

Application Number and Registration Date	MO/2019/0495 (Detailed) 15-Mar-2019
Applicant	Mr O Harmon
Case Officer	David Webb
Amendments /amplifications	
Committee Date	3 July 2019
Ward(s)	Leith Hill
Proposal	Erection of barn to provide indoor area for sports and games, training and meetings.
Site Description	The (Old) Mill, Mill Lane, Forest Green, Dorking, Surrey, RH5 5SJ

RECOMMENDATION: Approve subject to conditions

Summary

The application site is located on the northern side of Ockley Road (B2127) and forms a remote annexe for a north London school. The site is used for countryside experiences for underprivileged children.

The site is located within the Green Belt, an Area of Outstanding Natural Beauty (AONB) and within Flood zones 2 & 3 of a watercourse.

The proposal is for the erection of a multipurpose building including indoor training, sports and dining space. Currently the site does not have any such facilities which in the winter months severely limits the site's use.

New buildings which impact the openness of the Green Belt are deemed inappropriate development unless there are Very Special Circumstance that outweigh the harm. It is considered that the Very Special circumstances in this case do outweigh the harm to the openness of the Green Belt and therefore, the principle of the development is acceptable.

The building would be a dual-pitched building and would be timber clad and is considered to be acceptable. Surrey County Council's AONB officer has no objection to the building subject to the external appearance being finished in a dark colour and non-shiny finish. This is recommended as a planning condition (Condition 3).

The site is located within flood zones 2 & 3 from the watercourse that runs from the old Mill Pond which once served the old mill building. The mill building now forms the main building on the site and is used for the kitchens and dormitories for the school site. The Environment Agency was consulted on the application and recommended that their standing advice was sufficient in this case. They had no other requirements. The standing advice contains guidance on developments near watercourses, this includes surface water management, access and evacuation and flood levels. Conditions regarding these three aspects are recommended (Conditions 5, 6 and 7).

The building would be sited a considerable distance from the nearest neighbouring properties so is considered to not have a physical impact or overlooking impact upon neighbouring properties. Environmental Health have considered the noise impact from the building in relation to neighbouring properties. They have recommended conditions requiring the building is not rented out for private events, no amplified music is played and no PA system is installed and these are considered reasonable having regard to the Development Plan and other material considerations.

Permission is recommended to be granted subject to conditions.

1. Development Plan

- 1.1. Metropolitan Green Belt
- 1.2. Area of Outstanding Natural Beauty
- 1.3. Flood Zone 2 & 3

2. Relevant Planning History

None		
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3. Description of Development

- 3.1. The application site, known as The Old Mill is a remote annexe site north of Ockley Road, Forest Green and is used by the William Ellis School in North London as well as other youth groups.

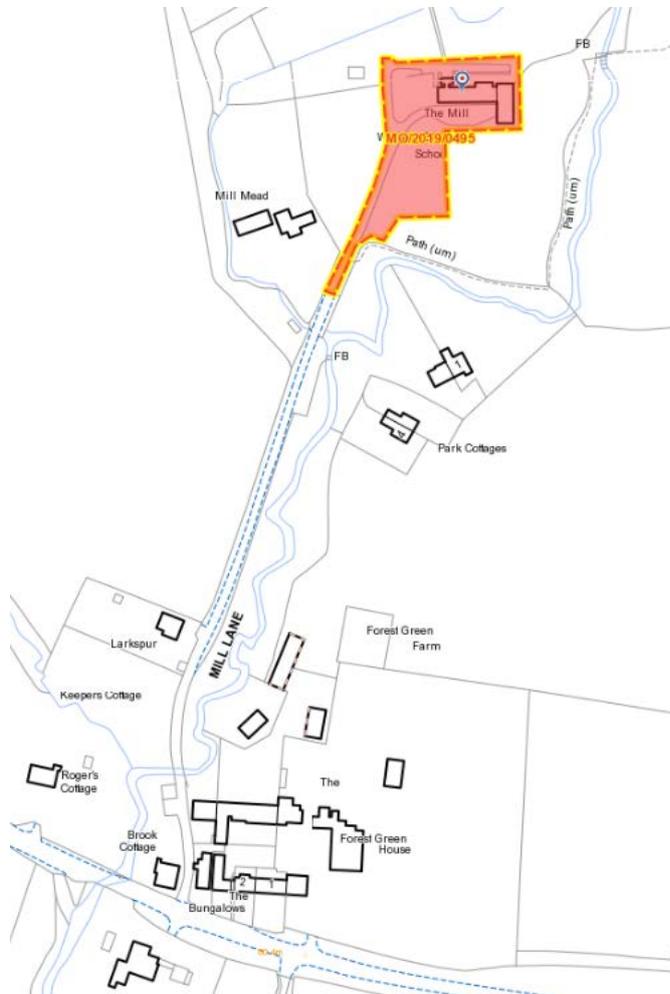
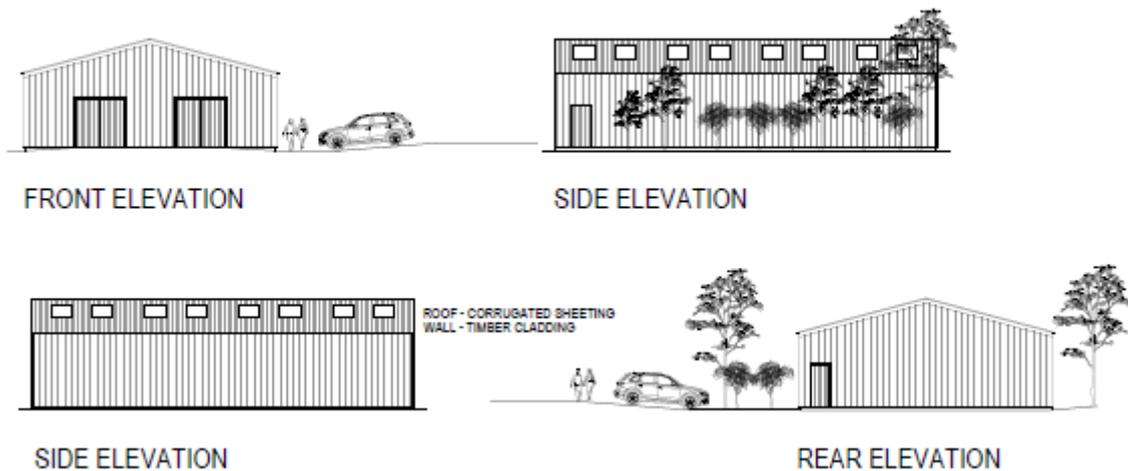


Figure 1: Site Plan

- 3.2. The site was trusted to the school over 30 years ago and is used for outdoor education experiences in the countryside for underprivileged children. The main building, a former mill building, can house up to 40 children on two floors of dormitories. During the summer months, when children come to the site to train for their Duke of Edinburgh award, the Head Teacher has stated that up to 150 children camp in the grounds.
- 3.3. Currently the site does not have any undercover communal accommodation for education purposes or anywhere for the children to dine. During the summer months temporary marques and tents are used to provide learning and dining space. However during the winter months these cannot, for logistical reasons, be used. This limits the site's capacity to around 20 children.
- 3.4. The current application seeks permission for a new multi-purpose building for the annexe site (elevations below). This would provide education and dining space throughout the year.



4. **Consultations**

- 4.1. **Environmental Agency** – “As long as the building will solely be used as a sports hall and the building footprint is under 250m² then it is covered by our Flood risk standing advice. Our standing advice can be viewed on gov.uk, it includes step by step guidance on managing development and flood risk. <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

With regards to the watercourse on nearby land, this is classified as an ordinary watercourse and does not fall under our remit. However any future applications you receive within 8 metres of a main river then we wish to be consulted.”

- 4.2. **Surrey Hill AONB Planning Adviser** –

“The proposed building is large but that is because it is to be used for children's sports, training and for meetings. It would have the appearance of a modern agricultural building with timber clad walls and corrugated sheeting on the roof. No colours have been proposed but I would ask that the roof not be of a light colour as it would reflect the light and be more conspicuous in the landscape. It should be a dark, muted colour or say a mid-grey. If possible it should not have a shiny finish and the roof lights should not be of a reflective material.

The site is reasonably well screened.

The application has been submitted for The St. Marylebone Camp of William Ellis School. This is an Inner London School attended by many disadvantaged children. Without this facility some do not get out to the countryside to benefit their development. The Headmaster's letter sets out the social and educational benefits of this facility at Forest Green very effectively.

I place great weight upon the educational and social benefits arising from this facility. I am supported in this respect by the Surrey Hills AONB Management Plan that encourages such educational benefits, enjoyment and an understanding of the Surrey Hills AONB that can arise from appropriate development. This proposal sits firmly within those aims. The natural beauty of the AONB is not just the look of the landscape but includes the social benefits it can impart upon people, none more important, in my view, than children from Inner London, many of whom are disadvantaged.

For these reasons I support the application but please take into account my suggestion regarding the roof.”

- 4.3. **Sports England** – Does not object to the development and has made no requirements.

5. Representations

- 5.1. 8 representations were received, one from Abinger Parish Council raising the following summarised concerns:

Abinger Parish Council comments:

- Lack of Flood Risk Assessment

Officer comment: The Environment Agency were consulted on the application and did not require a FRA to be submitted. Surrey County Council is the Lead Local Flood Authority and would not comment on this application as it is not a major application.

- Green Belt location
- Site is adjacent to semi-natural woodland no consideration of environmental impact has been included.

Officer comment: The application site itself is not within any designated woodland or protected area.

- Narrow access and inadequate parking

Officer comment: Children arrive to the site by coach which drops them at the end of Mill lane due to the narrow and rutted access lane not being suitable for coaches. No changes are proposed in terms of access or parking.

- Building is large and intrusive to residents and walkers

Officer comment: The buildings size is typical for its proposed use and it is positioned well within the site. The AONB officer has commented on the visual aspect of the proposal, the walls would be timber clad and the roof is recommended to be a dark colour to limit the buildings impact on the landscape. The external materials are recommended to be submitted for approval to mitigate the visual impact.

- The site is used for social gatherings

Officer comment: The building is to be used for educational purposes which there is planning policy support for. A condition (condition 4) is recommended that restricts the buildings use for this purpose.

Remaining representations:

- Size and location
- Ascetics of the building
- Site is within area of flooding
- Large roof lights may cause light pollution
- Residents safety

- Noise

Officer comment: Environmental Health have commented on noise, noise emanating from the building itself can be controlled. It is recommended that conditions be imposed that restrict the use of a PA system in the building (condition 9)

- Increase in capacity to 150 people

Officer comment: the capacity during the summer months to include 150 children who camp on the site is not proposed to change. It is not possible to cater for 150 children in the winter months due to the size of the dormitories.

- Previous stag do and weddings at the site increased noise levels

Officer comment: The applicants have stated that there have been 3 events at the site over a 10 year period. The application before us is for an education related building which there is policy support. It is recommended that a condition restricts the use to educational use by schools.

- Traffic on Mill Lane
- Narrow road bridge in the lane will need to be reinforced

Officer comment: This is not a material planning consideration

- Water main inadequate for extra requirements

Officer comment: Utilities are not a material planning consideration

- Use of the hall by outside groups

Officer comment: It is recommended that the use of the hall be conditioned to only be used for educational purposes by the school so that this does not occur.

- Not all neighbouring properties have been consulted

Officer comment: Council records show the required adjoining neighbouring properties were consulted on this application.

- Trees will be removed which provide screening and possible roosts

Officer comment: The site is not in a designated woodland and the trees on the site are not subject to a Tree Preservation Order. An informative will be added that reminds the applicant about their responsibilities under Wildlife and Countryside Act for the protection of animals.

- Flood risk

Officer comment: The Environment Agency has been consulted and stated that the proposal is not within their remit as the site is not over 250m² or within 8 metres of a river. Flooding is covered in the report below.

6. Main Planning Policies

6.1. Government Guidance

National Planning Policy Framework (NPPF)

Section 7 - Requiring good design

Section 8 - Promoting healthy and safe communities
Section 9 – Protecting Green Belt land
Section 15 - Conserving and enhancing the natural environment

6.2. Mole Valley Core Strategy

CS13 - Landscape Character
CS17 – Infrastructure, Services and Community Facilities

6.3. Mole Valley Local Plan

ENV22 – General Development Control Criteria
ENV23 – Respect for setting.
ENV24 – Space around buildings.
ENV25 – Landscape Design of new development
REC11 – Built Recreation Facilities in the Countryside

7. Main Planning Issues

7.1. The main issues for consideration are:

- The principle of the proposed development
- Flooding
- Impact upon neighbouring properties

7.2. Principle of the proposed development

7.3. *Green Belt restrictions:*

7.4. *Local Plan Policy REC11 – Built Recreation Facilities in the Countryside states:*

Recreational development which would detract from the openness of the Green Belt and rural character of the countryside or whose proposed location and use is not incidental to outdoor recreational activities will not normally be permitted. Small-scale essential facilities for outdoor sport and outdoor recreation will be permitted provided (pertinent to this application):

1. *the site is suitable for the proposed development;*
2. *it would not have an adverse impact on residential amenity or the rural character of the locality;*
3. *the amount of traffic likely to be generated by the proposal would not prejudice highway safety or cause significant damage to the environmental character of country roads;*

7.5. The application site is situated within the Metropolitan Green Belt. Paragraph 144 of the NPPF states 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.

7.6. Paragraph 145 states that "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (pertinent to this proposal):

“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”

7.7. The proposed building could be considered to fall within the above exception as it would facilitate outdoor recreation uses on the site, however, it would not preserve the openness of the Green Belt. It is therefore considered that the proposal would be ‘inappropriate development’ harmful to the Green Belt.

7.8. Therefore Very Special Circumstances should clearly outweigh the harm.

Very Special circumstances (VSC)

7.9. The following points have been taken into consideration as VSC:

- Whilst this is a site within the Green Belt, it is an existing and well-established school facility and as such other factors need to be considered in the planning balance. A key objective of councils planning policies is to provide for the needs of the community and its health and well-being.
- Both the Core Strategy and ‘Saved’ policies within the local plan seek to safeguard and enhance existing sports and recreational facilities ‘particularly for children and young people’. It states that provision will be made for additional facilities ‘where there are deficiencies’ and clearly a need.
- Equally, the revised NPPF (July 2018) is strongly in favour of retaining and enhancing existing sport and recreational facilities and encouraging local authorities to use the planning system to improve the health and well-being of the local community (para 91).
- The facility is run as a charity and is for the benefit of the children
- There are no other facilities or suitable buildings on the site to fulfil the proposed uses
- The site provides important outdoor countryside opportunities for inner city and underprivileged children
- The location of the proposed barn is the most suitable for disabled students as it is on the same level as the disabled toilets and showers
- The location is a considerable distance from a limited number of residential properties

7.10. To conclude, it is considered that combined, the above circumstances are unique and would outweigh the identified harm caused to the openness of the Green Belt in this case.

7.11. Concerns have been raised in representations that the site is used for non-educational uses such as weddings and parties. New buildings in the Green Belt for these uses are not supported. It is therefore considered reasonable to restrict the use of the building to

uses contained within the application, namely educational requirements for the school (see condition 4).

Intensification of the use of the site

- 7.12. It has been raised by representations that this development would increase the number of children attending the site. The use of the site as an annexe to the William Ellis School does not have a planning permission controlling its use but has taken place for over 30 years.
- 7.13. The applicants have stated that the new building would not increase the number of children but it proposed to improve the facilities over the current temporary marquees during the summer months. They have stated that up to 40no children can be housed within the dormitory accommodation in the old mill building over two floors. In addition to this, in the summer months, up to 150 children camp within the grounds which extend to the north of the mill building.
- 7.14. The proposed building would not be used for dormitory accommodation and this would be restricted by planning condition, in part due to other concerns, namely flood risk. The proposal would therefore not increase the residential accommodation on the site.

Impact upon the Area of Outstanding Natural Beauty

- 7.15. The application site is located within an Area of Outstanding Natural Beauty (AONB). The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty (AONB) protects its distinctive character and natural beauty and can include human settlement and development.
- 7.16. Core Strategy Policy CS13 states that *“All new development must respect and, where appropriate, enhance the character and distinctiveness of the landscape character area in which it is proposed. Landscape enhancement works may be required to avoid adverse impacts associated with new developments.”*
- 7.17. There are two considerations directly related to a site’s AONB status when determining a planning application. Firstly whether the application conserves the AONB and secondly, if it does conserve the AONB whether it would result in an enhancement.
- 7.18. The proposed building is relatively large but that is because it is to be used for children’s sports, training etc. Surrey County Council’s AONB officer has stated that it would have the appearance of a modern agricultural building with timber clad walls and corrugated sheeting on the roof. The AONB Management Plan supports such educational benefits for enjoyment and an understanding of the Surrey Hills AONB that can arise from appropriate development and stated that this development fits within appropriate development. The site is used for children to explore and experience the landscape of the Surrey Hills. It is therefore considered that this development is appropriate in the landscape given the sites social benefits in this case and therefore complies with policy CS13.

Flooding

- 7.19. The site is located within flood zones 2 & 3, however, the Environment Agency (EA) has confirmed the site is located within flood zones 2 & 3 for an ‘ordinary watercourse’ and not a main river. The watercourse is a now culverted former outflow from the Mill Pond that once served the old mill which now forms the main dormitory accommodation block. The EA have stated that *“As long as the building will solely be used as a sports hall and*

the building footprint is under 250m2 then it is covered by our Flood risk standing advice.”

- 7.20. The buildings footprint would be approximately 224m2. The building would mainly be used as a sports building but would be used for other education needs including dining space but, importantly would not be used for residential accommodation which the EA would strictly seek to prevent.
- 7.21. The advice states that LPA's should consider consulting their Lead Local Flood Authority (LLFA). Surrey County Council is the LLFA for Mole Valley and state that they will comment on major developments. This proposal does not full within the parameters for major development.
- 7.22. The proposed use of the building falls within a 'more vulnerable' development. The Standing Advice covers three points for such development, Surface water management, Access and evacuation and flood levels.
- 7.23. Surface water management includes, following LPA surface water management plans, and that developments will be required to meet the requirements of the approved building regulations Part H: drainage and water disposal. Mole Valley Local Plan Policy CS20 requires SUDs schemes to be implemented. No details of a SUD's scheme have been submitted but it is considered reasonable to require one to be submitted to limit increased flood risk elsewhere (see condition 6).
- 7.24. Access and evacuation covers emergency escape plans, it is considered reasonable that prior to occupation of the building, an escape plan should be submitted and used in the event of an emergency (see condition 7).
- 7.25. Floor levels, the standing advice states that ground floor levels should be a minimum of 300mm above the general ground level of the site. Given the overall height of the building internally (>3.5 metres), a plan could be submitted showing the internal floor level being 300mm above the general ground level (see condition 5).
- 7.26. Given that the site is on higher ground than the culverted outflow for the mill pond and the relatively limited size of the barn, it is recommended that subject to conditions requiring the barn is solely used for educational use (sports/teaching) including a dining space, and specifically not used for dormitory accommodation, the submission of escape plans, the internal flood height being 300mm above the general ground level, and a SUD's scheme is submitted, the proposal is considered to be acceptable.

Impact upon neighbouring amenities

- 7.27. Policy ENV22 in terms of noise and neighbour amenity states that a proposals design and layout will be required which (inter-alia):

“does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its overshadowing or overpowering effect, noise, traffic or other adverse environmental impact;”

- 7.28. The nearest neighbouring properties to the proposed barn are 'Mill Mead' and 'Park Cottages'

Mill Mead

- 7.29. This neighbouring property is located approximately 36 metres to the south-west of the proposed barn. There is vegetation and trees between the two sites. There are no proposed openings in the elevations facing this neighbour apart from the south elevation

fire escape. Activities within the barn could give rise to noise which has been considered by the Environmental Health team. EH have raised no objection to the proposal subject to conditions (conditions 4, 8 and 9). The conditions recommended are that the barn is used exclusively for the school and specifically is not used for private events such as weddings, no amplified music is played and there is no PA system installed.

- 7.30. It is considered given the separation distance there would not be a significant harm the amenities of the occupiers of this neighbouring property.

Park Cottages

- 7.31. These cottages are located over 50 metres to the south of the proposed building, only the fire escape door is located on the southern elevation. Between these neighbouring properties and the building is a large amount of trees and screening which would be unaffected.

- 7.32. Given the separation and no external openings in the building, the proposal is not considered to have a significant harm to the amenities of this neighbouring property.

- 7.33. Overall, subject to conditions, it is considered that the proposal, would not have a significant impact upon the amenities to neighbouring properties and would comply with Local Plan Policy ENV22 as a result.

Conclusion

- 7.34. The proposed building would be inappropriate development in the Green Belt however Very Special Circumstances are considered to outweigh the harm to the openness of the Green Belt. The impact upon the landscape and the designated AONB status is considered to be acceptable given the social benefits that the sites overall use brings to school children.

- 7.35. The impact from flooding upon the building and the surrounding area have been considered and subject to conditions, the impact of a flood event can be mitigated against. The relationship of the proposed building to neighbouring properties is considered to be acceptable.

8. Recommendation

Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers: 6087 / LBP, 6087 / 1, 6087 / 2 contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The roof of the building shall be finished in a dark colour to be agreed. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development harmonises with its surroundings in accordance with Mole Valley Local Plan policy ENV22 and policies CS13 and CS14 of the Mole Valley Core Strategy.

4. The building hereby permitted shall only be used for educational purposes in connection with the The (Old) Mill, Mill Lane and specifically shall not be used as dormitory or sleeping accommodation or rented out for private parties or events.

Reason: To ensure that the development hereby permitted is occupied only for its intended purposes since the site lies within a rural area to which a policy of restraint is applied, in accordance with the advice contained in the National Planning Policy Framework and in the interests of neighbouring properties in accordance with Mole Valley Local Plan policy ENV22.

5. Floor levels within the proposed development shall be set no lower than existing levels AND flood-proofing of the proposed development shall be incorporated where appropriate, OR floor levels within the building shall be set 300mm above the general ground level of the building's location.

Reason: To ensure that the development is not put at an unacceptable risk of flooding, or would be likely to exacerbate the possibility of flooding, in accordance with the advice within the National Planning Policy Framework and Mole Valley Core Strategy policy CS20.

6. Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the Local Planning Authority prior to commencement of any works on site. The suitability of infiltration methods should be verified (i.e. possible contaminated ground).

The approved drainage scheme shall be implemented prior to the first occupation of the development.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted and, in the interests of sustainable development, in accordance with the advice contained in the National Planning Policy Framework and policy CS20 of the Mole Valley Core Strategy.

7. Prior to the first occupation or use of the building hereby permitted, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The approved flood evacuation plan shall thereafter be used in the event of a flood event.

Reason: To ensure that the occupiers of the development are not put at an unacceptable risk of flooding, in accordance with the advice within the National Planning Policy Framework, Environment Agency Standing Advice, and Mole Valley Core Strategy policy CS20.

8. Only background music shall be played at the premises hereby permitted and there shall be no playing of live or amplified music for the purposes of entertainment or dancing at any time.

Reason: To protect the amenity of neighbouring and/or future occupiers from adverse external noise sources, in accordance with Mole Valley Local Plan policy ENV56.

9. There shall be no Public Address system installed in the building hereby permitted.

Reason: To protect the amenity of future occupiers from adverse external noise sources, in accordance with Mole Valley Local Plan policy ENV56.

Informatives

1. The applicant is advised that under the Wildlife and Countryside Act 1981 it is an offence to kill or injure bats, to disturb them when roosting, to destroy roosts or to block entrances to roosts. It is strongly recommended that an investigation is undertaken prior to any works being carried out, to ensure that no bats are present. If evidence of the presence of bats is found, advice should be sought immediately from Natural England on steps which can be taken to avoid contravention of the above Act.

Any investigations should be carried out by a licenced bat worker. For information about such licence holders in the local area visit www.cieem.net

2. The applicant is advised that the approval of details and/or samples required by condition(s) is subject to a fee, details of which may be viewed on the Council's website under the planning pages.

The fee may cover more than one condition where the details are submitted at the same time. Where subsequent submissions are made, a further fee will be payable per individual submission. The fee should be paid at the time of submission of the formal request.

PLEASE NOTE that this approval process may take up to 8 weeks from the date of the request. Applicants are therefore advised to submit requests in a timely manner.