

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 13 SEPT 2017

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) WOKING BOROUGH COUNCIL **ELECTORAL DIVISION(S):**

Woking South

Mr Forster

PURPOSE: FOR DECISION

GRID REF: 499412 156015

TITLE: SURREY COUNTY COUNCIL PROPOSAL WO/2017/0898

SUMMARY REPORT

Freemantles School, Smarts Heath Road, Woking, Surrey GU22 0AN

- 1.) installation of new modular classroom unit comprising 4 classrooms and ancillary facilities
- 2.) provision of 23 additional parking spaces and new fire access route
- 3.) retention of existing demountable classroom unit permitted under application WO11/0011
all for a temporary period of 14 years.

Freemantles School is a specialised school for children aged between 4 and 19 with autistic spectrum disorders (ASD). The school lies within the Green Belt at Mayford, 2 miles to the south of Woking Town Centre. The expansion of Freemantles School as set out above to allow for 4 consecutive bulge classes of 9 pupils all with an Education Health Care Plan is part of a suite of proposals within the County to increase the number of Special school places available. This proposal will help ensure that the council meets its statutory duty of providing a school place for every resident pupil who requires one.

The main issue for consideration is the fact that the site lies within the Green Belt and the proposal represents inappropriate development. Other issues have been considered such as highways implications, residential amenity, trees, drainage, impact on playing fields and design but are all found to be acceptable. In terms of the Green Belt Officers are of the view that the very special circumstance put forward by the applicant, relating to the need for the development and lack of suitable alternatives clearly outweighs the harm due to inappropriateness and the moderate harm to openness.

Other impacts in respect of amenity, highways, landscaping and drainage can be suitably mitigated by the imposition of planning conditions.

All replies from consultees have raised no objection and though there have been five letters of objection from local residents officers do not consider that these raise any issues which would constitute grounds to reject the scheme.

The recommendation is to Permit subject to conditions

APPLICATION DETAILS

Applicant

SCC Property

Date application valid

25 July 2017

Period for Determination

19 September 2017

Amending Documents

None

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
DESIGN AND VISUAL AMENITY	Yes	16 - 18
IMPACT ON RESIDENTIAL AMENITY	Yes	19 - 22
DEVELOPMENT ON EXISTING PLAYING FIELD LAND	Yes	23 - 25
TREES AND LANDSCAPING	Yes	26 - 29
FLOODING AND SUSTAINABLE DRAINAGE	Yes	30 - 33
HIGHWAYS IMPLICATIONS	Yes	34 - 36
GREEN BELT	No	37 - 58

ILLUSTRATIVE MATERIAL

Site Plan

Aerial Photographs

BACKGROUND

Site Description

- 1 Freemantles School is a specialised school for children aged between 4 and 19 with autistic spectrum disorders (ASD). The school lies within the Green Belt at Mayford, 2 miles to the south of Woking Town Centre. The application site lies to the south of the existing school buildings on an open area of land. The majority of the school buildings are single storey with some two storey elements. The buildings are constructed of facing brickwork and render with aluminium roof. To the south of the school buildings are playing fields, to the north an access road and beyond that are six residential properties fronting Smarts Heath Road/Mayford Green the B380. These properties share the use of the access road for rear access, including access to garages. The A320 Woking to Guildford Road lies to the east.

- 2 Mayford Village lies beyond the immediate environs of the application site on the north side of the B380. To the south is the Hoe Stream, sections of which are designated as a Site of Nature Conservation Importance. The very southern part of the school site is in an area subject to flooding from the Hoe Stream. Open countryside extends away to the south, south east and west while to the northeast lies the edge of the built up area leading in to Woking Town Centre.

Planning History

- 3 **WO/04/1100** Erection of a special needs school Permitted February 2006

- 4 **WO11/0011** Erection of a single storey modular building to provide classrooms, store rooms, group meeting rooms and WCs. Permitted 30th March 2011 for 5 years (expired 30th March 2016)

THE PROPOSAL

- 5 Planning permission is being sought for a temporary period of 14 years for the following:
 - A new 4 classroom modular building on the site to the south of the existing school buildings. This would be single storey under a flat roof to a height of 3.5m. It would be 25m wide by 17m deep and would be clad with colourcoat plastisol sheet colour buttermilk under a steel roof. This building is currently being used as temporary accommodation at Danetree school and would be relocated to this site.

- Retention of an existing modular on the site which was granted planning permission under reference WO11/0011 for a temporary period which expired on 30th March 2016. This building is located to the south east of the site and measures 23.3m by 9.8m and has a height of 3.5m.
- A new fire brigade access route within the site to provide emergency access to the proposed new building. This is required to meet the building Regulations. The access route shown on the plans follows the line of an existing track and will be upgraded using interlocking grass mats
- New parking areas in three locations to provide a net additional 23 spaces for new staff and emergency use (two spaces will be removed so although there are 25 proposed spaces the net increase is only 23). 10 spaces would be provided within an existing parking area next to the Mayford Centre to the west of the school and a further 15 spaces would be provide in two locations at the end of the access road which runs to the north of the school (known as Chalk Lane)

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CONSULTATIONS AND PUBLICITY

6	Woking Borough Council	Comments awaited
7	Arboriculturalist	Comments awaited
8	SuDS & Consenting Team	Requested additional information
9	Transportation Development Planning	No objection subject to conditions requiring compliance with the CTMP and parking spaces provided
10	Sport England	No objection as the new Modular does not impact on the school playing field

Parish/Town Council and Amenity Groups

11 Mayford Village Society Comments awaited

Summary of publicity undertaken and key issues raised by public

- 12 The application was publicised by the posting of two site notices and an advert was placed in the local newspaper. A total of 109 owner/occupiers of neighbouring properties were directly notified by letter. 5 letters have been received as a result of this publicity these raise the following objections:
- a. The existing school on this site was given special permission by the Secretary of State with strict limits on capacity and this proposal disregards that previous permission (Officer comment: The original application for this school was 'called in' by the Secretary of State and considered at a Public Inquiry after which it was permitted (decision notice dated 13th February 2006). There are no conditions on that permission which would prevent the submission of further applications for the expansion of this school)
 - b. The proposal is contrary to Green Belt Policy as it represents a disproportionate addition to the school
 - c. The proposal will harm the appearance of the Green Belt
 - d. Trees have been removed from the site in preparation
 - e. There is spare parking capacity at the Mayford Centre which is run by Surrey County Council so there is no need for more
 - f. The single lane track to the rear of dwellings in Smarts Heath Road (known as Chalk Lane) is already used for parking by the school but is not fit for purpose (or an increase in vehicles) as it is narrow with potholes and the vegetation is not maintained and trimmed back
 - g. As the access road is so narrow passing vehicles often have to reverse which is unsafe
 - h. The school itself recently objected to a planning application for 2/3 additional vehicles in this lane stating that additional traffic would be inappropriate along this road – now they are proposing exactly the same themselves
 - i. There is other land within the school site which could be used for parking
 - j. There is already too much development in Mayford

PLANNING CONSIDERATIONS

Introduction

- 13 The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
- 14 In this case the statutory development plan for consideration of the application consists of the Woking Core Strategy 2012 and the Development Management Policies Development Plan Document 2016
- 15 In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In this case the main planning considerations are discussed in detail in the following paragraphs of the report.

DESIGN AND VISUAL AMENITY

Woking Borough Core Strategy October 2012

Policy CS21 Design

Policy CS22 Sustainable Construction

Development Management Policies Development Plan Document 2016

Policy DM21 Educational Facilities

- 16 Core Strategy Policy CS21 states that proposals for new development should create buildings and places that are attractive with their own distinct identity; make a positive contribution to the street scene and the character of the area; and pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. Policy DM21 states, inter alia, that expansion of existing education facilities will be permitted where it does not give rise to significant adverse impacts on the environment.
- 17 In this case the proposed temporary buildings are of modular construction but they would be located well within the school site and at the rear of the existing school buildings such that they would not be prominent from outside of the school site. The proposed buildings have a very shallow (almost flat) roof but the existing school buildings have flat roofs and it is considered that the proposed building does pay due regard to the characteristics of the existing school and will not look out of place on this site.

- 18 It is therefore considered that the proposal accords with development plan policy and is acceptable in this regard.

IMPACT ON RESIDENTIAL AMENITY

Woking Core Strategy October 2012

Policy CS21 – Design

Development Management Policies Development Plan Document 2016

Policy DM21 Educational facilities

- 19 Core Strategy Policy CS21 requires new development to achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight or an overbearing effect due to bulk, proximity or outlook and states, inter alia, that expansion of existing education facilities will be permitted where it does not give rise to significant adverse impacts on the environment, residential character and amenity.
- 20 The proposed new buildings themselves are a significant distance from the nearest residential dwellings which are located to the north of the school site. Given their height and location there is no impact arising from these on residential dwellings.
- 21 The proposal also includes the provision of additional parking spaces some of which are located at the end of a shared access with residential dwellings to the north of the school site. The majority of the new spaces (15 in total) will be located close to the rear boundary of properties known as 9 and 10 School Cottages. Objections have been raised by residents living within School Cottages to the proposed additional car parking in this location (summarised in paragraph 12 above). The grounds of objection relate to inconvenience given that the road is single width (which means vehicles sometimes have to give way to each other) as opposed to the proposal giving rise to impact in respect of noise disturbance. The comments of the neighbouring residents are noted. Officers are of the view that the provision of the additional parking in this location for the use of staff and visitors to this school, given the number of spaces proposed and the nature of its use, which would be limited to school hours, will not have any sustainable adverse impact on the neighbouring residential dwellings such as to render it unacceptable.
- 22 Officers are of the view that the proposal therefore complies with Development Plan Policy and is acceptable in this regard.

DEVELOPMENT ON EXISTING PLAYING FIELD LAND

Woking Core Strategy

CS17 Open Space, Green Infrastructure, Sport and Recreation

Development Management Policies Development Plan Document 2016

Policy DM21 Educational Facilities

- 23 Policy DM21 states, inter alia, that expansion of existing schools is acceptable *'where appropriate, adequate provision is made and/ or existing provision is retained for indoor and outdoor recreation, outdoor sports and amenity space, to meet the needs of the school'*. In this case the proposed new classroom building and fire brigade access would be located on part of the existing playing field land. The applicants have submitted information which demonstrates that this part of the site is not part of the formal playing pitch used by the school and there will be no impact arising on the existing playing pitch arrangement. They state that the land to the east of the playing pitches is well established for horticulture use and cannot therefore be used to extend the playing pitches and the land on which the classroom is positioned is not large enough to be utilised for any additional playing pitches. It is also not possible to join this area to any of the playing pitches as the horticulture area separates the two.
- 24 Officers are of the view following a site inspection that the case presented by the applicants in regards to the impact on the existing playing pitches is accurate and that the proposed building is located on part of the site which could not effectively be utilised for a playing pitch. Sport England has been consulted on the application and agree that the proposal does not impact on the school playing field. Sport England has therefore advised that they have no objection to the proposal.
- 25 Given the above officers are of the view that the proposal accords with Development Plan policies in this regard and is acceptable.

TREES AND LANDSCAPING

Woking Core Strategy October 2012

Policy CS21 - Design

CS24 – Woking's Landscape and Townscape

Development Management Policies Development Plan Document 2016

DM2 – Trees and Landscaping

- 26 Core Strategy Policy CS21 states that development proposals should incorporate landscaping to enhance the setting of development including the retention of any trees of amenity value, and other significant landscape features. Policy CS24 states that all development proposals will provide a positive benefit in terms of landscape and townscape character and, inter alia, will protect and encourage the planting of new trees. Policy DM2 of the Development Management Document requires landscape proposals for new developments which retain existing trees where practicable and include the planting of new trees and other planting.
- 27 The applicants have submitted an Arboricultural Impact Assessment and a Method Statement with this application. The Impact Assessment states that a total of 11 individual trees and 6 groups of trees were surveyed as part of the assessment as they are situated near to the proposed developments. Of those trees surveyed 3 individual trees and 2 small groups of trees will be required to be removed to facilitate the development, as well as possibly a further Leyland cypress tree forming part of a group (G6). These are all category B and C trees. The trees lie in the following locations:
- Two silver birch trees (T4 and T5) and a small group of lime and birch trees (G2) will be removed from the centre of the existing parking area to

the west of the site near the Maybury Centre. These will facilitate the provision of extra parking spaces in this location.

- A group of horse chestnut trees (G5) and an ash tree (T9) will be removed near the site of the proposed new classroom block
- One Leyland Cypress tree on the end of a group (G6) may need to be removed to facilitate the additional car parking spaces to the east of the site at the end of Chalk Lane

- 28 In terms of the impact that the loss of these trees will have on the local area the loss is spread across a wide site area and therefore the impact will be reduced. None of the trees which would be removed have any particular significant value in respect of amenity and though their loss is regrettable this has to be balanced against the need for the development. Furthermore the removal of the trees can be mitigated with additional tree planting as there is plenty of opportunity within this site to achieve this. The applicant has submitted a plan which shows the location and species of replacement tree planting on the site and includes a maintenance scheme for the proposed new trees. In addition there are other trees in the facility of the proposed development which will be retained but which will require protection during construction and the applicants have submitted a method statement which shows how these will be protected.
- 29 Officers are of the view that the tree removal in this case is acceptable and will not have any significant adverse impact on the local area subject to the replacement planting taking place and adequate measures being put into place during construction to ensure that there is no adverse impact on the remaining trees which can both be secured by conditions. Subject to appropriate conditions officers are of the view that the proposal accords with development plan policy in this regard, and is acceptable.

FLOODING AND SUSTAINABLE DRAINAGE

Woking Core Strategy October 2012

CS9 – Flooding and Water Management

- 30 Core Strategy policy CS9 requires that applicants for development should seek opportunities to reduce flood risk through the appropriate application of sustainable drainage systems (SuDS).
- 31 This site partially lies within Flood Zone 2 and therefore in accordance with Environment Agency standing advice the applicants have undertaken and submitted a Flood Risk Assessment for this application. This concludes that on the basis of the available information from the Environment Agency and Woking Borough Council, the area of development is not at risk of flooding from all modelled flood events up to and including the 1% AEP including an allowance for climate change, and the 0.1% AEP. Furthermore there are no formal defences in the area of the site, and the Hoe Stream is not tidally influenced. The area of development is not shown to be at risk from surface water flooding, although there are pockets of increased risk around the existing school building, where depths are likely to be less than 300mm. In addition though the proposed development has safe access and egress during an extreme flood event, as the site lies within an Environment Agency flood warning area the school can sign up to a free service which aims to provide advance flood warnings up to two hours prior to the onset of flooding within this area, which may directly or indirectly affect them.
- 32 Given this context the Flood Risk assessment recommends that finished ground floor levels within the proposed new building are set no lower than 150mm above the local

ground level to offer protection against infrastructure failure in the event of flooding. With this, the proposed facility would be safe from flooding hazards, would not impede the path of flood water, and will remain safe for its lifetime while not increasing flood risk elsewhere. In addition it is recommended that surface water should be managed through the incorporation of water butts. The applicants have confirmed that they would incorporate the conclusions of the Flood risk Assessment in the finished design and the proposal is therefore acceptable though a condition is recommended to ensure that this takes place.

- 33 In respect of Sustainable Drainage the Local Lead Flood Authority has been consulted on the application and has advised that the application does not provide sufficient information to demonstrate that the site will be acceptably drained. The SuDS team require a detailed drainage layout plan and full calculations and evidence to demonstrate that the site can be acceptably drained. The applicants have been advised of this and are working on submitting the additional information required but at the date of the completion of this report this had not been submitted. Any additional information received will be reported on an update sheet at the Committee but given the situation as it stands a pre-commencement condition has been recommended to secure these details in the event they are not submitted in time for them to be incorporated in this decision. Subject to this condition, which will require the details of the drainage strategy to be submitted prior to commencement, the application is considered to be acceptable.

HIGHWAYS IMPLICATIONS

Woking Core Strategy October 2012

Policy CS18 Transport and Accessibility

Development Management Policies Development Plan Document 2016

Policy DM21 Educational facilities

- 34 Core Strategy Policy CS18 seeks to achieve a balanced community connected by a sustainable transport system by locating most development in urban areas served by a range of sustainable transport modes, including walking and cycling to minimise the need to travel; ensuring development proposals provide appropriate infrastructure measures to mitigate the adverse effects of development traffic; requiring development proposals which generate significant traffic to be accompanied by a Travel Plan; and implementing maximum car parking standards for all types of non-residential development provided it does not create, or exacerbate existing on-street parking problems. However, applying standards should not undermine overall sustainability objectives. Policy DM21 states, inter alia, that expansion of existing education facilities will be permitted where (i) it makes an appropriate provision for on-site car parking and stopping, access to public transport, cycling and walking, and the effect on traffic movement and highway safety is in accordance with Policy CS18 of the Core Strategy; (ii) where appropriate, a School Travel Plan is provided with the proposal to manage the travel needs of pupils and staff; it does not give rise to significant adverse impacts on the environment, and (iii) it does not give rise to significant adverse impacts on the environment.
- 35 As this is a school for special needs the pupils that attend and the teachers that are employed will originate from a wide catchment area. The proposal will give rise to an increase in the number of vehicles accessing the site and given these circumstances it is not reasonable or necessary to seek to secure the use of more sustainable transport modes. Also given these unique circumstances a Travel Plan has not been required in this instance though the applicants have submitted a Construction Traffic Management

Plan which covers issues such as parking, loading and storage of materials during the construction phase, as well as hours of deliveries.

- 36 Transportation Development Planning have assessed the proposal and have advised that given the relatively small increase in pupils arising from the proposal and the location of the school with its access to existing highway networks the proposal will not have any adverse impact on the highway. In addition the provision of the additional on-site parking provision will ensure that the increase in vehicles can park satisfactorily without impacting on the neighbouring area. TDP therefore raises no objection to the proposal subject to conditions to ensure the implementation of the Construction Traffic Management Plan.

Officers are of the view that subject to appropriate conditions as requested by TDP the proposal complies with development Plan Policy in this regard and is acceptable.

GREEN BELT

The National Planning Policy Framework 2012

Chapter 9, paragraph's 87 - 89: Protecting Green Belt Land

Woking Core Strategy October 2012

CS6 Green Belt

Development Management Policies Development Plan Document 2016

DM13 Buildings in and adjacent to the Green Belt

- 37 Paragraph 87 of the National Planning Policy Framework 2012 states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 states that Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt except in specific circumstances which include 1) where the proposal would be for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces and 2) For the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building.
- 38 Policy CS 6 states that within the Green Belt strict control will continue to apply over inappropriate development, as defined by Government policy currently outlined in the NPPF. Policy DM13 states that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt.
- 39 This proposed development is a new building within the Green Belt which does not fall within any of the accepted categories listed within the NPPF and Development Plan documents. The proposal therefore represents inappropriate development within the Green Belt. In these circumstances it is for the applicant to then demonstrate very

special circumstances exist in order to justify the inappropriate development. The NPPF states that *'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, is clearly outweighed by other considerations'* (para 88). The applicants have submitted a statement setting out the very special circumstances which they consider exist in this case which relates to the need for the provision and the lack of suitable alternative sites within the urban area. The applicants also contend that the proposal will have minimal harm on the open character of the Green Belt in this location and will not cause any other harm. These issues are addressed below.

Need for the development

- 40 The existing school on this site caters for children and young adults with specific special needs. The applicants state that the need for additional Special Primary School places in the County for pupils with an Education Health and Care Plan (formerly a Statement of Educational Need) with specific special needs (Complex Social and Communication needs - CSCN) is high. This reflects a significant increase in the latent population within the area, births within Surrey have increased over 20% since 2002, due to house building and inward migration. This increase in population has had a consequent impact on the number of pupils who require special school places. In addition changes in pattern of diagnosis have further increased the number of pupils who are eligible for an Education Health and Care Plan (EHCP).
- 41 The provision of appropriate school places within the County is vital in order to ensure that the Local Authority (LA) fulfils its duty to provide appropriate school places. The LA must develop specialist in-county provision for pupils with Special Educational Needs and Disabilities (SEND) to ensure the efficient and effective use of public resources. There are periodic reviews of the SEND provision across the county which inform future proposals to ensure the needs of this cohort of pupils is met in appropriate school places. The most recent review, called the Learning Difficulties Review (LD review) took place in 2012 and since that point a number of proposals have been developed. The Council is currently undergoing a programme of change called SEND 2020 which will reshape the Special Educational Needs and Disability offer in the county.
- 42 The expansion of Freemantles School to allow for 4 consecutive bulge classes of 9 pupils all with an EHCP is part of a suite of proposals within the County to increase the number of Special school places available. This proposal will help ensure that the council meets its statutory duty of providing a school place for every resident pupil who requires one. The school is a vital part of the education offer and pattern of special provision within the County and its temporary expansion is vital to the provision of sufficient school places for pupils with an Education Health and Care Plan within the County. These places could not reasonably be placed at any other Surrey maintained provision as Freemantles is the only designated CSCN School in the west of the County for the Boroughs of Woking, Guildford, Waverley, Surrey Heath and Runnymede areas. This proposal will also support some of the most vulnerable students within Surrey as a whole.
- 43 Freemantles School is an Ofsted rated 'Outstanding' school that currently meets the needs of primary and secondary aged pupils with CSCN and Autism. It is one of only two specialist schools in Surrey making provision for pupils from the whole of the county with CSCN. The other school is Linden Bridge, based in Worcester Park.

County Need for additional school places for specialist provision

- 44 In the interim period between the LD Review and the proposals for a SEND 2020 Capital programme there has been a significant rise in demand for specialist places for pupils with CSCN and Autism. The LA is committed to improve outcomes for young people and to reduce the number of SEND students placed in schools within the Non-Maintained and Independent (NMI) sector, often at a higher cost and located outside of the Surrey boundaries.
- 45 The current issue faced by the LA in making school provision for students with SEND is increasing demand. In November 2016, there were 329 secondary applicants and 109 junior applicants considered at admissions forums for places in special or specialist provision. In March 2017, there were 174 reception applicants considered at admissions forums for places in special or specialist provision. These numbers do not include children with an EHCP who are mainstream appropriate and so were not considered at admissions forum. Of those applicants considered at admissions forum, it was initially not possible to offer 20% special school places in part due to a lack of provision. As a result it was necessary to commission the following places over two years to meet pupil demand:

Bulge classes for 2016/17 School name	Year group	Number of places
Brooklands	Reception	8
Freemantles	Reception	9
Gosden House	Reception	4
Linden Bridge	Reception	8
William Cobbett	Reception	2
Epsom and Ewell High	Year 7	5
Woodfield	Year 7	10
Pond Meadow	Year 7	12
Total number of places		58

Bulge classes for 2017/18 (information to date) School name	Year group	Number of places
Freemantles	Reception	9
The Hythe	Reception	3
Ashford Park	Reception	2
William Cobbett	Reception	3
Freemantles	Year 3	9
The Park	Year 7	4
Woodfield	Year 7	10
Total number of places		40

- 46 Parents have the right to express the naming of any maintained school in their child's EHCP and it may not be the school that is most local to where they live. When looking at school expansions and providing additional classrooms, the Local Authority seeks to balance a variety of different factors including parental preferences, planning and site constraints, cost, diversity and choice. Another factor is the actual location of demand.
- 47 In 2016 the Council provided additional school places within the Special School Sector to meet a range of specific pupils needs. Forecasts of future demand within the CSCN sector indicate that for entry in September 2017 and 2018 a further 18 pupils, who will be most local to Freemantles School and appropriate for that provision will require placement above existing capacity levels.

- 48 Failure to provide additional places at Freemantles Special School would necessitate alternative additional provision being provided at another Surrey Maintained CSCN School. Currently there is 1 other maintained school that offers specialist provision for pupils with an EHCP with CSCN. This school is based in Worcester Park which is in excess of 20 miles from Freemantles School. The site of Linden Bridge School is very constrained and the Council has been unable to identify a suitable area on the school site which will allow development of additional classroom space without impacting negatively on the current cohort of pupils.
- 49 The provision of an additional provision within Freemantles will therefore enable the Council to offer local appropriate placements and reduce the need for vulnerable pupils to travel outside of the area to receive specialist schooling. This will reduce unnecessary travel for some of the Councils most vulnerable pupils.
- 50 The requirement to meet this temporary demand will need to be met by the provision of a new modular block to the rear of the existing school building providing four classroom spaces, together with group rooms and outside break out space. This area has been identified to be the most suitable on the site as it has little impact on the main school building and will allow for some internal reorganisation of classroom space to accommodate younger aged pupils in the main school building. The utilisation of this area will enable the school to develop strategies with secondary aged pupils which will promote working towards independence in their adult life after formal education has finished.
- 51 In addition the proposal addresses the retention of an existing double demountable utilised for the purposes of providing an educational offer to pupils aged 16-19 years old. These pupils are working towards preparation for adulthood and the FE centre, located in this area, offers an independent learning space from which individual programmes of study can be coordinated. This location offers access to minibuses from which activities in the community can be easily facilitated without having an effect on the other areas of the school and reducing any negative impact to younger pupils in the main school building.

Conclusions on Educational Need

- 52 The applicants have demonstrated that there is a strong educational case for the proposed expansion at Freemantles School especially in the context of current demand within the County. Officers are of the view that the temporary expansion to Freemantles School by 4 bulges of 9 pupils over two consecutive years, is reasonable and necessary and meets the need for additional places in the most effective way. Officers are of the view that the provision of an additional modular building and the retention of an existing modular building is required to facilitate the expansion in an acceptable way.

Whether need for additional school places constitutes very special circumstances

- 53 Officers consider that a robust case has been made by the applicants demonstrating a need to increase the number of special needs school places at this site as summarised above and given the rural location, there are no alternatives available. Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It continues by stating that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It states that Local Planning Authorities should *inter alia* give great weight to the need to create, expand or alter schools. Both Policy CS18 and Policy CS19 in the Woking Core Strategy encourage the location of

new development, and specifically school related development within Urban Areas served by a range of sustainable transport modes. Policy DM21 states that expansion of existing education facilities will be permitted where it meets an identified need, makes appropriate highways provisions including the provision of a travel plan, does not give rise to any adverse environmental impact and makes appropriate provision for recreation to meet the needs of the school.

- 54 Officers consider that the need set out above coupled with the lack of suitable alternative sites are factors capable of amounting to very special circumstances.

Other Harm to the Green Belt

- 55 In accordance with paragraph 88 of the NPPF the impact of the development needs to be assessed in terms of any other harm to the Green Belt in addition to the inappropriateness of the proposal as discussed above in paragraph 42 above. The extent of harm to the Green Belt, and in particular the impact the proposal has on the purposes of including land in Green Belts through its impact on openness is influenced by the scale and location of the proposed development.
- 56 In this case the proposal is for a temporary extension to the existing school comprising the installation of a modular building and the retention of an existing modular building plus additional car parking spaces. In respect of the existing modular building this was assessed in 2011 and officers considered at that time that the scale of the development was such that it would have a limited impact upon the openness of the Green Belt given that it is single storey in height and of an acceptable scale when taken in the context of the existing buildings on this site. These considerations still apply now in the consideration of the retention of that building.
- 57 In respect of the proposed new additional modular building this would be situated near the existing modular but a further distance from the school buildings. The modular is well within the school boundary and the view of the school site from the south and east is obscured by the presence of a belt of large trees on the school boundary and adjacent to the A320 highway though these are predominantly deciduous so would not provide screening all year. Officers consider that this element of the proposal will cause moderate harm to the Green Belt in this location in that it may be visible, albeit that it is single storey, and will by its nature result in some loss of openness and encroachment on the countryside. Nevertheless officers consider that the scale of the extension is proportionate to the need and the development cannot be located elsewhere to meet the need identified for the locality. Officers do not consider that there would be any significant harm arising from the provision of the additional car parking spaces to the west and north of the school building as these are in areas where existing parking already existing.

Conclusion on Green Belt

- 58 Officers consider that the applicant has demonstrated that there is a clear need and lack of suitable alternatives for the development given that there is a requirement to provide

appropriate special educational facilities and that these buildings and additional parking are required to accommodate that demonstrated need. Officers are of the view that this need and lack of suitable alternatives constitutes '*very special circumstances*' which clearly outweigh the harm to the Green Belt by virtue of inappropriateness and also the moderate harm caused by the new modular building to openness such that an exception to policy can be made.

HUMAN RIGHTS IMPLICATIONS

- 59 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 60 In this case, the Officer's view is that the proposal is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. As such, this proposal is not considered to interfere with any Convention right.
-

CONCLUSION

- 61 Officers consider that the development would be in keeping with the design and visual amenity of the existing site and surrounding area. The flat roofed design would integrate with the main school building. The location and scale of the building would ensure that the development would not adversely impact upon residential amenity. Officers consider, whilst there will be a small increase in traffic to and from the school, this increase will not have any significant impact subject to the provision of the additional on-site car parking. The loss of a number of trees is acceptable in this case in view of the nature of those trees and the existence of larger trees along the site boundary subject to replacement trees being planted.
- 62 The development constitutes inappropriate development in the Green Belt. Officers consider that the need for the additional school places within the area which cannot be accommodated elsewhere amount to factors which constitute very special circumstances which clearly outweigh the harm due to inappropriateness and the loss of openness. Officers are satisfied that the scale of the proposal is proportionate to the need and the harm to the Green Belt has been limited by locating the new building close to the existing buildings coupled with the sympathetic design of the building and appropriate use of materials .
- 63 Officers consider that the development can be permitted as an exception to Green Belt policy subject to the imposition of conditions.

RECOMMENDATION

- 64 That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, that application **WO/2017/0898** be PERMITTED subject to the following conditions:

Conditions:

1. The use of the classroom buildings and the provision of the additional parking spaces in connection with that use as hereby permitted shall be for a temporary period expiring on 1 August 2031. Within 1 month of the cessation of the use the temporary buildings shall be permanently removed from the site and the land upon which they were sited, as well as the land provided for the temporary car parking, shall be restored to their former use as grassed amenity land.

2. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:
 - 282 08O 01 Rev B Location Plan dated 09.05.2017
 - 282 08O 13 Rev B Location Plan dated 09.05.2017
 - 282 08O 11 Existing and Proposed Parking Bays 1 dated June 2017
 - 282 08O 12 Existing and Proposed Parking Bays 2 dated June 2017
 - 282 08O 14 Existing Double Classroom Building dated June 2017
 - 282 08O 02 Proposed Modular Classroom Plan dated June 2017
 - 282 08O 03 Modular Quadruple Classroom Elevations dated 11/05/17
 - 282 08O 04 Rev A Proposed Site Plan dated 13/06/17
 - 282 08O 05 Existing Site Plan dated June 2017
 - 282 08O 07 Proposed Modular Classroom Roof Plan dated June 2017
 - TP01 Tree Planting Plan dated 20/07/17
 - TPP01 Tree Protection Plan dated 20/07/17

3. The development shall be implemented strictly in accordance with the 'Construction Traffic Management Plan' submitted with the application unless otherwise agreed by the County Planning Authority in an application on that behalf.

4. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans 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 areas shall be retained and maintained for their designated purposes.

5.
 3. a.) Before any equipment, machinery or materials are brought onto the site for the purposes of carrying out the development hereby permitted, protective fencing in accordance with the details contained in Appendix 2 and drawing no. TPP01 dated 20/07/2017 contained in the Arboricultural Method Statement submitted with the application shall be installed and shall thereafter be maintained until all equipment, machinery and surplus materials have been removed from the site. For the duration of works on the site no materials, plant or equipment shall be placed or stored within the protected area.
 - b.) The development shall be carried out in all respects in full accordance with all other measures to protect trees during construction set out in Sections 5 to 9 of the above Arboricultural Method Statement

6. Within the first planting season following the occupation of development the replacement tree planting within the site as shown on drawing TP01 dated 20.07.17 shall be completed and maintained in accordance with the details on that plan. Any tree which is removed, uprooted or destroyed or dies or becomes in the opinion of the County Planning Authority seriously damaged or defective within five years shall be replaced with a new species of similar size.

7. The new modular building hereby permitted shall be installed such that it has a floor level set a minimum of 150mm above existing ground level and shall be retained as such whilst on the site.

8. No part of the drainage system for the site shall be constructed until the following details have been submitted to and approved in writing by the County Planning Authority:
 1. A drainage layout plan showing the existing drainage system.
 2. A drainage layout plan showing the proposed system that includes pipe levels and diameters.
 3. Evidence as to why infiltration is to be used / not viable
 4. Full calculations detailing the proposed discharge rate currently offsite for the 1 in 1, 1 in 30 and 1 in 100 + CC year storm events. Including any sensitivity checks. We recommend designing for the 40% climate change event
 5. Details of any onsite storage and reasons (to include calculations showing) the volumes chosen have been chosen.
 6. Details of any flow restrictions into the watercourse.

7. Evidence that Thames Water (if used) accept the flow into their sewers

The drainage system for the development shall be constructed in accordance with the approved details.

9. No part of the drainage system for the site shall be constructed unless details of how the Sustainable Drainage System will be protected and maintained during the construction of the development (to include details of how pollutants and sediments from construction will be managed to prevent being washed into the watercourse) have been submitted to and approved in writing by the County Planning Authority. The development shall thereafter be carried out in strict accordance with those approved details.
10. Prior to the occupation of the building hereby approved the following additional drainage information shall be submitted to an approved in writing by the County Planning Authority
 1. A maintenance plan showing the maintenance regimes for each SuDS element and who will be responsible for maintaining these.
 2. An exceedance flow plan that shows where water will drain to during exceedance or system failure.

Reasons:

1. To reflect the terms of the application as submitted
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of highway safety in accordance with Policy CS18 of the Woking Core Strategy October 2012 and Policy Policy DM21 of the Development Management Policies Development Plan Document 2016
4. In the interests of highway safety in accordance with Policy CS18 of the Woking Core Strategy October 2012 and Policy Policy DM21 of the Development Management Policies Development Plan Document 2016
5. To ensure the protection of trees to be retained in accordance with Policies CS21 and CS24 of the Woking Core Strategy October 2012 and Policy DM2 of the Development Management Policies Development Plan Document 2016

6. To replace trees to be removed in accordance with Policies CS21 and CS24 of the Woking Core Strategy October 2012 and Policy DM2 of the Development Management Policies Development Plan Document 2016
7. To minimise the risk of the building flooding in accordance with Policy CS9 of the Woking Core Strategy October 2012
8. To reduce flood risk through the application of sustainable drainage systems in accordance with Policy CS9 of the Woking Core Strategy October 2012
9. To reduce flood risk through the application of sustainable drainage systems in accordance with Policy CS9 of the Woking Core Strategy October 2012
10. To reduce flood risk through the application of sustainable drainage systems in accordance with Policy CS9 of the Woking Core Strategy October 2012

Informatives:

1. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
2. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Building Bulletin 102 'Designing for disabled children and children with Special Educational Needs' published in 2008 on behalf of the Secretary of State for Children, Schools and Families, or any prescribed document replacing that note.
3. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues; and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including SUDs drainage through negotiation and additional information has been secured. . This approach has been in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework 2012.

4. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
5. If the applicant proposes to undertake structural works to an ordinary watercourse then consent is required forms are available on request from SuDS@surreycc.gov.uk.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.

TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the report.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to *have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: *if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*.

Development plan

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Plan 2008 (comprised of the Core Strategy, Waste Development and Waste Development Control Policies DPDs)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)

- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in the report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the March 2012 National Planning Policy Framework (NPPF) and updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2013; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

National Planning Policy Framework and Planning Practice Guidance

The March 2012 National Planning Policy Framework (NPPF) and subsequent updates replaced 30 Planning Policy Statements, Planning Policy Guidance Notes, Minerals Policy Statements and Minerals Policy Guidance Notes and related Practice Guides, some Government Circulars and letters to Chief Planning Officers and provides consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 Planning Practice Guidance (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on Waste, Travellers, Planning for Schools Development, Sustainable Drainage Systems, Parking, and Starter Homes .

At the heart of the NPPF is a presumption in favour of sustainable development which the document states: *should be seen as a golden thread running through both plan-making and decision-taking* (paragraph 14). The NPPF makes clear the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic, social and environmental. These give rise to the need for the planning system to perform a number of mutually dependent roles: an economic role, a social role and an environmental role. The NPPF sets out 12 core land-use planning principles that should underpin both decision-taking and plan making.

The NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 14) states that development proposals that accord with the development plan should be approved without delay; and where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or specific policies in the NPPF indicate development should be restricted.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 215 states that in determining planning applications local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given). For emerging plans the NPPF (paragraph 216) states that, unless material considerations indicate otherwise, weight may also be given to relevant policies in emerging plans according to:

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

HUMAN RIGHTS ACT 1998

GUIDANCE FOR INTERPRETATION

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one’s personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

CONTACT

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BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance

[National Planning Policy Framework 2012](#)

The Development Plan

Woking Core Strategy 2012

Woking Development Management Policies Development Plan Document 2016
