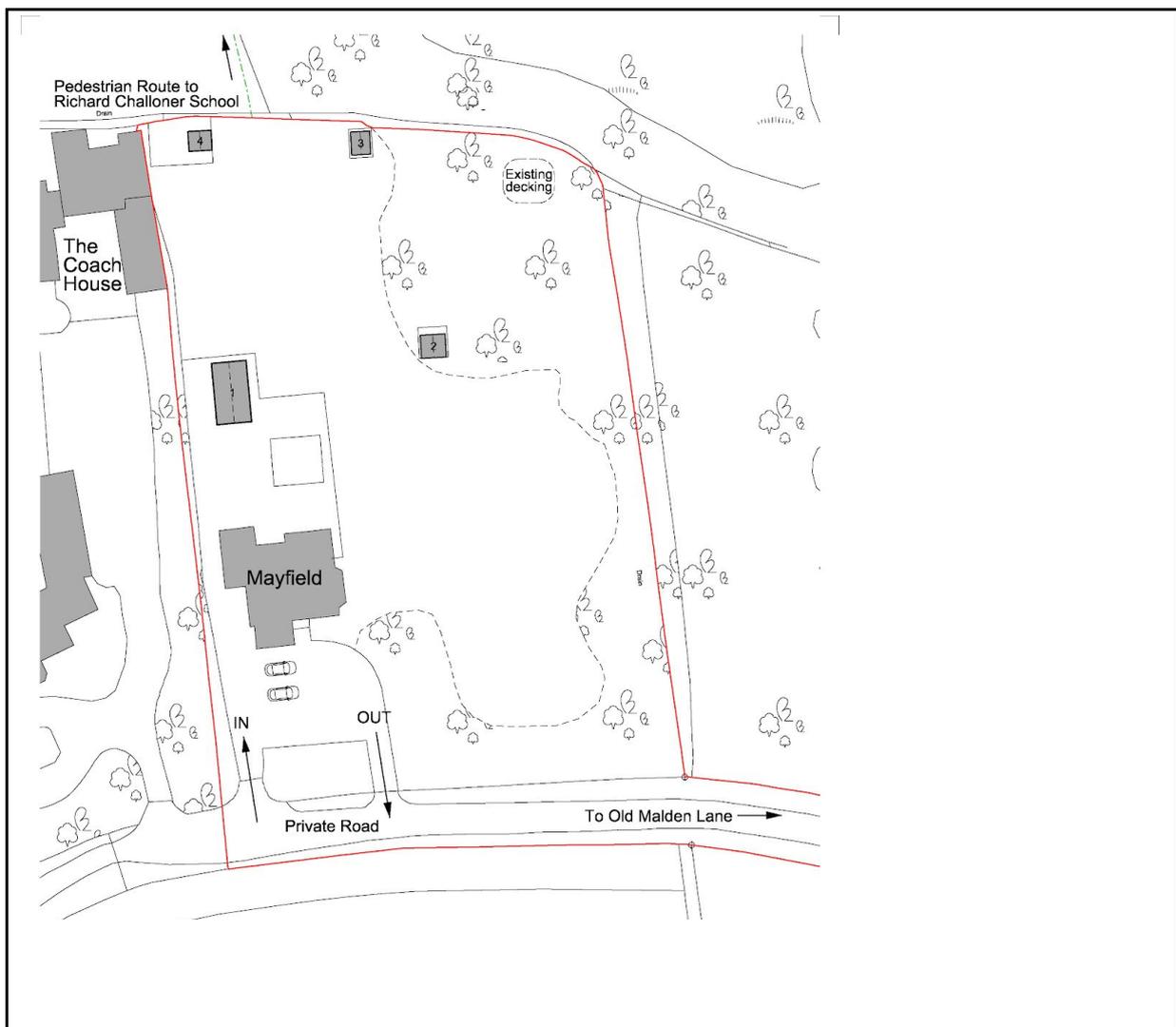


Development Control Committee

11 July 2019

A2 Register No: 18/16831/FUL

Address: MAYFIELD OLD MALDEN LANE,
WORCESTER PARK, WORCESTER PARK,
KT4 7PU



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[Please note that this plan is intended to assist in locating the development it is not the site plan of the proposed development which may have different boundaries. Please refer to the application documents for the proposed site boundaries.]

Ward: Alexandra
Description of Proposal: Temporary Change of Use from Residential (C3) to a Mixed Land Use of Residential (C3) and Primary School (D1) for up to 56 children and 15 staff at Mayfield, Old Malden Lane with parking facilities /mini bus drop off and collection from the Richard Challoner School (temporary 2 years)

Plan Type: Full Application
Expiry Date: 28/01/2019

Planning Policy and Guidance

National Planning Policy Framework (NPPF) 2019
National Planning Practice Guidance (web based resource)

Development Plan:
Mayor for London
London Plan March 2016 (consolidated with alterations since 2011)
LDF Core Strategy Adopted April 2012

Policies

LONDON PLAN 2016

LP 3.5 Quality and design of housing development
LP 5.3 Sustainable design and construction
LP 6.10 Walking
LP 6.13 Parking
LP 7.17 Metropolitan Open Land
LP 7.8 Heritage assets and archaeology

LDF CORE STRATEGY CORE POLICIES

CS 04 River Thames Corridor, Tributaries
CS 06 Sustainable Travel
CS 07 Managing Vehicle Use
CS 08 Character, Heritage and Design
CS 15 Future Needs of Kingston University, Kin

LDF CORE STRATEGY DEVELOPMENT MANAGEMENT

DM01 Sustainable Design and Construction Stan
DM04 Water Management and Flood Risk
DM05 Green Belt, Metropolitan Open Land (MOL)

DM06	Biodiversity
DM07	River Thames Corridor, Tributaries and t
DM08	Sustainable Transport for new Development
DM09	Managing Vehicle Use for New Development
DM10	Design Requirements for New Developments
DM12	Development in Conservation Areas and Affecting Heritage Assets
DM13	Housing Quality and Mix
DM14	Loss of Housing
DM23	Schools

Previous Relevant History

04/16316/FUL	Erection of single storey side extension	Permit 5 Year Condition and Conditions 04/08/2004
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Consultations

1. Neighbouring Occupiers: Notification letters were sent to neighbouring residents, a notice was displayed on site, and a notice placed in the newspaper.

Number of objectors: 31

Number of supporters: 37

2. Objections: The grounds are summarised as follows:

- i. Highway Issues: The existing junction is for private access only and has very limited traffic. It is a dangerous junction with vehicles travelling at significant speed along Old Malden Lane not being able to see cars or vehicles that are turning out of the lane. It is located on a bend which worsens this problem. Placing additional vehicle movements, particularly from the proposed use of a school The statement on access by people, children, and parking is just not practical or enforceable.
- ii. The agreement from Richard Challoner School to park the school coaches will greatly impact the area (there are already parking issues with 6th formers cars and the coaches which transport RC pupils from Challoner to Holy Cross school). Currently there is a Kingston Council Old Malden Safer Roads Project which has evidence of the high traffic level in the area and the related Health and Safety risks.
- iii. Old Maiden Lane is a narrow road, mini buses dropping off children from out of this area is no benefit and will cause problems, parking or dropping off at Richard Challoner school is not a solution, this school is so busy with their own mini buses and the junction near the school is already too busy, this will cause more traffic problems.
- iv. Notwithstanding the statements regarding the non-use of the road, the reality will be very different due to people's attitude as to why they need to use the access road with their vehicle or deliveries to the proposed school. What provision is made for visitors to arrive during the day, open evenings, etc. The unmade road is narrow and passing places will ruin the verges.
- v. Travel plan assumptions unrealistic.
- vi. The walking bus route is quite a hike for youngsters and question the suitability of this walk in bad weather through what are pretty boggy areas when it rains. The only other alternative would be to walk them along Old Malden Lane, a dangerous road at the best of times.
- vii. Inappropriate and incompatible development in Metropolitan Open Land – contrary to policy, and creates a dangerous precedent in terms of failing to protect

the current usage and amenity value of the area. Whilst the use for purposes of sport and recreation is in line with current land usage in this area, the use for other commercial purposes is not. Previous proposal for school within land at River Club was refused given MOL designation and increased car traffic onto Old Malden Lane.

- viii. Noise disturbance to local residents, also note that the applicant's noise assessment was carried out at a time when a playing field was in use at the fields owned by Richard Challoner School. These fields are only in use once or twice a week and so their contribution to noise levels should not form part of the background noise and as a result of this the conclusions of the applicants report are misleading and should not be relied upon.
 - ix. Drainage - currently a domestic cess pit.
 - x. Suitability of accommodation to provide schooling.
 - xi. Ecology: No ecological impact assessment carried out (subsequently submitted).
 - xii. 2 year period may be a ruse, to obtain the partial change of use of the property, which would be difficult to object to at the end of the 2 year period.
3. In addition to the above, a resident's group representing up to 8 households has submitted counsel opinion/objection, including issues relating to MOL. The proposed school would constitute inappropriate development in MOL/Green Belt; and there are no very special circumstances sufficient to clearly outweigh that conflict with MOL policy; and the proposed primary school would conflict with a number of Core Strategy policies and there are no material considerations that outweigh that conflict with the Development Plan. Also detailed highway objection has been raised to the proposal. The issues raised are discussed in the main body of the report.
 4. Support: The letters of support relate to the unique educational opportunity for local children, understanding the importance of nature and sustainable living. It would open up the education options for children and their parents
 5. Greater London Archaeological Advisory Service (GLAAS): The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
 6. Epsom & Ewell Borough Council: The main concerns of our residents are the unsuitable footpaths for children walking to school along Old Malden Lane and the access to Old Malden Lane not providing suitable visibility splays. Epsom and Ewell Borough Council considers these concerns to be valid planning concerns and therefore would like to state that we have no objection in principle subject to the access of Old Malden Lane being considered by the highways authority of Kingston Upon Thames as

safe and acceptable for children at key stages 1-2.

7. Secure by Design (Metropolitan Police): Overall no adverse considerations with the change of use or the use of a suitably organised walking bus. However, note that path and playing fields can become waterlogged. Also, query what happens in respect of 'open evenings' or 'parents evenings' normally associated with schools causing localised traffic issues, sometimes several times a year.
8. Achieving for Children: Generally supportive, consider that if the proposed Little Forest Folk primary school is established, it will help to ease the forecast demand for two additional forms of Reception entry places from within the Surbiton area. That is because the Little Forest Folk have already received a significant number of expressions of interest from families living in Surbiton.

Little Forest Folk is a social enterprise which runs five popular and successful nurseries for two to five year old children in south-west London, and will no doubt run very successful primary schools also. Ofsted has graded three of the nurseries as 'outstanding' and the other two are yet to be inspected.

9. RBK Neighbourhood Engineer: No highway objection. Supported by a Transport Statement and Travel Plan, both of which are robust.

The proposed access arrangements for staff and pupils, whereby both would arrive by minibus and then walk to the Mayfield School site via a route from the Richard Challoner School Car Park, continuing along the boundary of that school's playing fields before arriving at the Mayfield School site is considered acceptable, providing that the rights of access over the 2-year school operational period are secured by Section 106 Agreement.

It is noted that there have been objections received concerning the unsuitability of the B264 Old Malden Lane as a means of pedestrian access into the site (via the private access road leading to Mayfield). Highways share this concern and would expect the applicant to take all reasonable measures to ensure that access to the school via this route is restricted for only delivery/servicing and emergency access.

10. RBK Travel Plan Officer: The travel plan advises the school will put on mini buses for all the pupils not in walking distance (there will be a walking bus for them) and have parents and staff sign an agreement not to drive them to school.

The revised travel plan is agreed as a functioning travel plan. The only misgivings are is that there seems little potential to change modal shift from mini bus use to more sustainable modes, and if children need to be collected or dropped off later the parents/carers will have to drive. The contingency in case of lateness seems sound. Recommend that the Action Plan gives consideration to switch to E.V or hybrid

mini-buses within 3-5 years and installing charging points for the mini-buses.

11. RBK Environmental Health (Pollution Control): Initially raised objection due to insufficient information in respect on noise generation. The objection has been overcome following submission of a detailed acoustic report, and the EHO is satisfied that the noise of children will be sufficiently attenuated by the separation distance (between the children and nearest residences), screening and the existing ambient noise level (including its acoustic character) for there to be no demonstrable impact upon local residences and meeting levels of NOEL (No observed effect level) according to planning policy.

Surbiton Neighbourhood Committee:

12. This item was considered at the Surbiton Neighbourhood Committee on 11 June 2019. Whilst some Councillors acknowledged the benefits of the proposal some raised the following concerns

1. Impact on the residential amenities of neighbouring properties,
2. The management of the school in terms of picking up / dropping off children,
3. The impact of the dropping off / picking up arrangements on highway safety (Richard Challoner),
4. The use of the SINC (6 Meadows) and the possible impact on ecology / biology,
5. The appropriateness. or otherwise of the development in the MOL

Site and Surroundings

13. Mayfield is a 5 bedroom Edwardian house with a garden which contains 4 outbuildings. The curtilage of the site is approximately 5000 sqm. The site is located within designated Metropolitan Open Land, in an area which is open in character, with three houses in the immediate vicinity which are surrounded by open fields and sports pitches and playing fields.
14. The site is accessed by a private unmade single track road off Old Malden Lane. It is within close proximity to the borough boundary, and the access onto Old Malden Lane which is approximately 200m to the west, is within the Borough of Epsom and Ewell. The private access road is owned by Rokeby School.
15. To the west is the shared boundary with The Coach House which has an access drive that runs the length of the boundary to the actual property which is sited to the north west of the application site. To the west of the Coach House's access drive is Wighill, which is also a residential house.
16. The northern and north eastern boundaries of the application site are

bound by Hogsmill River and Six Acre Meadow public open spaces. To the east of the application site is an open field beyond which is the Hogsmill River and then residential properties fronting onto Old Malden Road. To the south of the private road is the River Club leisure facility.

17. The character of the site is relatively open, with the small grouping of houses surrounded by sports pitches, leisure uses and public open space. There are several sports fields within the locality, including Richard Challoner School grounds to the north west of the site.
18. The site has very poor public transport accessibility (PTAL 1B). The Old Malden Neighbourhood Centre is located approximately 800m to the north and Malden Manor train station is approximately 900m from the site if one travels along the roads with formal footpaths. There are also well-established footpaths through the public open space that link the application site with Maldon Manor Station. Worcester Park and Tolworth railway stations are approximately 1.4km and 2km from the property.
19. The site is not within a Conservation area. The existing building is not Listed Area of Archaeological Significance.
20. There are no Tree Preservation Orders on site but there is a Tree Preservation Order covering a groups of trees at Wighill and the Coach House, the properties to the west of the site.
21. The existing house and all the existing outbuildings are located within Flood Zone 1.
22. Other Core Strategy site designations include the Green Chains, the Tolworth Key Area of Change,

Proposal

23. This application seeks planning permission for the change of use of the existing 5 bedroom house and ancillary outbuildings to a mixed land use including a 3 bedroom residential flat (Class C3) occupying the first and second floors, and a full time forest primary school (Class D1) for up to 72 children and 15 staff occupying the ground floor and garden area, including use of the 4 existing outbuildings for teaching accommodation.
24. The application is for a change of use only, and no extensions or additional buildings are proposed.
25. The proposed primary school would be run by Little Forest Folk who

opened London's first full time outdoor nursery in Wimbledon in January 2015. Due to demand for spaces they have since opened nurseries in Wandsworth, Fulham, Barnes and Chiswick. The current proposal seeks to provide a primary school, which follows the same outdoor education curriculum approach. The current scheme would extend the outdoor environmental education concept to primary school children aged between 4-11 years of age.

26. During the school time (daytime) the ground floor of the existing dwelling house will provide:

- A 25.1sqm technology and design room (capacity for 12 children),
- A 23.9 sqm dining hall with learning space (capacity 8 children)
- A 27.4sqm "Focus on Mastery" room (capacity for 12 children),
- A 15.9sqm kitchen (for up to 6 children);
- Toilets; and
- A utility room.

27. The four existing outbuildings would be retained and converted for the following use:-

- Shed 1 converted to an Art studio (for up to 16 children);
- Shed 2 converted to a Science laboratory (for up to 6 children);
- Shed 3 converted to a workshop (for up to 6 children);
- Shed 4 converted to a greenhouse (for up to 6 children).

28. The proposal includes on site outdoor area for wildlife investigation, bug hotels, water experiments and conservation projects to enhance the ecological value of the site. Within the curtilage of the site, there will be an open outdoor storytelling area and mini theatre. No structures or built form would be required for these uses.

29. The proposed school would have school hours between 9.30am and 3.30pm Monday to Thursday term time only (144 days a year).

30. It is advised that whilst initially the school would cater primarily for those children attending the existing nurseries, that as the school becomes more established, the school would hope to take a greater proportion of pupils from the local area, reducing the reliance on the mini buses. It is advised that the school would also "provide 12.5% of the school spaces as free school spaces for less privileged local children, who may want to attend".

31. The school would operate a daily minibus service which would collect

and drop children off at pick up points. The application originally proposed that the mini buses would drop off and collect from the neighbouring River Club site. The travel arrangements have subsequently been revised, and it is now proposed that the mini buses would drop off and pick up from the Richard Challoner School, which is 560m to the north west of the application site.

32. As part of the submitted Travel Plan, it is proposed that all parents of students and all staff members would sign agreements that they are not to travel to the school by car. They would be informed that the access road is private and that they are only to meet at the minibus collection points or travel by foot or bicycle and enter through the northern boundary gate.

33. The Richard Challoner School have agreed that the Little Forest mini buses, with children and staff, can drop off and pick up on their premises, off the public highway. The Agreement with the Richard Challoner School would be for 2 years. Accordingly, this application seeks a temporary two year permission, which would also allow for a continued search for more permanent school premises.

34. In terms of the upper floors, it is proposed that the first and second floor of the existing house would be converted into a self-contained 3 bedroom flat, with kitchen, living room and 1 bedroom on the first floor and 2 bedrooms on the second floor. The ground floor would be used by the residents after school hours and on weekends. The flat would be occupied by the Founders of the school and their children. The garden space to the east of the house will be accessible to residents on weekends and holidays. The existing forecourt parking area would be retained for the residents.

Assessment

The main considerations material to the determination of this application are:

- Principle of Proposed Development
- Impact on Character of Area
- Impact on Neighbour's Residential Amenity
- Highways and Parking
- Trees
- Legal Agreements
- Sustainability
- Other Material Considerations

Principle of Proposed Development

35. The Revised NPPF directs that planning decisions should give great weight to the need to create, expand or alter schools. Paragraph 94 of the Revised NPPF states that "It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."

36. Paragraph 121 also advises that "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space".

37. With regards to need, RBK's School Place Planning Strategy June 2017 identifies that the forecast population growth within Kingston Borough, though much lower than the London average, will, if it actually transpires, be significant: 11.4% for primary and 10% for secondary places. If the proposed increases come to pass the Strategy identifies a need for 1,609 primary places and 1,005 secondary places.

38. Whilst it is acknowledged that the school would be private, and would cater for children from outside the borough as well as within the borough, in line with National Planning Policy, the proposed development of a Primary School within an area of identified need, should be given great weight in its assessment.

39. Policy 3.18 of the London Plan 2016 confirms that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to education purposes. Policy 3.18 further states that proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions and obligations.

40. Core Strategy Policy CS15 directs that the Council will facilitate improvements to the school estate and make provision for a permanent increase in the number of school places to meet increasing demand through the expansion of existing schools. The Core Strategy Policy DM23 (Schools) sets out the detailed assessment requirements for new schools, These are DM23(c);

a) the size of the site, its location and suitability to accommodate a new school or school expansion taking account of compatibility with surrounding uses, and existing planning policy designations (e.g. Conservation Areas, MOL, Green Belt)

b) the impact on green open space, games pitches, outdoor play and amenity space, taking account of the character of the area, whether the site is within an area of open space deficiency and whether the school has sufficient outdoor space for play and games

c) the location and accessibility of the site in relation to:

- the intended catchment area of the school,
- public transport,
- the local highway network and its ability to accommodate new or additional school trips without adverse impact on highway safety,
- safe and convenient walking and cycling routes to schools

d) the extent to which the building design contributes towards the government target that schools and colleges should be zero carbon from 2016 (see policies CS1 and CS2).

41. Within this context it is noted that the site currently forms a single house and garden, and is set within Metropolitan Open Land. It is located in an area of poor public transport, and accessed by an unmade road. These issues will be considered in further detail within the report.

Metropolitan Open Land

42. The site is within the designated Metropolitan Open Land. Policy 7.17 (Metropolitan Open Land) of the London Plan in its sub-text paragraph 7.56 advises that the policy guidance of paragraphs 79-92 (now paragraphs 133 - 147) of the NPPF on Green Belts applies equally to Metropolitan Open Land. It also states that MOL has an important role to play as part of London's multifunctional green infrastructure and the Mayor is keen to see improvements in its overall quality and accessibility.
43. Policy 7.17 states that in relation to planning decisions the strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused except in very special circumstances, giving the same level of protection as in the Green Belt.
44. Additionally, Policy 7.17 of the London Plan sets out detailed designation criteria for MOL. The criteria for designation is specific to Metropolitan Open Land, and advises that to designate land as MOL, boroughs need to establish that the land meets at least one of the following criteria:
- " a) it contributes to the physical structure of London by being clearly distinguishable from the built up area
 - b) it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London
 - c) it contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value
 - d) it forms part of a Green Chain or a link in the network of green infrastructure and meets one of the above criteria".
45. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF at paragraph 134 identifies five key purposes of the Green Belt including c) to assist in safeguarding the countryside from encroachment.
46. Paragraphs 143 - 146 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. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the

Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. It goes on to add that 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt, subject to listed exceptions. Paragraph 146 advises that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Of relevance to this application are clauses d and e:

“d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)”.

47. In respect of part e, the proposal involves the re-use of the four existing garden sheds and outbuildings as external classrooms. They can be considered as permanent and substantial structures as they have been in place for many years. and work required for their conversion is minimal.

48. The definition in part e is not a closed definition, and uses the term “such as”. The proposal relates to the re-use of the existing building and outbuildings, and the material change of use of land for outdoor educational purposes, which is considered to fall within the wider definition of part e.

49. Policy CS3 of the LDF Core Strategy seeks to protect Kingston's open space network, including MOL, from inappropriate development. Policy DM5 of the LDF Core Strategy advises that the Council will only allow development in the Green Belt and Metropolitan Open Land where it is in accordance with national guidance (the NPPF). Policy DM5 relates specifically to Green Belt, Metropolitan Open Land (MOL) and Open Space Needs, stating that the Council will [inter alia]:

50.

- only allow development on sites adjacent to the Green Belt, MOL or other open space designation that does not have a detrimental impact on its visual amenities and respects the size, form and use of that open space, in accordance with national guidance;
- ensure that development proposals do not result in the whole or partial loss of public open space, outdoor recreation facilities or allotments unless a replacement site or facility provides a net benefit

to the local community and visitors in terms of the quality, availability and accessibility of open space or recreational opportunities

- ensure that development proposals do not harm open spaces which:

- i. contribute to the character, appearance and heritage value of the Borough's open space network
- ii. create focal points and valuable amenity space within the built up area
- iii. form part of an area of value for wildlife, sport or recreation

- ensure all new provision of sports and play meet qualitative standards and optimise accessibility to all users, including the local community and visitors.

The appropriateness of the proposed development (in relation to the Core Strategy)

51. The objectors consider the proposal is contrary to NPPF and Core Strategy Policy CS3, which seeks to protect MOL from 'inappropriate development.' They state 'It is contrary to the identified purpose of including land within the green belt "to assist in safeguarding the countryside from encroachment." It would constitute an essentially urban use that would intrude upon the openness of the locality and cause harm to its mature residential character by reason of non-residential activity.

52. They refer also to a previously refused scheme at Ivydene, land now occupied by the River Club, which was for a change of use to nursery & pre-prep school (Class D1), erection of single storey, 2 storey & 1st floor extensions; formation of car parking area & widening of access road & junction, details of pedestrian route from access road to former sports ground (01/08146/FUL). The scheme was refused on the grounds that the "proposed change of use and substantial extensions to the existing building would be inappropriate in Metropolitan Open land and would result in intensification of use which would be detrimental to the open amenities of this Metropolitan Open Land" being contrary to various policies of the Unitary Development Plan. It was also refused on grounds that it would increase reliance on car travel and traffic on Old Malden Lane, with no satisfactory pedestrian access. There are significant differences which distinguish the scheme currently under consideration from that considered some 17/18 years ago, from this scheme which was

refused 21 May 2002 and subsequently dismissed at appeal 14 November 2002, including changed policy documents and policies, notably changes in national, regional, and local planning policies, and the fact that the appeal proposal included very large extensions, which would increase the floor area by 43%, with two large wings either side of the existing building and mansard roof.

53. As set out above, the National Planning Policy Framework sets out in paragraph 146 exceptions to inappropriate development i.e. what might be considered to be appropriate development in the Green Belt/MOL. The definition in part e of the NPPF is not a closed definition, and uses the term “such as”. The proposal relates to the re-use of the existing building and outbuildings, and the material change of use of land for outdoor educational purposes is considered to fall within the wider definition of part e. It does not include any new build development. As such is therefore not considered to be inappropriate development in MOL.

Loss of Housing

54. Policy DM14 seeks to resist the loss of existing residential accommodation, in particular dwellings suitable for family housing. Objection has been received on grounds that the proposal would be in conflict with this policy.

55. In this respect, the proposal would result in the loss of residential floorspace at ground floor level, but would continue to provide a family sized residential unit on the upper floors, which would be occupied by the founders of the school and their family, who would continue to have access and use of the garden when the school was not in use. A condition is recommended to ensure that the accommodation is occupied by the Founders of the school and their family due to the shared nature of the ground floor and garden. There would be no net loss of residential units.

Impact on Character of Area

56. There are no extensions or new build elements proposed, and therefore there would be no impact on the appearance, openness and visual amenities of the area.

Impact on Neighbours' Residential Amenity

57. Policy DM10 states that development proposals should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.
58. The site is located within a group of 4 existing houses at the end of the access road, the Coach House and Wighill are located immediately to the west of the site.
59. Objection is raised on the grounds that the noise will be heard within the neighbouring properties, and that the report was based on a day when the sports pitches behind were in use, which it is advised by the objectors is at limited times during the week. In respect of this later point, Richard Challoner School (RCS) have clarified their use the pitches to the rear of Mayfield every day between 1.45 and 3.30pm extending to 5-5.30pm when there are inter school competition fixtures roughly once or twice a week, additionally the pitches are used most Saturdays, 8.30 – 12pm; and Rokeby School have confirmed their sports grounds (adjacent RCS pitches) are normally used every afternoon from 1:30pm and in the mornings, Tuesdays and Wednesdays.
60. An acoustic report has been submitted in support of this proposal. The acoustic report has been assessed by the Environmental Health Officer who confirms that the report has followed the normal noise monitoring methodology and made comparisons against measured noise levels of children at the existing Forest School with the existing ambient noise levels at Mayfield. The conclusions of the report has been set against appropriate national planning guidance; NPPF, NPSE and PPG (Noise). While the PPG sets out a series of outcomes (behaviour) against increasing perception of noise, consistent with the acoustic profession in the absence of any objective guidance the report draws upon relevant British Standards; BS8233:2014 and BS4142:2014.
61. The report concludes that given the distance attenuation, screening and existing acoustic character of the area there will be "no overall or insignificant increase in the existing ambient noise level at the residences".
62. The objectors note that despite the technical finding in its paragraph 1.6, noise from children's shouts and associated activity from the proposed 'Free Play Area' would be heard by the residents of Wighill and the Coach House, and unlike with games played on the adjacent

playing fields, the noise would be heard by the residents all day every day the school was open. The noise would be generated by children animated in speech and play and is likely to be 'noticeable and intrusive' applying the 'perception' table in Table 3: Noise: Planning Practice Guidance".

63. The Environmental Health Officer considers it right to conclude that at times there will be an audibility of some voices from children within the nearest residential gardens, but does not consider that it is likely that this noise "would be heard by the residents all day every day the school was open" or perceived as "noticeable and intrusive" (based upon the PPG Table 3 and a likely average response).
64. Audibility alone cannot be a justified reason for refusal, and it is necessary to make a judgement set against planning policy to determine whether the degree of audibility is sufficiently excessive to cause an adverse impact. Comparison against objective noise guidance assists with making this judgement, which concludes that there will be no or insignificant increase in noise levels.
65. The Environmental Health Officer is satisfied that the noise of children will be sufficiently attenuated by the separation distance (between the children and nearest residences), screening and the existing ambient noise level (including its acoustic character) for there to be no demonstrable impact upon local residences and meeting levels of NOEL (No observed effect level) according to planning policy. On this basis, it is considered that the objection due to noise and disturbance could not substantiate grounds for refusal.

Highways & Parking

66. Paragraph 111 of the Revised National Planning Policy Framework states the all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Paragraph 109 advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
67. Policies DM9 and DM10 of the LDF Core Strategy seek to ensure that new development has regard to local traffic conditions and does not contribute to congestion or compromise highway safety. The site has a Public Transport Accessibility Level of 1B, which is classified as very poor.

68. In order for a planning application to be considered acceptable on transport and highway grounds, a robust Transport Statement should be submitted with a planning application to demonstrate that the development would not have any adverse impacts on the local highway network, on-street parking or pedestrian/highway safety. Subject to this being demonstrated, the proposal would be in accordance with Policy 6.13 of the London Plan and Policies DM9 and DM10 of the LDF Core Strategy.

69. A Transport Statement and Travel Plan are submitted as part of this application. These documents detail the travel arrangements for the school, whereby the children would arrive at Richard Challoner or Malden Manor station between 0900 and 0915 and be met and accompanied by staff on the walk to Mayfield. In the afternoon children would depart Mayfield at 1530 or 1630 at the latest (if they are doing special projects) and arrive back at Richard Challoner for 1545 - 1600 where Little Forest School will have exclusive use of the hall until departing between 1645 and 1700.

70. Up to 3 mini buses would pick up and drop off from the Richard Challoner School grounds, where passengers (children and staff) would walk from the school on a public footpath to the corner of the Richard Challoner School playing fields, into the fields and then to the southernmost part of the field which forms a direct boundary with the north western part of the application site.

71. Whilst concern has been raised about the length and nature of the walking bus route through unmade footpaths, the applicant advises that they currently operate 5 Ofsted Outstanding Little Forest Nurseries all located a similar distance to walk from minibus drop-off locations to the learning environments. They advise that this is the nature of forest schools. The 2-5 year old children attending these existing nursery schools have walked these distances from their minibus or public transport hubs for 4 years. In addition, the Little Forest Folk (LFF) advise that Ofsted have commended the resulting benefits to the children of undertaking this walk daily and note too that the government also encourages all school pupils to do the 1 mile walk a day challenge in recognition of the health benefits of walking."

72. In response to the Surbiton Neighbourhood Committee's concerns regarding the impact on traffic movement at Richard Challoner School and surrounding roads the applicants have clarified that the

minibuses would arrive in the time range of 0850 - 0920 and will leave between 1645 - 1700. The school day at Richard Challoner is from 0830 through to 1520 and so the minibus arrivals and departures for the forest school do not coincide with these times and will be in the quieter periods on the school site.

73. The number of minibuses being used is as follows;

- Year 1 - Two minibuses resulting in 2 vehicle arrivals and 2 vehicle departures in the morning and in the afternoon - a total of 8 vehicle movements all day.
- Year 2 - Three minibuses resulting in 3 vehicle arrivals and 3 vehicle departures in the morning and in the afternoon - a total of 12 vehicle movements all day.

74. The applicant's transport advisor considers that the change in numbers of vehicles caused by these minibuses will be imperceptible. In addition the movements do not coincide with the timing of the peak activity in the morning and afternoon that arises at the Richard Challoner School. Also that the proposed school would be open Monday to Thursday in the school terms, which equates to about 144 days a year which is less than 40% of the days throughout the year.

75. They note too that Richard Challoner School is near Malden Manor Station and this is a location which attracts commuter parking on local streets as there are no restrictions to prevent commuter parking.

76. Objection is raised that, as a consequence of the convoluted access arrangements, these will not be adhered to and the private access lane will inevitably be used. Concern is raised with respect to its junction with Old Malden Lane due to its restricted visibility and recorded vehicle speeds. The access is wholly inappropriate for pedestrian or cycle access for pupils to the school at any time due to the narrow width of the footway, restricted forward visibility and narrow carriageway width. The Highway Authority share these concerns, but note that the application proposes alternative arrangements so that children and staff would not use the access road, which would be used for servicing of the school, emergency access and the residential element only, as secured by condition. The existing hard-standing area to the front of the Mayfield property presents a limited parking opportunity but this should be carefully managed primarily for use of the permanent residents of Mayfield and for planned deliveries, and under no circumstances should be used

as an alternative pupil pick-up/drop-off.

77. The applicant has confirmed that any children who miss the bus and are running late will be met at a late collection point on Sheephouse Way or at Malden Manor Station (to be agreed on a daily basis - depending on the late comers mode of transport). The parents will be made aware that the access road is private and that they are not to use it (by car or foot). The Applicant has confirmed that this will be in the school terms and conditions and if parents break this clause their child will lose their place at the school.

78. Parents evenings would be held in the Richard Challoner Hall, not on site.

79. The proposed access arrangements for staff and pupils, whereby both would arrive by minibus and then walk to the Mayfield School site via a route from the Richard Challoner School Car Park, continuing along the boundary of that school's playing fields before arriving at the Mayfield School site is considered acceptable, providing that the rights of access over the 2-year school operational period are secured by Section 106 Agreement. This should also extend to the securing of the school hall as a covered waiting area for pupils and staff. The Richard Challoner School have agreed to enter such an agreement for a period of 2 years.

80. The proposal includes the commitment to undertake a daily pedestrian risk assessment prior to pupils walking the route. The walking distance (under 1 mile) is considered appropriate given the age of pupils and their expected previous experience of walking similar distances to the Little Folks nursery schools that will feed into this primary school.

81. In respect of highway considerations regard has been given to the temporary (2-year) duration of any planning approval and to the overall ethos of the school as one which is focused on sustainable living, including travel. In this context the proposed access arrangements are seen as fundamental to the operation of the school and not proposed primarily out of necessity to address the inadequacy of alternative highways access.

Trees

82. There would be no impact on trees on the site or neighbouring sites.

Legal Agreements

83. In the event of an approval, the application would be subject to a legal agreement covering the following provisions:

Items required by the Local Planning Authority:

- (i) Agreement with Richard Challoner School and the applicant to allow for the mini bus drop off and collection detailed within the travel plan, and the use of the school hall after school;
- (ii) to cap the number of children to 56 (as per the Transport Statement).

Items offered by the Applicant:

- (i) to secure 12.5% of the school spaces as free school spaces for less privileged local children, who may want to attend. As the number of child spaces would be capped at 56 (as per Travel Assessment and Plan) and not the 72 originally proposed, the applicant has offered a total of 7 free children spaces.

Sustainability

84. One of the criteria for assessing new school proposals set out in Policy DM Policy 23 (Schools) is the extent to which the building design contributes towards the government target that schools and colleges should be zero carbon from 2016. The proposal relates to the change of use of the existing building and outhouses. It would therefore be appropriate to secure sustainability measures as necessary through the Building regulations procedure.

85. Notwithstanding, the applicant confirms that in relation to contributing towards zero carbon emissions, should planning permission be granted the Applicant would seek permission to install solar panels and a ground source heat pump to enable them to go off-grid as this is a strong part of the forest schooling ethos.

Other Material Considerations

86. Suitability of Premises as a School: Ofsted have visited the premises and provided a preliminary assessment and whilst the application was refused, Ofsted found the premises to be suitable for a school, but required some minor modifications in relation to taps, basins, WC's etc. The applicant confirms all of the requirements would be made should planning permission be secured. The matters would be

dealt with directly with Ofsted, and therefore it is not considered necessary for these issues to be secured by way of a planning condition.

87. Drainage: as part of the proposal it is proposed to upgrade of the existing sewerage / wastewater treatment plant to a unit with increased capacity (i.e. BF BioDisc). It is advised that the upgraded plant meets British Standards and has been sized for 74 children and 19 adults. The upgraded plant would have an estimated discharge slightly in excess of 5m³/d and therefore would require a variation to the current discharge permit, with separate agreement from the Environment Agency.
88. The existing sewerage treatment plant is located in the rear section of the property's garden adjacent to the rear northern garden boundary fence line. The proposed upgraded plant and its outflow pipe will both be located at the same positions as the existing.
89. Ecology: Policy DM6 seeks to protect biodiversity and requires the submission of a biodiversity report where the site contains or is next to an area of habitat or wildlife potential. A Biodiversity Survey Report prepared by FOA Ecology has been submitted to support this proposal.
90. The closest statutory designated sites are Southwood Open Space Local Nature Reserve (LNR) c. 120 m from the northern site boundary and The Hogsmill LNR, c. 460 m from the site's southern boundary. Due to the significant spatial separation and the nature (relatively small-scale, i.e. restricted to the site itself and its boundaries) of the proposed works, no impacts upon the closest statutory site or woodland are predicted.
91. The closest non-statutory site is the Hogsmill Valley SINC (Sites of Importance for Nature Conservation), which encompasses Six Acre Meadow and directly abuts Mayfield's northern garden boundary, specifically the site's boundary is directly neighboured by one of the several open ditches which cross this SINC.
92. The report advises that although no direct school activities are proposed within the SINC, the immediately proximity of this SINC to site increases the potential that the proposed works at the site could have an impact upon the biodiversity of this SINC, directly and/or indirectly, on account of the shared boundary. In particular, given that the site's small wastewater is not routed to mains sewerage system

but is instead treated within the existing on-site small wastewater treatment plant and subsequently discharged into the neighbouring open ditch (which falls within the Hogsmill Valley SINC). Accordingly, in order to ecologically safeguard the ditch itself from water pollution and also to safeguard the wider SINC and also the Hogsmill River channel (which are expected to be in hydrogeological connectivity with the ditch) from pollution, it will be necessary for the existing small wastewater treatment plant to be upgraded to a small unit with appropriate capacity and the Environment Agency discharge permit varied as necessary.

93. With regard to the proposed access route, in order to create the proposed access route A, a short section of this route will necessarily traverse a pocket of woodland, which falls within this SINC. Also, elsewhere the route traverses both this SINC and the closest LNR, in all these instances the route will intentionally be confined to hard surfaced and formal pathways to minimise recreational pressure on the SINC and Six Acre Meadow.

94. In response to the Surbiton Neighbourhoods comments regarding potential guardianship of the SINC by the the forest school, the applicant's ecology consultant clarifies that the SINC should not be subject to use by the forest school for the ecological reasons discussed in the submitted report. They advise that even cleaning up duties could arguably have the same negative effects due to disturbance of nesting birds etc and policing any access method statement would be impracticable. Also, there is a risk to the school children's safety with regards to picking up / touching poisonous/harmful plants and / or used needles etc. On this basis, I would not suggest any formal use (including guardianship) of the SINC by the forest school.

95. Protection of SINC's from ecological harm is necessary to comply with relevant planning policies and accordingly, it will be necessary for a method statement to be prepared to protect and enhance this SINC, to be secured by condition.

96. No National and London Regional priority species were noted on-site during the survey. However, during the building inspection, Natterer's bat droppings were found at the front door porch, confirming the presence of a roosting site at this location. The site also has the potential to support additional protected notable faunal species e.g. other bat species, other wild mammals [e.g. hedgehog and potentially badger], other bird species of conservation concern, reptiles,

amphibians and potentially notable invertebrates (e.g. stag beetle, brown hairstreak). In order to protect the biodiversity of the site, it would therefore be appropriate to secure by condition the recommendations contained within the submitted ecology report.

Conclusion/Planning Balance

97. The NPPF directs that planning decisions should give great weight to the need to create, expand or alter schools. Whilst the proposal would result in some additional noise and disturbance to neighbouring residents, the level of harm is not considered to be significantly detrimental. The proposed School Travel Plan would adequately address highway safety issues, and the proposal would safeguard the sites ecological importance. The proposed change of use would not be considered inappropriate development within MOL.

98. In conclusion, Officers consider that the adverse impacts of the development in terms of noise and disturbance in the MOL and associated factors would not outweigh the significant benefits associated with the proposal.

Recommendation:

Approve subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), as specified in the above legal agreements section, and the following condition(s):

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

SCHOOL MANIFESTO FINAL SUBMITTED
MAYFIELD PLANNING STATEMENT FINAL
TRANSPORT STATEMENT: Cottee Transport Planning
TRAVEL PLAN: Cottee Transport Planning
SCHOOL MANIFESTO
NOISE REPORT: DKN Acoustics
WP-0654-A-0100-P-X Site Location Plan A
WP-0654-A-0101-P-X Block Plan A
WP-0654-A-0111-P-X Existing Plan Level 1 A
WP-0654-0102-P-X Site Location Plan Part 3 A
WP-0654-A-0104-P-X Site Location Plan Part 2

WP-0654-A-0110-P-X Site Location Plan Part 1	A
WP-0654-A-0112-P-X Existing Plan Level 2	A
WP-0654-A-0120-P-X Proposed Plan Ground Level	A
WP-0654-A-0121-P-X X Proposed Plan Level 1	A
WP-0654-A-0122-P-X Proposed Plan Level 2	A
WP-0654-A-130-S-X Site Sections Existing And Proposed	A
WP-0654-A-0141-E-X Proposed Elevations	

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

- 2 The use hereby permitted shall be discontinued and the land and restored to its former condition and the use revert back to Class C3 residential, on or before 2 years from the date of the permission hereby granted.

Reason: As requested by the applicant to enable use of the Richard Challoner School facilities, and to enable the Local Planning Authority to assess the effects of the use over a temporary period.

3

Prior to commencement of the use hereby permitted, the existing wastewater treatment plant shall be upgraded to a unit with appropriate capacity and maintained for the lifetime of the development and the Environment Agency discharge permit varied as necessary.

Reason: In order to safeguard against pollution events (which could adversely affect the neighbouring SINC) and protect the bio diversity and nature conservation value in accordance with Policy DM6 (Biodiversity) of the LDF Core Strategy Adopted April 2012.

- 4 Prior to commencement of the use hereby permitted, a SINC Access Method Statement shall be submitted and agreed in writing by the Local Planning Authority. The use, access and activities associated with the school shall only be in accordance with the agreed Method Statement.

Reason: To safeguard and protect the sites bio diversity and nature conservation value in accordance with Policy DM6 (Biodiversity) of the LDF Core Strategy Adopted April 2012.

- 5 Unless otherwise first agreed in writing, the development shall be implemented fully in respect of the recommendations and

measures set out within the accompanying Biodiversity Survey Report prepared by FOA Ecology (February 2019).

Reason: To safeguard and protect the sites bio diversity and nature conservation value in accordance with Policy DM6 (Biodiversity) of the LDF Core Strategy Adopted April 2012.

- 6 The rating level of the noise from the kitchen extract system hereby permitted shall be at least 5dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1 m externally to any window at the nearest residential facade. Measurements and assessment shall be made according to British Standard 4142:2014.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 7 The use hereby permitted shall inure for the benefit only of and shall be carried on only by Little Forest Folk.

Reason: The development proposed is only acceptable because of the special circumstances of the Little Forest Folk School as noted in the accompanying supporting documents and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted.

- 8 The use shall operate only in accordance with the detailed specifications set out within the submitted Travel Plan and Transport Statement, both as prepared by Cottee Transport Planning.

Reason: In the interests of highway safety and to ensure that sustainable transport methods are encouraged and implemented in accordance with Policies CS5 (Reducing the Need to Travel), CS6 (Sustainable Travel), DM9 (Managing Vehicle Use for New Development) and Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 9 The access road shall only be used for deliveries, servicing and uses associated with the residential use of Mayfield. Except in the case of emergency, all children, staff and parents shall access the site via the rear access gate only.

Reason: In order to safeguard highway safety in accordance with Policies DM9 (Managing Vehicle Use for New Development) and

Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 10 The school use of the Mayfield premises shall only operate Monday – Thursday between the hours of 9.30am and 3.30pm, term time only (36 weeks a year).

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 11 The flat on the upper floors of the premises shall only be occupied by the Founders of the Little Forest Folk School and their family.

Reason: To allow for the mixed use of the site and the continued use of the premises as a family dwelling. The development proposed is only acceptable because of the special circumstances of the Little Forest Folk School, as noted in the accompanying supporting documents and in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

Informative(s)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.