue of the use of the main building. It is understood that the car park for the school remain open at weekends so there is no reason why the new parking area, once installed, could not be used for parking of visitors to the main part of the building during weekends. But the parking on the verge is not considered to be a matter which could reasonably lead to a reason for refusal on character grounds when it does not relate to the actual proposed school use.

Neighbour amenity

- 6.28 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.
- 6.29 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.

- 6.30 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

- 6.31 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.
- 6.32 It is clear that the site is not in a sustainable location and that the scheme increases the amount of vehicle movements to the site and parking required at 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 installed that has helped to 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 subject to the Travel Plan solutions being fully implemented – i.e. a minibus operating to pick up students and staff from the pick up point at the OYO Bridge Hotel, Reigate Hill. The pick up point is proposed to be secured by legal agreement to ensure it can be retained on third party land. Surrey County Council has considered the submitted plans and Travel Plan and has raised no objection with regard to highway safety and capacity subject to conditions to secure an updated Travel Statement and retention of the passing place.
- 6.33 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 minibus or taxi and staff part school minibus 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.

- 6.34 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.
- 6.35 It is officers' 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. Further under the amended proposals set out in the Travel Plan now 7 of the 15 full time staff members would now travel to the school by minibus reducing the number of car movements to and from the site. Therefore, 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

- 6.36 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.
- 6.37 The tree officer has been consulted on the amended 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. Under the amended proposals 11 individual trees and 1 group are to be removed compared to the

original proposals which were for the removal of 18 individual trees and 1 group. 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 Tree Officer has provided the following comments on the updated information: "The arboricultural information submitted with the application identifies low quality trees that will be removed to allow the geo grid system to be installed to protect the rooting environment from becoming compacted and therefore ensuring the retained trees will continue to mature and contribute to the local landscape. The report makes reference to the installation of protective fencing at pinch points but is not shown where the fencing will be located on the plan, this information is essential to ensure the retained trees are adequately protected." Therefore, whilst the Tree Officer raises no objection to the proposed tree works conditions are recommended to secure a finalised tree protection plan and scheme of supervision prior to any works to the car park. These would be attached were planning permission to be granted.

- 6.38 Also included is a structural planting plan showing location of 16 new trees and species to compensate for those removed. Whilst the amended plans show what size the species will be there is no detail regarding the measures that will be implemented to guarantee their survival such as maintenance and aftercare, however this information could be secured by condition if planning permission was to be granted.

Other matters

- 6.39 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 would not on balance have a harmful impact on the openness of the green belt as a result of the increase in activity and limited effect of the parking generated by the school. Previously, with a larger area of parking it was considered that the proposal did tip towards impacting openness and as such was regarded as inappropriate, however the reduction in the area of parking proposed has, on balance, addressed this.
- 6.40 Accordingly, the proposal is considered to comprise appropriate development within the green Belt. As such no Very Special Circumstances are not required. It is however worth emphasising the benefits of such a proposal in terms of provision of specialist schooling.
- 6.41 It should be noted that the UK has a serious deficit of Special Education Needs (SEN) Schools, where appropriate facilities located in secure and safe environments are difficult to come across. The demand for SEN Schools is growing exponentially, and the retention of Merrywood House School in this location would provide an important contribution to meeting these needs within the Reigate & Banstead Borough, and within the wider Surrey area and southern London Boroughs. The applicant has stated that "Due to the countryside surrounding The Old Pheasantry, the application site is situated within an ideal location, providing high risk children with much needed outdoor amenity space. The positioning of the School within this location is

essential as it provides a unique learning opportunity for the children, 95% of which are funded by and live within Surrey County Council. To consider relocating the School to another location would remove the facility from the catchment area of these vulnerable children. Merrywood House School offer an essential, therapeutic, home like environment for children with special needs, the benefits of which would undoubtedly outweigh any harm perceived by the Council.”

- 6.42 The applicant also goes on to state that “The Old Pheasantry was chosen primarily due to its quiet and tranquil location, plus the classroom sizes which provide calming locations to educate the severely impacted special needs children who receive an Ofsted triple A rated education. The style of accommodation provided at the Old Pheasantry is unique in terms of its countryside setting which forms a comprehensive easy learning environment....The School itself is limited in size and will not grow under any circumstances as all of the requisite needs of the School, Community, County and national need are satisfied. Recent Ofsted inspections have given the School and its surrounding extremely high ratings, for the holistic education offered by the site.

To consider relocating the School to another location would remove the facility from the catchment area of these vulnerable children, and hence the need would not be met. It is also increasingly difficult to come across alternative sites which are able to provide the quiet environment, the sufficient indoor classroom space and the outdoor amenity space needed for the children. Not to mention that other sites, which are not necessarily owned by Trusts such as Land & City Families Trust, are just not financially viable.”

- 6.43 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
- 6.44 Therefore officers are satisfied that 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 school use would also make use of a previously vacant part of the building and provides economic benefits in terms of job creation. Such a benefits should be given weight in favour of approving the application in any required balancing exercise.
- 6.45 In summary it is considered that the proposed change of use would constitute an appropriate form of development which does not cause unacceptable harm to the openness of the Green Belt and the character of the area. The application is therefore recommended for approval.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

| Plan Type | Reference | Version | Date Received |
|------------------|------------------------------|----------------|----------------------|
| Location Plan | UNNUMBERED | | 23.02.2021 |
| Combined Plan | Existing and Proposed Plan | | 17.03.2021 |
| Other Plan | Old Pheasantry Passing Point | | 28.10.2021 |
| Survey Plan | 2103-S20 | | 24.05.2021 |

Reason: To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

2. Notwithstanding the submitted Patrick Parsons Travel Plan within 3 months of the date of this decision a Travel Statement without targets shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework 2021 and Surrey County Council's "Travel Plans Good Practice Guide".

And then the approved Travel Statement shall be implemented for the site in accordance with a timescale to be agreed in writing with the Local Planning Authority and for each and every subsequent occupation of the development, and thereafter the Travel Statement shall be maintained, reviewed and developed to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility).

3. The passing place adjacent to footpath 631 north of the application site shall be retained and maintained in accordance with the approved plan.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy TAP1 of the Reigate and Banstead Local Plan Development Management Plan September 2019.

4. Within 6 months of the date of this decision the parking shall have been laid out within the site in accordance with the Proposed Parking Improvement Plan included at Appendix B (plan ref A20310/01 RevP3) within the submitted School Travel Plan by Patrick Parsons (v5.0 dated March 2022) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the NPPF and Reigate and Banstead Development Management Plan policy TAP1.

5. No works to the approved car park area shall commence including groundworks preparation and demolition until all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the Arboricultural Method Statement and Tree Protection Plan compiled by David Archer Associates , dated April 2022

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, demolition and Construction - Recommendations' and policies NHE3 and DES1 of the Reigate and Banstead Development Management Plan 2019

6. No works to the approved car park area including groundworks or preparation processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures have been submitted to and approved in writing by the local planning authority. The pre commencement meeting, supervision and monitoring shall be undertaken in accordance with these approved details. The submitted details shall include.
 1. Pre commencement meeting between the retained arboricultural consultant, local planning authority Tree Officer and individuals and personnel responsible for the implementation of the approved development
 2. Timings, frequency of the supervision and monitoring regime and an agreed reporting process to the local planning authority.
 3. The supervision monitoring and reporting process shall be undertaken by a qualified arboriculturist.

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, demolition and Construction – Recommendations' and policies Pc4 and Ho9 of the Reigate and Banstead Borough Local Plan.

7. No works to the approved car park area shall commence on site until a scheme for the landscaping of the site including the retention of existing landscape features and finalised details of the proposed formalised car parking surface has been submitted to and approved in writing by the LPA. Landscaping schemes shall include details of hard and soft landscaping, including any tree removal/retention, 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 occupation or within the first planting season following completion of the development hereby approved.

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.

Reason: To ensure good landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies NHE3, DES1 and DES3 of the Reigate and Banstead Development Management Plan 2019.

8. The maximum number of pupils attending the School at any one time shall not exceed 18 and the school shall operate between Monday to Friday and during school term time only.

Reason: To protect the character and amenities of the area and openness of the Green Belt in accordance with the provisions of Policy DES1 and NHE5 of the Reigate and Banstead Development Management Plan (2019) and the provisions of the National Planning Policy Framework (2019).

INFORMATIVES

1. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions. Further information can be found on the Council website at : Climate Change Information.
2. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - (c) Deliveries should only be received within the hours detailed in (a) above;
 - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - (e) There should be no burning on site;
 - (f) Only minimal security lighting should be used outside the hours stated above; and
 - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit.

In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration.

3. The use of landscape/arboricultural consultant is considered essential to provide acceptable submissions in respect of the above relevant arboricultural tree conditions and landscaping conditions above. All works shall comply with the recommendations and guidelines contained within British Standard 5837. The planting of trees and shrubs shall be in keeping with the character and appearance of the locality. There is an opportunity to incorporate substantial sized trees into the scheme to provide for future amenity and long term continued structural tree cover in this area. It is expected that the replacement structural landscape trees will be of Extra Heavy Standard size with initial planting heights of not less than 4m, with girth measurements at 1m above ground level in excess of 14/16cm

REASON FOR PERMISSION

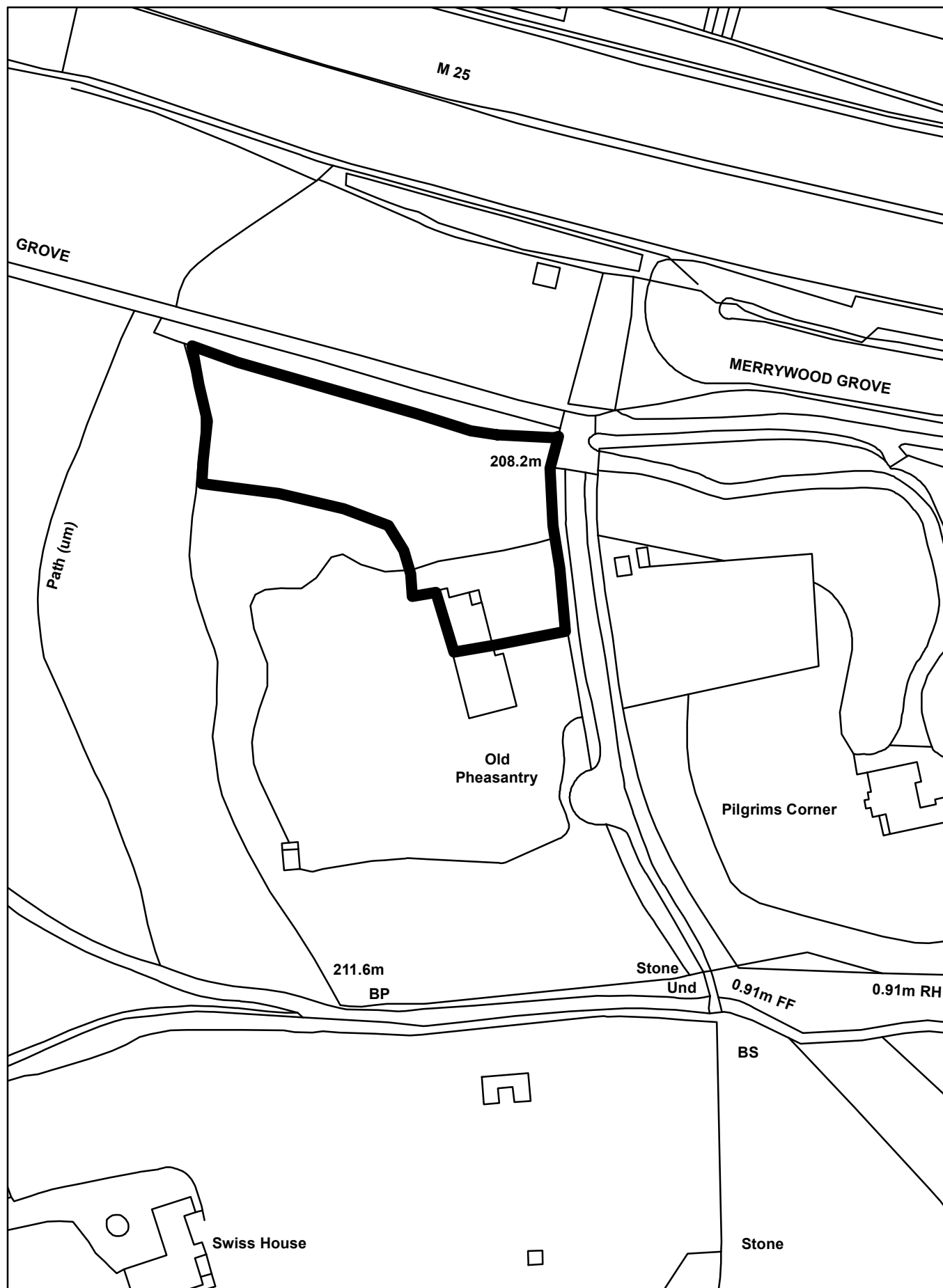
The development hereby permitted has been assessed against the relevant development plan policies as set out in the report and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

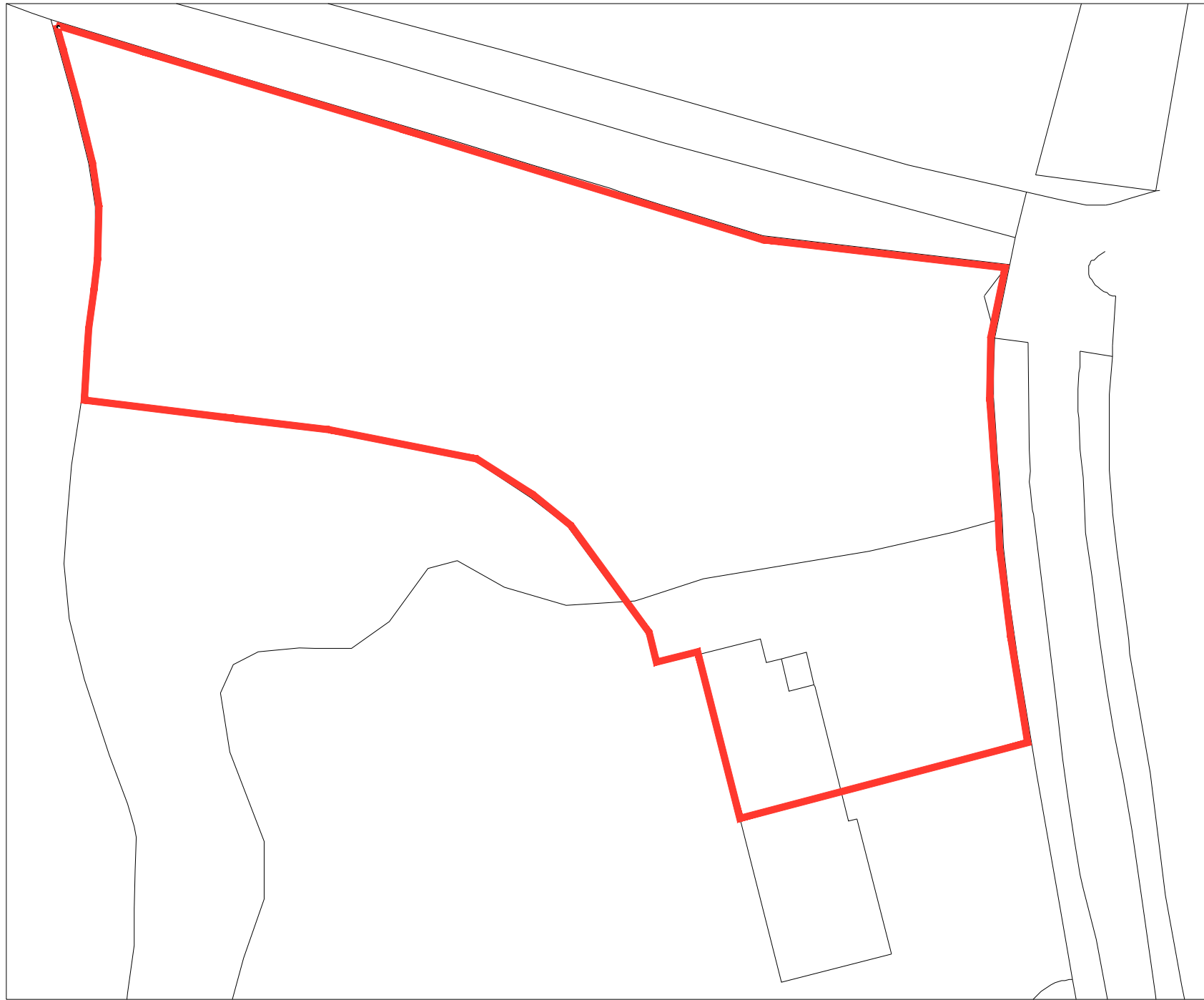
Proactive and Positive Statements

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.

21/00429/CU

Old Pheasantry Merrywood Grove Lower Kingswood

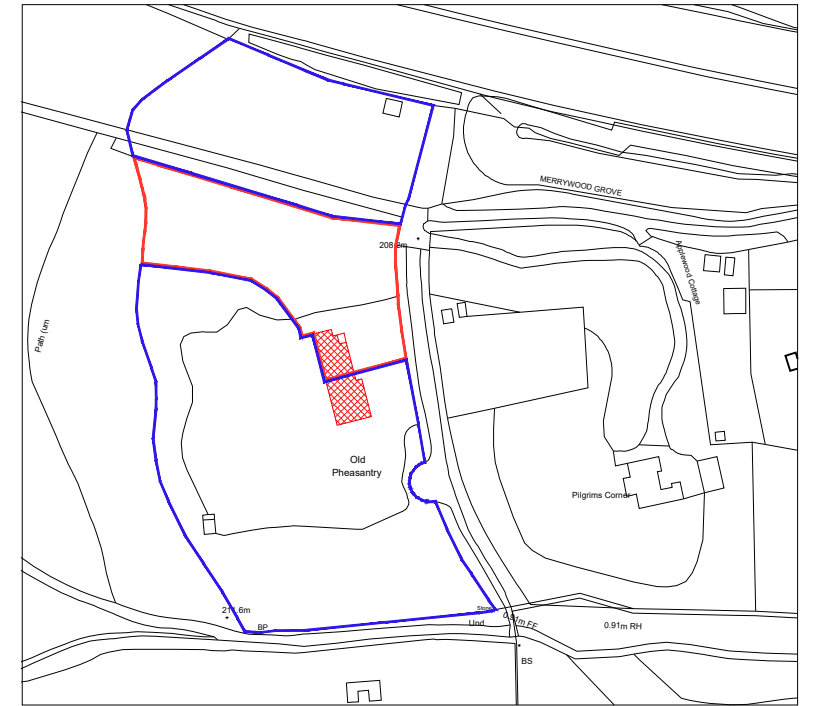




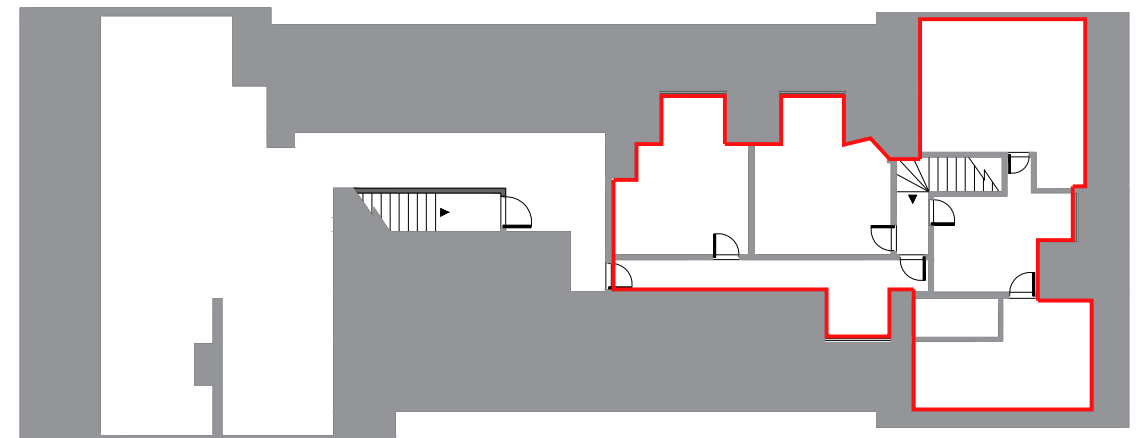
SITE PLAN
SCALE 1:500



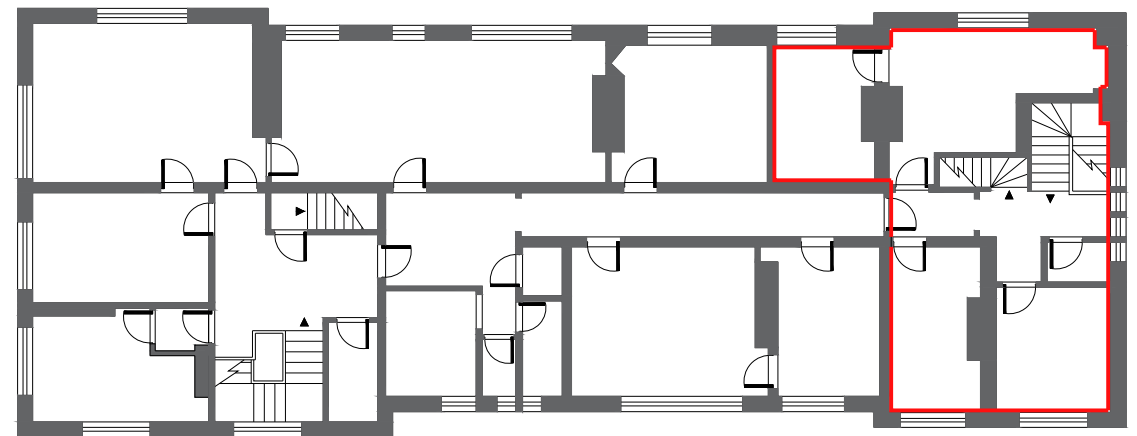
LOCATION PLAN
SCALE 1:2500



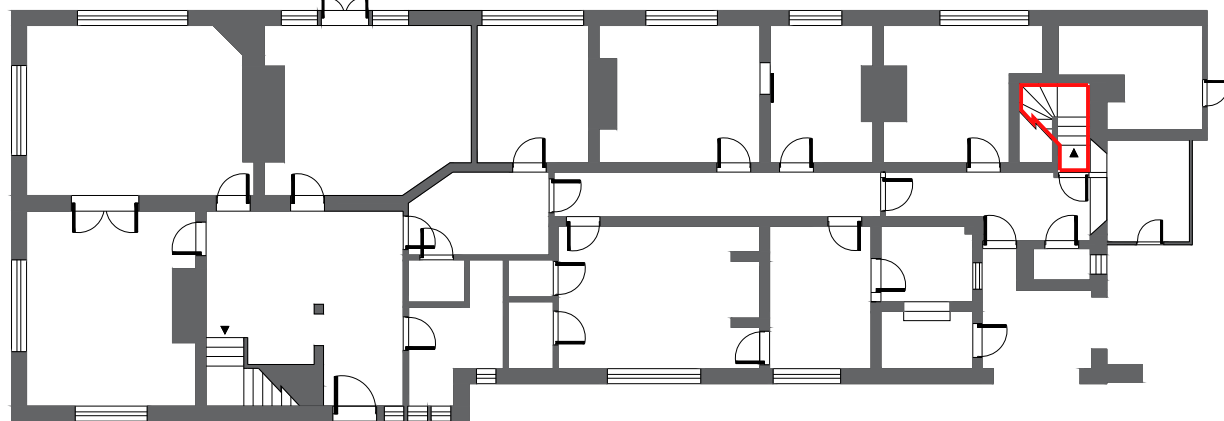
SECOND FLOOR PLAN
SCALE 1:200



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.

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 1st 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.