

Planning Committee - Date: 10 September 2019

**Report of the Assistant Director, Environment, Housing and Regeneration
Directorate (Housing, Planning and Regeneration).**

Ref: DM2019/00985	WARD: B05 - Sutton North	Time Taken: 13 weeks, 1 day
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Site: Rosehill Recreation Ground, Rose Hill, Sutton, SM1 3HH

Proposal: Erection of a four-storey building creating a new eight form entry secondary school, including a sixth form, a Special Educational Needs (SEN) school for secondary age students and a detached part-one, part-two storey sports hall (Use Class D1), modification of existing access from Rose Hill, provision of areas of hard playing space, car parking, cycle parking and hard and soft landscaping works and other associated works.

Applicant: Wates Construction Ltd

Agent: Mr Alan Gunne-Jones

Recommendation:

REFUSE PLANNING PERMISSION:

Subject to there being no additional representations raising material planning considerations that have not been addressed within this report being received by 12 September 2019. If these are received these will be considered at the following committee meeting.

Reason for Report to Committee: The application is a departure from the Development Plan.

Summary of why application proposals are unacceptable:

- The proposed development is considered to be unacceptable, due to the proposal not utilising the full site allocation as set out in the Site Allocation S98 and, as such, would result in an overly dominant form of development, due to its height, mass and proximity to the edge of Metropolitan Open Land (MOL). The proposal would result in substantial harm to the character and appearance of the area and result in an unacceptable visual impact on the setting of the adjacent MOL.

- The proposed development would detract from the character and appearance of the surrounding area by reason of its monolithic design, height, massing, siting and lack of appropriate soft landscaping, tree and screening planting. This would result in a detrimental visual impact on the amenity and character of the surrounding area and to the character and appearance of the adjacent Metropolitan Open Land (MOL).
- The development includes the provision of a four storey building within an area not considered appropriate for taller buildings and does not represent the exceptional design quality that might support such a departure from the policies in the Development Plan.
- The proposed development fails to provide a satisfactory educational environment, due to classrooms having no access to natural light, internal corridors being cramped and the Special Educational Need (SEN) rooms within the upper floors having no access for external breakout spaces.
- The proposed development without adequate and sufficient evidence fails to provide adequate parking provision for the staff and servicing needs within the shared parking area used by all users of Rosehill and the Sports Village. Furthermore the proposal fails to provide the requisite highways mitigation measures that would ensure pedestrian and highway safety due to inadequate details provided in relation to car park management plans, parent pick up and drop off, and service vehicles.
- The application fails to provide sufficient details that the site can accommodate construction vehicles and staff parking off street during the construction of the development. As such, it is considered that the proposed development would result in danger to highway and pedestrian safety and overspill parking into surrounding residential streets to the detriment of the amenities of nearby residents.
- Due to the lack of comprehensive information and evidence relating to the net gains in biodiversity and potential impact on protected species, the proposed development would adversely impact on the biodiversity interests in and around the application site.
- The proposed development fails to provide adequate protection for the loss of trees along with suitable mitigation measures for their removal. This is due to poor and inadequate information being submitted relating to the landscaping strategy for new tree planting, boundary treatments and well-designed hard and soft landscaping.
- The proposed development fails to demonstrate that the proposal has been designed to minimise or mitigate for surface water run-off that would lead to flooding of the adjacent buildings within the Sports Village due to inadequate measures and mitigation being incorporated as part of the development.

- Without evidence to the contrary, the proposal may result in adverse impact on the surrounding residents properties in terms of air quality due to insufficient information submitted within the Transport Assessment.
- The proposed development would fail to provide the appropriate financial and non-financial planning obligations to mitigate the impact of the development (but not limited to) in terms of highway improvements, sustainable transport, School Travel Plan and Local Employment and Training.

1. **BACKGROUND**

1.1 **Site and Surroundings:**

1.2 The application site is located within the southern end of Rose Hill Recreation Ground. The site area includes the redundant all weather pitch to the south of the Sports Village occupied by Greenwich Leisure Limited. The site also includes underused tennis courts to the north east of the all weather pitch, land to the north of the courts and the land that comprises the access and car park from Rose Hill that would be shared by all future uses including the school. To the north and north-west of the site is the Sutton Sports Village, a complex of a variety of sports facilities. The facilities include a tennis academy, an adult gym, a gym for children, a physiotherapy clinic, a gymnastics academy, a dance academy, a soft play area, a football academy, a nursery and two cafes. The Sports Village is accessed via Rose Hill with car parking either side of the access and which also serves the Rosehill Community Pavilion which adjoins the site to the north.

1.3 The application site is enclosed to the east and south by Rosehill Recreation Ground. The recreation ground is divided into two areas by the vehicular access. The southern area located immediately east of the application site is a playing field which includes a cricket pitch. The northern section is used for informal recreation and leisure purposes. To the south east of the application site is the tennis courts, which are proposed to be used on a temporary basis for the construction compound.

1.4 A railway line lies to the west, with a line of trees between the railway line and sports village and wider recreation ground.

1.5 The wider area surrounding the recreation ground comprises mainly of residential properties with Rosehill District Centre located to the north of the recreation ground and Sutton Town Centre located to the south.

1.6 The application site can be accessed by car, cycle or on foot via three entrances from Rose Hill and one pedestrian access from Reigate Avenue.

1.7 The site has a Public Transport Accessibility level (PTAL) of 3, which is classified as 'moderate'.

1.8 **Site Specific Designations:**

1.9 Area at Risk of Flooding, Metropolitan Green Chain, Metropolitan Open Land (partially), Proposed Tramlink Extension, Public Open Space, Site of Importance for Nature Conservation, Urban Green Space, Wandle Valley Regional Park and Site Allocation 98 'All Weather Pitch and Part of Tennis Centre'.

1.10 Site Allocation 'S98 All Weather Pitch and Part of Tennis Centre' is allocated for secondary school, sixth form and SEN provision. Any development scheme should pay particular regard to the following:

- Providing 8 forms of entry with a sixth form and some Special Education Need Provision.
- Providing onsite sports facilities.
- Providing high quality design that respects the open character of the adjacent open space.
- Provision of hard and soft play areas and sports pitches.
- Ensuring the traffic flow on Rose Hill is not unduly affected.
- Improving vehicular access from Rose Hill and pedestrian access to the site.
- Respecting the amenity of nearby residents.
- Safeguarding and enhancing the nature conservation of the surrounding site.
- Retaining the mature trees within and around the site.
- The need to provide flood risk assessments and appropriate Sustainable Urban Drainage System Measures.

1.11 **Relevant Planning History:**

1.12 SUT/25207 'Erection of Bowls Pavilion' granted 6.1.1961.

1.13 85/27554 'Erection of a single-storey building for storage purposes and provision incorporating refreshment facilities' granted 3.4.1985.

1.14 85/27553 'Rebuilding of a sports pavilion incorporating refreshment facilities' granted 3.4.1985.

1.15 86/28814 'Erection of a single-storey building for storage purposes and provision of yard area bounded by a 2.5 metre high security fence' granted 30.6.1986.

1.16 89/32823 'Formation of a junior tennis centre comprising airhall with a single-storey amenity building and outdoor tennis courts with floodlighting' granted 17.7.1989.

- 1.17 89/32922 'Provision of a synthetic sports pitch with associated car parking, floodlighting, site lighting and access' granted 17.7.1989.
- 1.18 90/34378 'Display of three externally illuminated name boards on main entrance structure and three non-illuminated company logo signs on the air hall' granted 20.6.1990.
- 1.19 90/35045 'Provision of a fabric covered, steel supported structure over five existing tennis courts' granted 15.10.1990.
- 1.20 90/35046 'Erection of a metal clad covered building over five existing tennis courts' granted 15.10.1990.
- 1.21 91/35920 'Display of non-illuminated windbreaker signs' granted 2.9.1991.
- 1.22 95/39882 'Erection of an extension to provide fitness suite and changing facilities' granted 5.9.1995.
- 1.23 98/42816 'Erection of a building comprising six indoor tennis courts and multi-sports area with ancillary accommodation, provision of six outdoor tennis courts, extension to front of existing tennis hall, relocated car parking facilities and formation of an embankment (minor amendment to app. No. 95/40244/FUL comprising reduction of floorspace of previously approved building and minor extension to existing building to provide remodelled reception facilities)' granted 11.3.1998.
- 1.24 99/44484 Provision of lobby to previously approved building under ref: No. 98/42816/FUL and walkway to link to existing tennis centre' granted 25.6.1999.
- 1.25 99/44485 'Relocation of six tennis courts, provision of two additional tennis courts and erection of two single-storey maintenance buildings all in connection with previously approved application No. B98/42816/FUL' granted 28.7.1999.
- 1.26 01/48122 'Erection of a building to provide two indoor tennis courts on site of two outdoor tennis courts' granted 13.2.2002.
- 1.27 01/47387 'Display of two non-illuminated high level signs and two freestanding illuminated information boards' granted 30.8.2001.
- 1.28 02/49131 'Provision of a 2.4 metre high security fence' granted 20.6.2002.
- 1.29 10/62997 Provision of roof lights/ventilators at roof level and alterations to elevations' granted 18.10.2010.
- 1.30 12/66489 'Non material amendment to planning application B2010/62997/FUL omission of rooflights and ventilators and relocation of doors' granted 16.10.2012.

- 1.31 14/70256 'Non-Material Amendment to application B2013/68543 - Change floodlighting to nine 8m high columns to the padel tennis courts and to ten 10m high columns to the existing clay courts' refused 18.9.2014.
- 1.32 14/70236 'Installation of a new window at first floor level on east elevation' granted 7.11.2014.
- 1.33 18/00360 'Erection of dome to enclose 4 existing outdoor tennis courts and associated plant' granted 4.6.2018.
- 1.34 18/01952 'Non-material amendment to approved application DM2018/00360 to extend the dome length, relocate and extend the existing fence and amend the door locations' granted 20.11.2018.
- 1.35 The proposed development has been subject to a request for an EIA Screening Opinion (EIA2019/00002) submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and The Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018. The Council issued an EIA Screening Opinion on the 29 May confirming that the proposed development was a development requiring an Environmental Impact Assessment (EIA).
- 1.36 The applicant referred the opinion to the Secretary of State with a request for a Screening Direction in accordance with the provisions of Regulation 6 (10) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Secretary of State confirmed that the proposal did not require a EIA on the 21st June 2019.

2 APPLICATION PROPOSAL

- 2.1 Planning permission is sought for the erection of a four-storey building creating a new eight form entry secondary school, including a sixth form, a Special Educational Needs (SEN) school for secondary age students and a detached part-one, part-two storey sports hall (Use Class D1), modification of existing access from Rose Hill, provision of areas of hard playing space, car parking, cycle parking and hard and soft landscaping works and other associated works.
- 2.2 This application will be a Free School, the school would be funded by the Department for Education which provides funding for education. The proposed school is sponsored by the Greenshaw Learning Trust that operates Greenshaw High School. The application has been submitted on behalf of Wates Construction Limited, the appointed contractor.
- 2.3 The proposed main school would be positioned a minimum of 45 metres from the western site boundary, 12.5 metres from the southern site boundary, 8 metres

from the eastern site boundary and 14.5 metres from the south-eastern site boundary with the existing Sutton Sports Village. The main school building would be positioned 15 metres from the eastern elevation of the proposed sports hall.

- 2.4 The proposed school building would measure 88.3 metres in width, 39.4 metres in depth and 16.4 metres in height including the parapet. At roof level there are riser housing units, boiler flues and condenser units which have a maximum height of 2.9 metres, bringing the total height of the building to 19.3 metres. The ground floor of the main school incorporates an entrance lobby, reception, meeting rooms, dining hall, classrooms, storerooms, plant rooms, kitchen, general office space and w.c's. The first floor incorporates classrooms, store rooms, w.c's and a library. The second floor incorporates classrooms, office space and w.c's. The third floor is solely for the main school and incorporates classrooms, staffroom, storerooms, w.c's and 6th form social and learning rooms.
- 2.5 The ground floor of the SEN school incorporates an entrance lobby, general office space, reception, dining hall, main hall and kitchen. The first floor incorporates classrooms, a therapy room, w.c's, staff room, library and quiet bays. The roof incorporates 22 rooflights, riser housings, photovoltaics, boiler flues and condenser units.
- 2.6 The main school building would be completed in dark brickwork to the plinth at ground floor, a light brick to the upper floors to the north, south and eastern elevations with a light coloured render to the upper floors to the western elevation. Coloured panel inserts are proposed within the window reveals to the upper floors with coloured canopies to the school entrances to give each school a separate identity.
- 2.7 Two types of glazing are proposed to differentiate between the two schools. The SEN school proposes individual punched windows and the main school proposes windows with infill coloured panels between the windows which provides a horizontal emphasis. The main entrance to the secondary school is emphasised by double height glazing and vertical glazing bands break up the elevations on all sides. The SEN facade uses protruding brick detailing along the principal elevation.
- 2.8 The proposed sports hall would be located 5 metres from the northern site boundary (adjacent to the existing Sutton Sports Village), 5.5 metres from the western site boundary, 73 metres from the southern site boundary and 60.2 metres from the eastern site boundary.
- 2.9 The proposed sports hall would be part single storey and part two storeys in height, measuring a total width of 36.5, a total depth of 33.9 metres and 7.5 metres in height at single storey level and 10.8 metres in height at two storey level. The sports hall incorporates an activity studio, plant room, PE and activity store rooms, changing rooms, office and a double height sports hall. No windows are

proposed along the west and north elevations, with windows only proposed within the east and south elevations.

- 2.10 The sports hall is proposed to be finished in light brick to the single storey element and the plinth to the two storey element. The remainder of the sports hall would be finished in a grey coloured composite flat panel cladding.
- 2.11 The sports hall has been designed as a separate building and is situated to the north west corner of the application site immediately adjacent to the Sutton Sports Village and to the west of the proposed school building.
- 2.12 To the south of the sports hall and to the west of the school building is the proposed external dining area, netball courts, hard courts and basketball shooting area.
- 2.13 Vehicle access is proposed from Rose Hill which also serves the Sutton Sports Village and a pedestrian access is proposed from the south of Rosehill Recreation Ground.
- 2.14 **Amendments:**
- 2.15 An amended Design and Access Landscaping Addendum was received on the 15.8.2019, Aecom Sutton Free Schools 1 and 2: Biodiversity Planning response was received on the 12.8.2019 and Method Consulting External Lighting letter dated 12.8.2019 was received in response to the biodiversity officers comments. A letter dated 2.8.2019 from AKS Ward Ltd was received in response to the Lead Local Flood Risk Officers comments.

3 **PUBLICITY**

3.1 **Consultation:**

- 3.2 A total of 2314 letters were sent to local residents between the 10 and 13 July 2019 and 4 sites notices were displayed within the vicinity of the site. In addition, the application was advertised in the Sutton Guardian on the 11 July 2019. The following roads were notified of the application:

- All Saints Road, Angel Hill, Ashleigh Gardens, Aultone Way, Benhill Wood Road, Calthorpe Gardens, Chudleigh Gardens, Cleeve Way, Conifer Gardens, Cranleigh Gardens, Danescourt Crescent, Edinburgh Road, Fairlands Avenue, Farrier Place, Gloucester Gardens, Grennell Road, Hawthorn Road, Hillview Road, Horse Shoe Green, Hove Gardens, Hurstcourt Road, Huston Road, Kendal Gardens, Lindores Road, Longford Gardens, Meadow Close, Monksdene Gardens, Montrose Gardens, Nash Close, Oak Close, Ranfurly Road, Reigate Avenue, Robertsbridge Road, Roseacre Close, Rosehill Gardens, Rose Hill, Rose Hill Park West, St Johns

Road, Stavordale Road, Sutton Common Road, Vermont Road, Waverley Avenue, Woodend and Wrythe Lane.

3.3 The application was republished by way of 4 sites notices erected within the visibility of the site on the 20 August 2019 and the application was advertised in the Sutton Guardian on the 22 August 2019. The application was re-advertised as the application site is on Metropolitan Open Land and is classified as a departure. The overall expiry date of the re-consultation is the 12 September 2019.

3.4 The Greater London Authority (GLA) have advised that the proposal is not referable as outlined within the Mayor of London Order (2008).

3.5 **Number of Letters Received in Response to the Proposal:**

3.6 The application received in total 67 objections as part of the application. The received objections are listed below with officer responses to each objection.

- 183 Albion Road
- 45 Alexandra Avenue
- 26 All Saints Road
- 3, 5, 17, 27, 28, 41 Ashleigh Gardens
- 1, 2, 21, 22 Aultone Way
- 37 Benhilton Gardens
- 216 Benhill Road
- 39A Benhill Wood Road
- 21 Calthorpe Gardens
- 1 Gallica Court, Cleeve Way
- 151 Collingwood Road
- 6, 10, 12, 22, 24 Cranleigh Gardens
- 51 Elmwood Close
- 2, 12 Gloucester Gardens
- 9 Greenhill
- 104 Grennell Road
- 1, 6 Hawthorne Close
- 15 Hexham Road
- 39 Hunston Road
- 75 Hurstcourt Road
- 2, 3 Keynsham Walk
- 44 Longford Gardens
- 20 Meadow Close
- 1, 7 Monksdene Gardens
- 1, 7, 26 Montrose Gardens
- 10 Rosehill Avenue
- 1, 4, 12, 14, 23, 24 Rosehill Gardens
- 6A Rose Hill
- 2, 40, 72 Rose Hill Park West

- 19 Sunbury Road
- 18 Vermont Road
- 7, 13, 44, 63, 74 Waverley Avenue
- 8, 25, 27, 39, 41 Woodend
- 13 Woodside Road

3.7 Representations Received:

3.8 The planning application has received in total 67 objections. These objections are listed below with an officer response listed within the table below.

Objection Letters Received	Officer Response
Increase in traffic, parking pressures and inadequate public transport capacity during construction and operation of the school.	The application does not clarify the demand for pupil trips by car and without this, it cannot be assumed there are no adverse traffic impacts. The moderate PTAL of the site will ensure that a considerable amount of pupils will travel to school by public transport, although the use of the shared car park with other users of Rosehill and the Sports Village alongside the lack of a management plan to explain how drop offs and pick-ups, construction traffic and staff will be managed is such that there are concerns over highway and pedestrian safety as well as the potential for overspill parking in adjacent residential streets.
There are already enough secondary schools in Sutton that can accommodate extra pupils.	The need for a further secondary school and SEN accommodation was considered sound by the Inspector appointed to Examine Sutton's Local Plan.
Loss of the park/green space and tennis courts.	The principle of removing the redundant all weather pitch and tennis courts was agreed as part of the discussions leading to the allocation of the site in the Local Plan for secondary school, sixth form and SEN provision. (Also see comments by Sport England)
Dedesignation of MOL without residents being notified.	This is not the case. The Inspector at the Examination in public recommended that in order that the Local Plan met the test of soundness that the MOL designation be removed from the area identified as being suitable for the secondary school, sixth form and SEN accommodation. The Council undertook consultation on this recommended change when consulting on the Main Modifications to the Local Plan.

	<p>The Council undertook consultation on the Local Plan issues and Preferred Options between 18 February 2016 and 8 April 2016, A Statement of Consultation (SoC) was prepared in February 2017 which set out how the Draft Local Plan had been consulted upon and how the consultation had met the requirements of Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012.</p> <p>Concerns were raised by a number of consultees and residents in respect of a school being located within this area. The Planning Inspectorate did not raise concerns with the de-designation of the MOL from the site allocation.</p>
<p>The proposed outdoor space is inadequate and will have to use parts of the park for play/ activities. There is a lack of soft landscaping proposes.</p>	<p>Whilst it is agreed that the external play areas within the site boundary are neither quantitatively or qualitatively acceptable, the school do not have rights to use the park for play/activities. The design of the development by not using the entire site area set aside in the Local Plan results in a cramped form of development which limits the opportunities to provide good quality hard and soft landscaping.</p>
<p>The site is unsuitable and not big enough.</p>	<p>When the site was allocated in the Local Plan it set aside a larger developable area. By not using the whole site the applicants are constraining the form of development into a smaller site which has implications for the impact that the development has on its surroundings and the MOL in particular.</p>
<p>The proposed building is out of context with the surrounding area in terms of height, massing, materials, design, siting, impact on the adjacent MOL, impact on the Sutton Garden Suburb Conservation Area, will dominate the surrounding area.</p>	<p>Officers completely agree with the comments on this ground as set out in detail within the main body of the report.</p>
<p>Impact through noise disturbance, dust, air quality and pollution.</p>	<p>There will be impacts as stated, but it is considered that had the application been considered acceptable in all other respects, conditions around travel preferences (travel plan)</p>

	<p>and the construction method statement would mitigate against these impacts</p> <p>officers agree that there could be an impact on air quality due to the inaccurate information submitted within the Transport Assessment which forms the data within the Air Quality Assessment. The Council's Environmental Health Officer has advised that there will be no adverse impact on residents and students in terms of noise and disturbance.</p>
Loss of views to the existing tree line to the rear of the site	<p>In designating this site for use for educational purposes and noting an appropriate form of development is likely to affect views of the tree line along the railway, this could be accepted if there were suitable compensatory planting to mitigate that impact, but the proposal does not do enough to provide this.</p>
The proposed entrance to the site is unsuitable for the amount of traffic and vehicles required to service the school.	<p>The applicant has tabled options to improve the entrance to the site from Rosehill of which two have been discounted as they result in the loss of mature trees on the Rosehill frontage. The Council's Highways team are considering the remaining options for their suitability at the time this report was published and a further update will be given at Planning Committee.</p>
The proposed car parking is not adequate for everyone wanting to use all of the facilities within the park.	<p>See also comment above - this is also a concern of officers.</p>
No information has been provided to justify the need of the school. The proposed SEN school could be built elsewhere.	<p>See comment above - this was set out as part of the evidence to the Local Plan. The shortage of deliverable sites for education in Sutton means that it is not a reasonable argument to suggest the SEN school could be built elsewhere.</p>
The proposed building does not include environmental features such as a living roof.	<p>Officers have recommended this to the applicant but this has been dismissed as the main school building contains a considerable amount of plant, rooflights and photovoltaic panels. Whilst desirable it is not clear whether a living (or green) can be accommodated.</p>
Other brownfield locations should be looked at first.	<p>The Council adopted this hierarchical approach in the site searches which formed the evidence base to the local plan which identified two sites for secondary schools. The secondary school nearing completion on the site of the former Sutton Hospital came forward first as it was on</p>

	brownfield land. In the absence of other brownfield sites, the second site for a secondary school is this site at Rosehill.
Loss of privacy.	Due to separation distances to the residential properties officers consider that there will be no adverse impact to residents from loss of privacy.
The inclusion of fences around the school could lead to a fire hazard to the sports village.	Although not strictly a planning consideration as this is the remit of Building Regulations, the school has to include fences to safeguard both the staff and pupils but also to ensure there is a clear separation of boundaries between the school and the park. The London Fire Brigade have no objection subject to the scheme complying with the requirements of Building Regulations.
The land to the north of the application site should be used for car parking, which will allow for improvements to the design of the school building.	Officers agree with this statement.
The park will become an intimidating place to be, there is already anti-social behaviour with the other secondary schools in the area, conditions should be attached to any planning permission to prevent any anti-social behaviour, littering and vandalism.	These concerns are noted and had the application be considered acceptable in all other respects, through discussions with the Council's Parks Service, the police and users of facilities at Rosehill, appropriate conditions could be put in place to mitigate any potential harm. The Crime Prevention Officer raised no objection to the proposal subject to suitable conditions.
There will be a loss of free play areas which could lead to an increase in obesity in children.	The principle of removing the redundant all weather pitch and tennis courts was agreed as part of the discussions leading to the allocation of the site in the Local Plan for secondary school, sixth form and SEN provision. The tennis courts to the south of the wider Rosehill Recreation Ground will only be temporarily unavailable during construction.
If the application is approved there will also need to be a temporary school built.	If approved DfE and Greenshaw Learning Trust would agree to open 3 Robin Hood Lane.
Ecological impacts.	Officers agree with this statement.
School place shortages could be addressed by	Whilst there remains no policy intention to allow new selective schools to be created, the

<p>bringing Sutton's grammar schools into the comprehensive system.</p>	<p>Government has recently promoted a programme of expansion for selective schools in England - an indication of their support for academically selective schools. It is therefore extremely unlikely that any proposal to close Sutton's Grammar schools and reopen them as comprehensive schools (to avoid the need to create more school places in the Borough) would be successful nor is this in the gift of the Local Authority who have no powers to make such a proposal given that all of the grammar schools in the Borough are academies.</p>
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3.9 Summary of Non Material Representation:

- The proposal will devalue property prices.
- The school is near Merton, are they proposing to build on any parks to accommodate a school.

3.10 The application received in total 10 letters of support from the following addresses:

- 8 Ashleigh Gardens
- 4 Bolton Drive
- 14 Glana Mount
- 60, 71 Salisbury Avenue
- Rose Marie, Seymour Road
- 1 Seymour Street
- 351 Sutton Common Road
- 24, 46 Woodend

3.11 The application was supported for the following reasons:

- The proposal is aligned to meet the identified need and should be supported in principle.
- The proposed tram link route would help serve the school from local areas.
- Sutton needs a further secondary school and this is a good location.
- A large building will not impact on immediate local residents as the site is isolated by roads.
- The park can be used by the pupils as well.
- The surrounding area might improve with the school.
- The planned traffic management and access to the school has been carefully thought out to avoid further congestion.
- The school is necessary and the plans are the best way to achieve this objective.

- There will be sport, health and well-being benefits for the children at the school due to its location next to the sports village combined with the additional sports facilities the school will have.

3.12 Internal and External Consultations:

3.13 The following internal consultees were consulted and the comments are listed in the table below:

Internal Consultation	Comments Received
Parks	<p>Objection has been raised on the following points:</p> <ul style="list-style-type: none"> • The proposed trees seems sparse. The trees are planted in rows would look better if grouped into small stands. • The changes proposed to the car park will remove a central pedestrian crossing effective splitting the park into two parts with a busy car park in the centre of the site. • The current arrangement restricts traffic flow and thereby keeps speeds down. Straightening the access road will lead to faster moving traffic flow, combined with loss of the safe crossing point. • The existing paved area to be removed is directly outside the cafe and a children's playground, the removal of the paved area would have safety implications and in addition could lead to the loss of the outdoor seating area for the cafe. • The seating could potentially be located next to the access road and parked cars rather than at present where it separated from traffic by a large paved area and shrub border. This area is developing into an attractive hub for parks visitors and that will be lost if these changes are made.
Sustainability	<p>No objection raised subject to conditions for a Building Research Establishment Environmental Assessment Method (BREEAM) design stage certificate, BREEAM post-construction certificate, as-built Building Regulations UK Part L (BRUKL) outputs, the buildings to be constructed in accordance with the overheating strategy within the Energy Statement and evidence to show that the proposal will achieve an improved Green Space Factor score of +0.2.</p>
Biodiversity	<p>Concerns have been raised on the following points:</p>

	<ul style="list-style-type: none"> ● There are discrepancies between the draft and submitted PEA (Preliminary Ecological Appraisal) in terms of Biodiversity Accounting. No justification has been provided as to why the habitat areas differ as the site visits dates in both documents are the same. ● The reduction in amenity grassland from 2.0ha to 0.36ha reduces the value of the habitat from 4.02 to 0.72 units, a significant downgrading. ● The draft and submitted PEA show different footprints and whilst the rationale behind this is understood, an amount of this amenity grassland will be removed and then reinstated. This attracts a temporal and difficulty risk factor of 1.1 and 1. These risk factors for establishment have not been applied and therefore under represent the total impact. ● There are issues arising from the post development calculations in regards to Sutton’s Biodiversity Impact Assessment Calculator. ● There is no detailed post development landscaping mastermap that links the proposed biodiversity accounting, no wildlife friendly species for enhancement within the PEA have been included in the landscaping plan and the proposed planting is ‘poor’ which would lead to further net loss ● Increased bat and bird boxes should be utilised ● No creation, aftercare, management or maintenance plans have been submitted ● The bat survey contains errors and concerns are raised in respect to the timing of the surveys and may affect bat roost. ● The submitted lux levels do not extend beyond the redline boundary to fully assess the impact, no current lighting levels are shown, no external lighting is shown for the Multi Use Games Area (MUGA). ● No green infrastructure is proposed lacks in delivering the aims of the local plan policies.
<p>Highways</p>	<p>Concerns are raised on the following points:</p> <ul style="list-style-type: none"> ● Concerns are raised in respect of the unrestricted use of the existing Sutton Sports Village car park by both staff and parents to

	<p>pick up and drop off pupils would undermine travel by sustainable modes. There are no proposed measures to prevent this car park from being used by both staff and parents to pick up and drop of pupils. No evidence has been provided that the use of the existing Sutton Sports Village car park by staff of the school will not adversely impact on the future use of the Sports Village through reduced parking capacity.</p> <ul style="list-style-type: none"> ● No sufficient evidence has been provided within the TA to support the claims that all vehicle trips with be from the south of the site via Rose Hill. ● Concerns are raised in respect of the Pedestrian Comfort Level (PCL) assessment which demonstrates that the footway on Angel Hill at Bus Stop P achieves a rating of 'Unacceptable/Uncomfortable when considering the additional pedestrian flows that will arise from the proposed school. No details have been provided as to how this can be mitigated to ensure the safety of pedestrians. ● The vehicular access point does not provide a suitable pedestrian footpath through the existing car park to ensure safety to pedestrians using this route. ● The application does not provide sufficient information to demonstrate that the proposal is compliant with Transport for London's 'Vision Zero' to ensure highway safety in the immediate vicinity of the school. ● Concerns are raised in respect of the assumptions made for the total number of vehicle trips during peak hours which have been significantly underestimated, are incorrect and do not reflect the total traffic impact resulting from the proposed development ● The proposed improvements to the site access have not been adequately developed and no final option has been identified for Highways to assess as part of this application.
Waste Management	No objection.
Tree Officer	Concerns are raised on the following points:

	<ul style="list-style-type: none"> • Considers that options 1 and 2 for the widening of the highway from Rose Hill are unacceptable. • The landscaping proposals are lacking in sufficient details relating to limited soft landscaping provisions, proposed planting and sensory garden plant choice. • To meet policy aims a green roof should be included within the proposal. • Tree T110 due to its quality and value can be removed and replaced with planting of ornamental and biodiversity benefits. • Due to the uniformity of the building, the proposed uniformity of the planting along the eastern boundary is not the best option. The tree line needs to provide screening, softening and biodiversity benefits through revised planting mix or additional planting in the park along the eastern boundary.
Lead Local Flood Risk Authority	Concerns have been raised as the applicant has not used the total site area (2.6 Ha) within the calculations and it is unclear whether the exceedance flows will leave the site via the highway or if they will cause flooding of the indoor tennis courts.
Environmental Health	Concerns have been raised due to the inaccuracies within the Transport Assessment the assumptions made with the Air Quality Assessment and Air Quality Neutral Assessment cannot be relied upon to enable officers to make an information decision on air quality impact. No concerns have been raised in respect of land contamination.

3.14 The following external consultees were consulted and the comments are listed in the table below:

External Consultation	Comments Received
Network Rail	No objection raised subject to conditions for future maintenance, drainage, plant and material operation, scaffolding, piling, fencing, lighting, noise and vibration, landscaping and vehicle parking.
Sport England	Concerns have been raised on the following points: <ul style="list-style-type: none"> • Object to the application as it does not accord with any of the expectations of Sport England’s Playing Fields Policy or para 97 of the NPPF,

	<p>due to the loss of 5 floodlit outdoor courts and an impact on further outdoor courts.</p> <ul style="list-style-type: none"> ● Consideration needs to be given to the design of the new facilities and the sports that will be accommodated within them. ● The sports hall and outdoor courts (which should be floodlit) should include court/ pitch dimensions and meet Sport England's design guidance. ● Further details sought on which sports will be used in the hall, a review of the boundary treatment, the time the tennis courts will be closed and when they are to be reopened, floodlighting to the outdoor courts, whether car parking can also be used by the leisure centre users, contributions towards the improvements to the playing fields and indoor cricket facilities be provided in the sports hall.
Transport for London	<p>Concerns are raised due to insufficient details being provided.</p> <ul style="list-style-type: none"> ● A suitable pedestrian footway through the existing car park from the main vehicular access point should be provided. ● Further details should be provided to demonstrate measures to improve highway safety on Rose Hill, and in particular addressing the issues in respect to overcrowding on the footway at Bus Stop P. ● The submitted trip generation should be amended to reflect both arrival and departure trips during peak hours. ● Further evidence is required to support the assumptions for pupil vehicle trips. ● 5 percent of all cycle parking spaces provided should be capable of accommodating larger cycles, including cargo bikes and adapted cycles for disabled people. ● Measures should be sought to restrict pupil pick up/drop offs from taking place in the existing Sutton Sports village. ● A Car Parking Design and Management Plan is required to be secured by condition.
Environment Agency	<p>No objection subject to conditions for the development to be carried out in accordance with the Flood Risk Assessment, any contamination not identified is found</p>

	to be present a remediation strategy shall be submitted, no drainage system for the infiltration of surface water drainage into the ground are permitted and piling or other foundation designs using penetrative methods shall not be used.
Thames Water	No objection.
London Fire Brigade	No objection subject to access for fire appliances as required by Part B5 of the current building Regulations Approved Document B and adequate water supplies for fire fighting purposes will be provided. Confirmation that no additional hydrants are required and no further action is required.
Crime Prevention	No objection subject to a condition for a full and detailed secure by design report.
Surrey and East Sutton Water	Any comments received will be reported orally to committee.
Woodland Trust	Any comments received will be reported orally to committee.

3.15 **Councillor Representations:**

3.16 Councillors Ruth Dombey, Marlene Heron and Steve Penneck object to the proposal due to the poor design quality and impact on road safety. Councillor Penneck considers that the proposal fails to take the opportunities for improving the character of the area, does not offer outstanding or innovate design and presents an unacceptable impact on highway safety.

4 **MATERIAL PLANNING POLICIES**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- London Plan 2016
- Sutton Local Plan 2018

4.2 **Also a material consideration in determining planning applications are:**

- National Planning Policy Framework (NPPF) 2019.
- National Planning Policy Guidance (NPPG).
- Adopted London Borough of Sutton Supplementary Planning Guidance Documents.
- Human Rights Act 1998
- Equality Act 2010

- Draft London Plan 2017

4.3 **Public Sector Equality Duty (PSED) and Human Rights.**

4.4 In making your decision you must have regard to the Public Sector Equality Duty (PSED) under s149 of the Equality Act (2010). This means the Council must have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of (paragraphs 5.10 - 5.35) those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

4.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s149 as all the factors that need to be considered may be balanced against other relevant factors.

4.7 It is considered that although the grant of planning permission would have a positive impact on some protected characteristics (age and disability), the refusal of this application would have a neutral impact on those who share a protected characteristic insofar as children and those with disability issues. This is due to the existing site circumstances as a redundant all weather pitch, underused tennis courts and that there is no existing education facility on-site; therefore there is no worsening of the situation in equality terms.

4.8 In essence, although refusing planning permission for a new education facility would fail to achieve benefits for children (age) and those with disability issues as protected characteristics, due regard has been had to the fact that those benefits are not being achieved to be sufficient to justify the grant of planning permission alone.

4.9 Accordingly, it is not considered that the recommendation to refuse planning permission in this case will have a disproportionately adverse impact on a protected characteristic. It is also considered that the decision takes into account issues arising from the Human Rights Act (1998).

4.10 **Material Planning Policies in the Determination of this Application:**

4.11 London Plan 2016 Policies:

- 1.1 Delivering the strategic vision and objectives for London
- 2.6 Outer London: Vision and Strategy
- 2.8 Outer London: Transport
- 2.18 Green infrastructure: the multi-functional network of green and open spaces
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.6 Children and young people's play and informal recreation facilities
- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education facilities
- 3.19 Sports facilities
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.8 Innovative energy technology
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.2 Providing public transport capacity and safeguarding land for transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality

- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.16 Green Belt
- 7.17 Metropolitan Open Land
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

4.12 **Sutton Local Plan 2018 Policies**

- 1 Sustainable Growth
- 4 Tramlink and Major Development Proposals
- 5 Wandle Valley Renewal
- 20 Education and Skills
- 22 Social and Community Infrastructure, including Public Houses
- 24 Green Belt and Metropolitan Open Land
- 25 Open Spaces
- 26 Biodiversity
- 28 Character and Design
- 29 Protecting Amenity
- 30 Heritage
- 31 Carbon and Energy
- 32 Flood Risk and Sustainable Drainage
- 33 Climate Change Adaptation
- 34 Environmental Protection
- 36 Transport Impact
- 37 Parking
- 38 Infrastructure Delivery
- 40 Site Allocation

4.13 **Supplementary Planning Documents**

- SPD1 Designing Out Crime
- SPD5 Planning Obligations
- SPD14 Sutton's Urban Design Guide

5 **PLANNING CONSIDERATIONS**

- 5.1 The main issues addressed within this report relate to the following (including whether any material planning objections have been reasonably addressed) as being most relevant to this application are:

A) The Principle of the Development A1 - Land Use

A2 - Educational Need

A3 - Impact on Metropolitan Open Land, Urban Green Chain and Open Space

A4 - Summary and conclusion

B) The Design of the Development

C) The Impact on Residential Amenity

D) Transport and Highways

E) Sustainable Design and Energy Efficiency

F) Flood Risk

G) Trees and Landscaping

H) Biodiversity

I) Crime Prevention

J) Air Quality and Noise Impact

K) Planning Contributions

L) Conclusion

5.2 **A) The Principle of the Development:**

5.3 **A1 - Land Use**

5.4 The National Planning Policy Framework (NPPF) sets out that at the heart of the planning system is the presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking. This means that development which accords with the development plan should be approved without delay, to allow the planning system to perform its role as a mechanism for economic, social and environmental improvements, and the NPPF requires local planning authorities to apply the presumption in favour of sustainable development when determining planning applications.

5.5 The National Planning Policy Framework sets out guidance to Local Authorities with regard to planning for school places in paragraph 94: -

*"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: 28 a) give **great weight** to the need to create, expand or alter schools through the preparation of plans and decisions on applications and (b) **work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted**" [bold, underlining added for emphasis]*

5.6 Policy 3.18D of the London Plan states that:-

*In particular, proposals for new schools, including free schools should be given positive consideration and **should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.** [bold, underlining added for emphasis]*

- 5.7 Sutton's Local Plan supports the development of education and skills. Policy 20 refers and states that (a) council will provide or support facilities for additional primary, secondary and special school places and (c) allocates this site (Rose Hill) for secondary school, sixth form and SEN provision.
- 5.8 The site search that formed the evidence base for the Local Plan identified two sites for secondary schools. The first site to come forward was for a 6.5FE entry secondary school on the site of the former Sutton Hospital which received planning permission in June 2017 and is nearing completion, being the only brownfield site identified in the site search. A second site was identified on the site of the All Weather Pitch and Part of Tennis Centre at Rosehill, the latter of which is included as site allocation S98 in the Local Plan.
- 5.9 In terms of the existing use of the land within this application, there is no objection to the loss of the redundant former all weather pitch which has not been in use for approximately 8 years, nor is there any objection to the loss of the underused tennis courts. The Local Plan allocates the area set out in S98 for the purposes of a secondary school, sixth form and SEN accommodation, which endorses the principle of use. As such, it is considered that the objections raised to the loss of these facilities without reprovision cannot be upheld in this instance as the site has been allocated for alternative use in the Local Plan.
- 5.10 **A2 - Educational Need:**
- 5.11 The National Planning Policy Framework paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local planning authorities are advised to give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- 5.12 The 2016 London Plan states that local authorities' strategic role is to take a proactive, positive and collaborative approach to development that will widen choice in education, promoting a good supply of strong schools and encouraging the development of Academies and Free Schools. Local authorities will also still be required to fulfil their statutory duty to secure sufficient school places within

their areas. London Plan policy 3.18 states that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged.

- 5.13 Policy 1 'Sustainable Growth' Infrastructure Needs (G) states that to ensure a liveable and inclusive borough, the council will enable the delivery of a tram extension to Sutton Town Centre and the London Cancer Hub, work to improve train and bus services, links and frequencies as well as other transport infrastructure within the borough and across the region, and will enable the delivery of six new or expanded health centres, three new primary schools and two new secondary schools and over 40 hectares of public open space.
- 5.14 Policy 20 'Education and Skills' seeks to provide or support the provision of facilities to meet the accommodation needs for additional primary, secondary and special school places to serve the general increase in population across the borough. The council has allocated the following sites as a secondary school:
- Land at Sutton Hospital (Site Allocation LCH1).
 - The All-Weather Pitch or Part of the All-Weather Pitch and Part of the Tennis Centre at Rosehill Recreation Ground (Site Allocation S98).
- 5.15 The council will keep the need for secondary school places under review and may search for a third site during the plan period if required.
- 5.16 A borough-wide secondary school assessment was undertaken in 2016, confirming the need for at least 2 new secondary schools in the short- and medium-term. This evidence informs Policy 1 and Policy 20 of the Local Plan, which provides support for the development of two new secondary schools, with possible provision for a third, subject to demand and other factors including the rate of growth over the Plan period. Two sites are allocated to address this requirement: the site of the nearly completed secondary school on the former Sutton Hospital site in Belmont and the Rosehill Recreation Ground (S98).
- 5.17 In August 2017 an application was approved ref: B2016/76164 for the 'Erection of a new six form entry secondary school, (Class D1), creation of a new access off Chiltern Road, modification of existing egress to Chiltern Road, construction of a hard surfaced games court above an undercroft car park, provision of other areas of hard playing space, car parking, cycle parking hard and soft landscaping works, and other associated works. This school was jointly funded by the London Borough of Sutton and the Department for Education and commissioned by the Council and forms part of the first wave of development on the London Cancer Hub site at Belmont.

- 5.18 It is considered appropriate to briefly outline the process of site selection for schools undertaken as part of the evidence base for the Local Plan. In December 2013, the council undertook a search for secondary school sites from a long list of 290 private and publicly-owned sites using the following criteria: (1) over 2ha in size, (2) over 1km from the borough boundary, (3) no new construction on site since 2004, (4) likely to be delivered. The result of the site search produced only one brownfield site, which was the Sutton Hospital site. The other sites included Rosehill All Weather Pitch together with the vacant Land to the West of Carshalton Athletic, 6 allotments and 13 pieces of public open space.
- 5.19 In October 2015, the council undertook a further site search to identify both secondary and primary school sites. The search comprised 267 private and publicly-owned sites with the following criteria: (1) over 0.4ha in size, (2) above a Public Transport Availability of 1 (the lowest); (3) further planning considerations and deliverability. The shortlist for secondary school sites were those which were consulted upon as part of the Local Plan Issues and Preferred Options consultation, a document which was approved by the Housing, Economy and Business Committee in January 2016. The shortlist comprised: Sutton Hospital, Sutton West Centre, Civic Centre, Robin Hood Junior School, part of a regenerated Chaucer Estate, part of a regenerated Benhill Estate, part of a regenerated Collingwood Estate, Collingwood Recreation Ground, Part of Rosehill Recreation Ground and the Tennis Centre Rosehill.
- 5.20 Following the Local Plan Issues and Preferred Options consultation, it became apparent that a number of sites on the list in the document were no longer available or the deliverability of certain sites had changed. The Sutton West Centre and Robin Hood Junior School were considered too small and it became apparent that the Civic Centre and regenerated estates would be unable to support a new school. Furthermore, the Tennis Centre at Rosehill changed ownership.
- 5.21 Following a final review of sites, it was considered that Sutton Hospital was the only available brownfield site of sufficient size to accommodate a secondary school and part of Rosehill Recreation Ground and part of the Tennis Centre was the most suitable greenfield site.
- 5.22 In April 2017, the Draft Local Plan was submitted for examination and was subject to a hearing process. During the hearing, the Inspector advised the Council that, for the plan to be considered sound, it should remove the proposed footprint of the allocated school from the Metropolitan Open Land designation. The removal of the site from Metropolitan Open Land was accepted and this is reflected in the Local Plan which was adopted in February 2018. During the course of examination, the Education Funding Agency (now the Department of Education) requested that additional land be included in the allocation to ensure that the development was deliverable, noting that the site search for identifiable locations included amongst its criteria a requirement for a site area of at least 2.0 hectares. Although the DfE were not granted the site area sought due to concerns over the impact it would

have on the openness of the MOL, they raised no objection to the site area in the Local Plan Site Allocation S98 at or after the EIP at which they were represented when this allocation was under examination.

- 5.23 The applicant has submitted a 'Educational Need Statement' which advises that The London Borough of Sutton has a statutory responsibility to ensure there are sufficient school places to meet the needs of the Borough's population. When demand for places increases, this can be achieved through the expansion of existing schools or the creation of new schools. Although the Local Authority has the statutory responsibility to ensure sufficient school places, in the case of centrally commissioned free schools, it is the Department for Education that is responsible for the funding and delivery of new school provision. Both 'Sutton Free School 1' and 'Sutton Free School 2' were commissioned and procured centrally through the free schools programme and therefore it is the Department for Education who are the developer / applicant. Greenshaw Learning Trust are the school provider approved by the Department for Education to run the proposed school. The substantive role of the Local Authority in these proposals is limited to the Local Planning Authority function.
- 5.24 Live births have increased significantly in the Borough - there are now around 30% more births a year than after the turn of the millenium (around 600 more a year). This has resulted in significant additional demand for primary school places in the Borough. Since 2008, the Local Authority has commissioned 22 permanent forms of entry in the primary sector which are now largely delivered with only one project outstanding. This has created an additional 4,445 primary school places with the vast majority of these places taken up by Sutton pupils and with relatively little spare capacity / unfilled places.
- 5.25 Increases in demand in the primary sector will create additional demand in the secondary sector. There are currently 15 secondary schools in the Borough. Secondary schools are principally planned on years of admission (year 7). The Borough's projections for secondary school places in the Borough is set out in the table below. The first row is the year of admission, the second row indicates the number of year 6 pupils coming through the borough's primary schools the year previously, the third row the year 7 projection (allowing for cross border movements based on historical trends), the fourth row is the collective Published Admission Number of secondary schools in the borough which include the new Harris Academy Sutton school that opened in 2018 and the fifth row the expected deficit of places in the future.
- 5.26 Shaded columns represent actual numbers on roll data for Year 7, with projections thereafter. The projections indicate that even with Harris Academy Sutton opening in 2018 that demand for secondary school places was likely to exceed the available places from 2019 rising to a shortage of about 300 places by 2020.

Year	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27
Yr 6	2023	2100	2284	2419	2549	2567	2570	2629	2519	2430	2551
Yr 7	3098	3162	3326	3479	3615	3633	3637	3698	3583	3490	3617
Proj PAN	3099	3099	3314	3314	3314	3314	3314	3314	3314	3314	3314
+ / -	1	-63	-12	-165	-301	-319	-323	-384	-269	-176	-303

- 5.27 The table above anticipates cross border movements in and out of the Borough. Sutton is a significant net importer of secondary age pupils with over 35% of the pupils attending a Sutton secondary school residing outside of the Borough. This is for a number of reasons: (i) Sutton has a selective / grammar school system with 5 of the Borough's secondary schools selecting on ability (mainly) rather than geographical proximity – this accounts for a large proportion of out borough pupils, (ii) Schools being situated on Borough borders that would naturally recruit pupils from other local authority areas as well as faith based schools that recruit from catholic deaneries / parish boundaries beyond the Borough's administrative boundaries, (iii) the relative popularity of schools in Sutton.
- 5.28 The Local Authority is not in control of the admissions criteria of the Borough's secondary schools, nor is it in control of national policy on selective or faith based education and therefore it must plan secondary school places within this context. It is not a viable strategy to resist the expansion or creation of existing / new schools in an attempt to reduce the number of out Borough pupils attending secondary schools in Sutton because this would require significant changes to admissions arrangements over which the Local Authority has no control (Academies are their own admissions authorities and independent from Local Authority control). The projections in the table above assume that the approximate proportions of out Borough pupils attending Sutton secondary schools in the Borough will remain consistent in future years.
- 5.29 It should be noted that most local authorities plan for a certain percentage of unfilled places in a system to allow for in year applications and to facilitate an element of choice for parents/pupils. This varies depending on the Local Authority, but 5% unfilled capacity is generally considered a reasonable basis upon which to plan unfilled capacity. This is not factored into the table above (this would in effect increase the number of additional year 7 places required on the above profile). Recent statistics published by the Department for Education show that Sutton has the lowest unfilled capacity in the secondary sector than any other London Local Authority and has the highest percentage of pupils attending in excess of the school's capacity. This further strengthens the case for additional provision in the Borough.

5.30 It is acknowledged that there is likely to be pressure for school places for 2020, which will increase further next year as the year 6 cohort in the Borough increases from 2419 to 2539 and as such without additional places being provided.

5.31 **Special Education Need:**

5.32 The application proposes a 56 place Autistic Spectrum Disorder (ASD) special school colocated with the mainstream provision is an integral part of the planning application. Special schools do not have admissions criteria based on proximity to the school site, they are based on the specific needs of pupils and whether the school is capable of meeting those needs.

5.33 Over the last 5 years, the numbers of pupils with Special Education Needs has increased significantly, in line (and beyond) the increases in the mainstream sectors. Education, Health and Care (EHC) Plans in the Borough have increased by about 50% over the last 5 years.

2014/15 - 1,116 EHC plans

2015/16 - 1,296 EHC plans

2016/17- 1,483 EHC plans

2017/18 - 1,612 EHC plans

2018/19 - 1,664 EHC plans

5.34 It should also be noted that the increase in EHC plans in Sutton has been different across different need types. The largest increase being for pupils with ASD.

5.35 Predicting demand for specialist provision is very difficult as there are a range of complex factors that can be difficult to model including (i) underlying demographic growth, (ii) the nature of how SEND pupils are assessed, (iii) the approach of different schools and LAs to assessment, (iv) the inclusivity of local education systems. Notwithstanding these challenges there has been a clear trend of increasing demand on SEND education in the Borough and a significant rise in ASD needs in the Borough.

5.36 **A3 - Impact on Metropolitan Open Land**

5.37 The NPPF refers to 'Proposals affecting the Green Belt' and explains in paragraph 143 and 144 that:-

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

*144. 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'

5.38 The NPPF in setting out advice to Local Authorities on how to determine applications recommends that substantial weight should be given to assessing the impact on the Green Belt. Metropolitan Open Land (MOL) is a protective designation with the same weight as Green Belt for open land within the urban area. The advice in the NPPF while principally considering development on existing Green Belt land does not say that any less weight should be given to development on the edge of Green Belt land that could give rise to harm.

5.39 The London Plan refers to Metropolitan Open Land in policy 7.17 stating that:-

The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances giving the same protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL. During the Examination in Public into Sutton's Local Plan, the Inspector directed the council to remove the designation of Metropolitan Open Land which would have otherwise have 'washed over' the site. This was justified due to the **"critical need for further education, the lack of alternatives and the suitability of the site..."**. This meant that any future application would not be required to demonstrate 'Very Special Circumstances' for developing on Metropolitan Open Land. However, it is important to emphasise this does not mean that any future development should not have regard to its location on the edge of MOL. The assertion in the Planning Statement attached to the application that it was **"implicit in this decision [to designate MOL]...that the proposed development will not have any impact on the remaining MOL or have any impact on its openness"** is therefore incorrect as this was neither stated or implied by the Inspector.

5.40 The council recognises that development outside of Green Belt or Metropolitan Open Land can have a harmful impact on the setting of that land if it is not sensitively designed. Policy 28n of the Local Plan states, amongst other criteria that development will be granted planning permission provided it **"Maintains the setting and visual amenity of the Green Belt, Metropolitan Open Land, Public Open Space and Urban Green Space."**

5.41 The site allocation shows a red line which includes the shared access from Rose Hill and has an area of 2.6 hectares. The pre-application discussions have been to the exclusion of the northern part of the site allocation which is a broadly rectangular area to the north of Greenwich Leisure Limited demise accessed by a strip of land suitable for vehicular access. This application includes within the red line areas of land that are currently designated as Metropolitan Open land which fall outside the area de-designated as part of the Examination of the Local Plan

and includes additional land within the car park which would be shared with other users of Rosehill including the Sports Village, the widening of the vehicular entrance to the site from Rosehill, the pedestrian path to the north of the bowling green which links the site to Rosehill, together with the access to and inclusion of the tennis courts to the south and the linkage of these courts to the site. These areas were not included within the site allocation and their inclusion means that they must be considered as a departure from the Local Plan as they involve development on Metropolitan Open Land.

5.42 The application has included this additional land not set out in the Site Allocation S98 to incorporate alterations to the vehicular and pedestrian access from Rosehill as well as the use of the tennis courts at the southern part of Rosehill Recreation for a temporary construction compound.

5.43 The applicant has submitted a technical response in respect of the application including areas within Metropolitan Open Land, outside of the site allocation S98. The letter confirms the following points:

“Within that part of redline site area that falls within designated MOL, the proposals comprise:

- a) Temporary construction compound on the site of the existing tennis courts and associated improved access;*
- b) Improvements to the visibility splays at the junction of the existing Sports Village access with Rose Hill; and*
- c) Utilisation of existing paths across Rosehill Park to provide access to the new schools.*

Neither b) nor c) comprise the construction of new buildings or structures in the MOL and therefore cannot represent ‘inappropriate development’ within the MOL in the context of Local Plan Policy 24. They would comprise engineering operations, but with no impact on the existing openness of MOL and would therefore qualify under the exemptions confirmed in paragraph 146 of NPPF3.

In terms of the temporary construction compound whilst this does include the construction of new buildings and structures that do not meet criteria (i) and (ii) of Policy 24, these buildings are for a temporary period during construction and if a planning permission were in place then they would be permitted development under the terms of Class A – temporary buildings and structures, Part 4, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Furthermore, when construction is complete the tennis courts will be reinstated.

Their temporary nature would ensure that the openness of the MOL is maintained. Their temporary nature and purpose could also be categorised as engineering

operations which would similarly qualify as not inappropriate development under the terms of NPPF3 (paragraph 146 b)).”

- 5.44 Although for reasons set out within this report, this particular development is considered to be unacceptable, there would be a requirement in any acceptable development to facilitate safe pedestrian and highway access to the site by including improved visibility splays. This is necessary because of the additional traffic entering the site from Rosehill and the requirement to provide a safe pathway for pedestrians. It is considered that the works to widen the vehicular entrance are engineering works which are regarded by paragraph 146 of the NPPF to not constitute inappropriate development in the Green Belt as they will preserve its openness and do not conflict with the purposes of including land within it. The construction compound would be considered permitted development if a planning permission were in place and would be for a temporary period after which the tennis courts will be restored, thereby preserving the openness of this part of the MOL. As such, it is considered that there will be no harm to the openness of the MOL arising from the inclusion of these additional areas of MOL that were not included in the site allocation S98.
- 5.45 The need for secondary and SEN school places up to 2031 is acknowledged and the council has allocated sites to meet this demand. However, in allocating this site for secondary school sixth form and SEN provision and making this council policy, this was done in the expectation that the whole of the site area set out in the Local Plan would be used. However, because the scheme has been brought forward under the DfE ‘superblock’ funding envelope the applicants case is that the development is acceptable within a smaller site area than envisaged when S98 was allocated in the Local Plan. The DfE did not secure the whole site allocated in the Local Plan and specifically an area of land to the north of Greenwich Leisure Limited’s demise has been excluded which has meant the development has been concentrated in a smaller area than was anticipated when the site was allocated for educational use. The consequence of the DfE’s approach is that a taller building of undistinguished design is now proposed on the edge of MOL, where the use of the whole site area in the allocation would have afforded greater opportunity to achieve a more acceptable form of development.
- 5.46 The applicants response to officers recommendation to include the whole site area including the land to the north for car parking, to give greater opportunity to redesign the main school block is that *“it is not required for car parking to service the development”*. This directly contradicts the DfEs approach to this site during the EIP when *“they requested that an additional area of land to the north of the site should be included in the allocation to ensure that sufficient car parking can be accommodated on site to service the development”*. As part of the pre-application discussions, officers explored the reasons for this apparent change but the application merely says that *“There are also technical, legal and management issues which mitigate against the inclusion of the northern section of the allocated site being included in the application site and these are articulated more fully in*

correspondence from the DfE” (underlining added for emphasis). Whilst the council is in receipt of correspondence from the DfE it does not give any planning reasons or justification on any of the grounds cited in the planning documents for not including this land. Furthermore, it is noted that the applicant has stated that this correspondence should not form part of the application and therefore it should receive no weight. The council’s Asset Management team as responsible freeholders have confirmed that there are no such impediments to using the land to the north, and that the DfE’s considerations appear to have been entirely based on the cost of including the land for development. It has also emerged through the application documents that it is proposed that the school seeks to use 28 spaces for staff in the car park shared by the other uses of the sports and leisure facilities at Rosehill. Not only does this negate the strongly held views of the applicants that they do not require any more car parking than the 68 spaces within the area deemed exclusive to the school use but it also demonstrates the need to have utilised the whole area set out in the site allocation. It is officers view that there are no planning reasons for reducing the available site area for development and the consequences of the applicants decision to use a smaller developable area is a material consideration of considerable weight.

5.47 The 2016 London Plan is clear in its support for new secondary schools in such circumstances, unless demonstrable negative impacts (that cannot be mitigated) are considered to substantially outweigh the benefits of providing a new school. It is also material that the application site is the only remaining available site in the Borough capable of delivering a new secondary school in the short-term and in line with the NPPF.

5.48 **Metropolitan Green Chain**

5.49 The London Plan Policy 2.18 ‘Green infrastructure: the multi-functional network of green and open spaces’ (E) states that:-

‘Development proposals should: A) incorporate appropriate elements of green infrastructure that are integrated into the wider network: B) encourage the linkage of green infrastructure including the Blue Ribbon Network, to the wider public realm to improve accessibility for all and develop new links, utilising green chains, street trees, and other components of urban greening’.

5.50 Green chains are important to London’s open space network, recreation and biodiversity. These are areas of linked but separate open spaces and the footpaths between them. They are accessible to the public and provide way-marked paths and other pedestrian and cycle routes.

5.51 Policy 25 ‘Open Spaces’ (iv) states that the council will seek to retain the existing level of open space in the borough by enhancing the role of Metropolitan Green Chains within the borough by protecting the open spaces within them from

inappropriate development and improving walking and cycling linkages between them.

5.52 Whilst the proposal would incorporate development within Metropolitan Green Chain and lead to the loss of the redundant all weather pitch and tennis courts this was agreed as part of the discussions leading to the allocation of the site in the Local Plan for secondary school, sixth form and SEN provision. The proposal will still maintain the existing links through the park from the north to the south and west to east. It is considered that the existing levels of public accessible pathways will be maintained.

5.53 ***Summary and Conclusion: Principle of Development***

5.54 The Council supports the provision of new, expanded and altered schools to meet the demand for school places and the above sections set out the background for why this need is required to be met and the justification for a secondary and SEN school on this site. Therefore, considerable weight should be attached to educational need in realising the intentions of Site Allocation 98. The inclusion of this site in the Development Plan to meet a specified need was on the basis of the site area agreed with the DfE as part of the discussions at the EIP into the Local Plan.

5.55 It is considered that it is entirely possible to design a high quality school using the whole site area in the Development Plan but, as the following section will set out in detail, this development has been compromised at the outset by the applicants rigid adherence to a single preferred design within a reduced site area. This has resulted in all of the development being limited to an area of approximately 1.5 ha, a design which indicates a four storey block on the edge of MOL which does not meet the expectations of policy 28 of the Local Plan and results in a poor educational environment both internally and externally. It is considered that the poor design, which is neither exemplar or exceptional makes a weak case for departing from the council's policy for taller buildings and fundamentally results in substantial harm to the setting of the MOL which it adjoins.

5.56 Noting that the NPPF advises that Local Authorities should give substantial weight to any harm to the Green Belt/MOL, in this case where the harm is considered to be lasting and negatively impacting on matters of National, Regional and Local importance, it is officers view that the balance of these considerations outweigh the case for educational need in this instance.

5.57 It is important to consider educational need in this context. In an appeal decision dated 14 February 2019 which dismissed an appeal by the DfE against the decision of the London Borough of Bromley for a secondary school for 1260 pupils in a 4/10 storey building, the Inspector sets out the approach to weighing the planning balance in such cases as follows:-

57. I acknowledge the great weight required by national policy to be given to the provision of new schools, and the reflection of this in L(ondon) P(lan) and B(orough) L(ocal) P(lan) policy. However, the NPPF states that the creation of high quality buildings and places is fundamental to what planning should achieve (NPPF para 124). Thus matters of placemaking and amenity also merit very substantial weight, both in national and local policy. The presumption in favour of the development of state-funded schools outlined by the 2011 Written Ministerial Statement is echoed by the support for such development in the two subsequent iterations of the NPPF. However, in neither case is there a presumption so compelling that it should lead to the approval of development that in other circumstances would be deemed unacceptable in its impacts or to otherwise set aside the development plan.

- 5.58 In this appeal the Inspector gave weight to the consequences of failing to deliver school places where there was insufficient evidence to show there were no alternatives to providing school places elsewhere. In the case of this application, it is evident that at present there is no reasonable long term alternative to providing pupil places on another site as demonstrated by the evidence base to the Local Plan review which identified two sites in the Borough to address need to 2031. Whilst this is a material consideration of considerable weight which might otherwise suggest the consideration of harm against educational need is more finely balanced, this in itself is counterbalanced by the fact that there are reasonable alternatives to the scheme submitted by the DfE which are deliverable over the whole of the allocated site.
- 5.59 A further consideration is that an application has been made to make temporary provision for the immediate educational need at 3 Robin Hood School, a former school building in St Nicholas Way. This would offer good quality educational accommodation for the academic years 2020/21 and 2021/22. Should this be approved, and subject to agreement by the necessary parties, this would address the immediate need for secondary school places and give time to explore other design options for the Rosehill site pupil places.
- 5.60 As such, it is concluded that whilst the use of this site for a secondary school, sixth form and SEN provision is acceptable in principle in land use terms, this particular development is unacceptable as it only uses part of the site area allocated by the Development Plan, it is poorly designed and there are reasonable alternatives for the whole site area which counter the argument that this development is the only option for the site. The harm to the adjacent MOL is considered to be substantial and the approach to how much weight should be afforded to educational need in such cases has been explained by the recent appeal decision in Bromley. In view of the reluctance by the DfE to explore all reasonable alternatives, it is not accepted that this proposal represents the only solution for realising the intentions of the whole site allocation. As such, because the applicant has failed to

demonstrate there are no reasonable alternatives to their preferred scheme, it is considered that the proposal is unacceptable due to the harm that would arise to the character and appearance of the area and the visual setting of the adjacent MOL, which is not outweighed by the case for educational need as there are reasonable alternatives to what has been proposed.

5.61 **B) The Design of Development:**

5.62 Paragraph 24 of the NPPF states that:-

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.”

5.63 Paragraph 130 of the NPPF states that:-

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”

5.64 The LPA followed the advice in para 129 of the NPPF and invited the developer to submit their proposal to the Design Review Panel run for Sutton by Design South East during pre application discussions. The NPPF states that :-

“In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

5.65 The London Plan in policy 7.4 confirms that buildings, streets and open spaces should provide a high quality design that (amongst other requirements)

“B. contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area”

5.66 Policy 7.5 of the London Plan sets out that development should make the public realm comprehensible at a human scale, using gateways, focal points and landmarks as appropriate to help people find their way. Landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space.

5.67 Policy 7.6 of the London Plan states that buildings and structures should (amongst other requirements):

“A be of the highest architectural quality

- D not cause unacceptable harm to the amenity of surrounding land...
This is particularly important for tall buildings*
- F provide high quality indoor and outdoor spaces*
- I optimise the potential of sites”*

5.68 The Sutton Local Plan adopted in February 2018 sets out the policy in respect of Character and Design, and therefore is the Council’s principal expression of the design expectations of any new development. Policy 28: Character and design states that:-

“The Council will grant planning permission for new development including new buildings, alterations and extensions, provided the new development:-

- A. Is attractive, designed to the highest standard, especially with regard to architectural detailing and uses high-quality materials*
- B. Respects the local context and responds to local character and heritage assets*
- C. Is of a suitable scale, massing and height to the setting of the site and/or townscape*
- D. Seeks to improve an area of poor character*
- E. Makes a positive contribution to the street frontage, streetscene and/or public realm, such as using railings and low walls where practicable.*
- F. Is inclusive and accessible for all and improved movement through areas with direct, accessible and easily recognisable routes*
- G. Is secure and designed to minimise crime and anti-social behaviour*
- H. Is robust and flexible in use*
- I. Responds to natural features and retains trees, hedges and other landscape features and spaces of amenity value, where possible.*
- J. Is not dominated by car and cycle parking*
- K. Creates attractive, functional and clearly defined public and private spaces*
- L. Protects any important local views and creates new ones wherever possible*
- M. Carefully integrates building services equipment and, in industrial areas, operating equipment*
- N. Maintains the setting and visual amenity of the Green Belt, Metropolitan Open Land, Public Open Space and Urban Green Space”*

5.69 Policy 28q of the Local Plan sets out the councils policy in respect of taller buildings:-

“Q The Mayor of London requires boroughs to identify Areas of Taller Building Potential. In addition to being located within the areas the council has identified and the requirements of character and design set out above, taller buildings will be expected to:

- (i) be of exemplar design and make a positive contribution to the quality of the local and wider townscape and skyline.*
- (ii) integrate visually with the townscape and streetscape, particularly in terms of an active ground floor frontage*
- (iii) include a mix of functions that are widely used by the public (such as gyms or retail units) in order to ensure the successful integration into the local area, where practicable*
- (iv) ensure safe, attractive and comfortable amenity/open space designed to support social interaction and cohesion and engender a sense of place in predominantly residential developments*
- (v) protect the setting of any designated heritage assets and the overall historic character that makes an area distinctive and special*
- (vi) Protect the amenity of neighbours and surrounding occupiers”*

- 5.70 There are a number of interrelated aspects of this proposed development which are considered to be contrary to the Development Plan.
- 5.71 The site is not located within an area considered suitable for taller buildings which the council defines as being four or more storeys. As such, the test of design quality is not ‘exemplar’ but would have to represent **exceptional quality** to justify a departure from council policy. The Planning Statement submitted by the applicant misreads policy 28q by suggesting it is applicable to buildings outside an Area of Taller Building Potential, but this is not the case. Policy 28q of the Local Plan requires that for buildings within an area for taller building potential they must also meet the criteria of 28q (i) - (vi). As such, this means that for buildings not located within an area for taller building potential then other material considerations would have to exist in order to accept development that is contrary to the Development Plan, according to Section 38 of the Planning and Compulsory Purchase Act 2004.
- 5.72 It considered that the design of the main building shown as a monolithic rectilinear box design with sheer sides and uniform height of four storeys (excluding roof top plant) sitting 8 metres from the edge of Metropolitan Open Land, highly visible in views across the open park from the east on Rose Hill is neither exemplar or exceptional design.
- 5.73 In accordance with the advice in the NPPF and as promoted by the GLA, the scheme has been independently reviewed during pre-application discussions by Design South East, a Design Review Panel (DRP) that the council agreed at the Housing Economy and Business Committee on 25 September 2018 to trial for 12 months. The applicants agreed that their proposal would be independently reviewed by the DRP who considered their scheme first on 12 March 2019. The design tabled at that review was essentially the same proposal presented at the first inception meetings with officers in November 2018 when Wates, as one of two contractors, first bid for the contract with the DfE.

5.74 At the first review meeting on 12 March 2019 the DRP considered that:-

“building of four storeys in this setting does not raise any concerns as there are generous separation distances, in spite of the site lying in an area not designated for taller buildings”.

5.75 The DRP qualified this by stating in their report that:-

“...we do not consider that the chosen massing option is without reason for concern and consider that further massing/layout options should be explored to find a solution that may work better, given the constraints, to allow a better internal and external environment for the large number of pupils who will be enrolled in these schools.”

5.76 DRP added:-

“We would like to have seen a more extensive and analytical process of testing of the mass rather than an assumption that a four-storey rectilinear building and a separate sports hall are the only massing options for this site”

5.77 The DRP invited the applicant to a follow up review after offering this advice as well as more prescriptive advice on how the elevations shown in the preferred option could be improved. Despite receiving this independent advice from DRP, the comments of members and the constructive suggestions of officers, the preferred scheme was represented to a follow up DRP on 24 May 2019 with changes to the elevational treatment and internal layouts in response to the DRP's advice and their criticism of the poor standard of accommodation for pupils particularly for the SEN school. The latter included concerns over the lack of classroom spaces on the ground floor with no immediate access to outside spaces, constrained social areas and classrooms with no access to direct sunlight.

5.78 The applicant's response to criticism of their preferred scheme and the suggestions of officers to how the design concerns could be addressed was perfunctory. The response to the second DRP review meeting did little to model further options or to take account of officers advice to include the whole site area in the allocation in order that parking could be moved to the land north of the GLL demise. This was suggested to free up space to redistribute the bulk and massing, alongside the inclusion of recessive storeys at the upper levels to reduce the imposing nature of the development on the visual setting of the adjacent MOL.

5.79 The architects response to the first DRP comments appeared to be focused on addressing detailed points raised about the interior and exterior design, rather than genuinely explore reasonable alternatives. Using a set of criteria based largely on the building codes for schools set by the DfE, the architects set out in a matrix the way in which alternative design/massing studies compared with their preferred

design. The alternative massing studies showed 6 other options, but in all of these the mass was expressed as simple line drawings with sheer sided elevations, with no attempt to introduce setbacks at the upper parts or exhibit any architectural finesse. As such, this exercise was too limited in its scope and analysis and merely served to justify the applicants preferred option. The architects analysis was inconsistent in the manner in which the alternative massing studies were shown and only one criteria was concerned with the character of the area, with no reference to preserving the setting of the MOL.

- 5.80 To illustrate the way in which the limited alternative massing options were discounted by the architects through inconsistent application of their own criteria, one of these criteria took 'account of the character of the area, topography, ecology and microclimate'. Taking this single criteria in isolation as it represents the only reference to how the development minimises harm to the MOL, it is noted that the preferred scheme meets this criteria, but in the Design and Access statement it notes "Building in close proximity to MOL boundary - mitigation through a 6 metre set back - confidently addresses the MOL boundary, providing a Civic building within a parkland setting".
- 5.81 By comparison option 2 where buildings are set back from the MOL boundary and option 3 which has the short end of a four storey building on the MOL boundary, are both considered to fail the architects criteria despite the impact on the MOL arguably being less harmful than the preferred scheme. A further inconsistency is illustrated by the location of the sports hall in option 4 compared with the preferred scheme where the former is discounted as the sports block is in the tree protection zone yet similar proximity in the preferred scheme 'will be mitigated through foundation design'. These are just some of the inconsistencies which demonstrate the lack of rigour in the applicants justification for not developing alternative designs by applying criteria in such a way that direct comparison between schemes is meaningless and lacks credibility.
- 5.82 The DRP concurred with officers when stating in their report that followed the second review that although "*..there has been an improvement in the design since the previous review, (they were)..disappointed by the limited exploration of meaningful design strategies that sought to improve the quality of this building for users of local people.*" The panel commented in their report that the footprint in the preferred option was the most satisfactory, that four storeys was not an overly 'high' approach to the site, and that elements that are higher could potentially reduce the footprint to free up outdoor space. However, the DRP also commented that:-

"The massing options, 3D diagrams indicating what could not be achieved by varying heights or footprint, were not considered helpful to the scheme. It would have been more interesting to consider what could be achieved rather than what could not. Whilst the study seemed to conclude that a monolithic 4 storey block was the most successful, none of the other options shown

achieved the required space and therefore were not viable comparisons. This is a missed opportunity”.

- 5.83 The DRP considered that there was too much emphasis on constraints and not opportunities and that there should be further exploration of what is possible as the *“level of aspiration is not yet present in the design to produce a building of high civic value.”* In summary the DRP did not give their unequivocal support to the design strategy but agreed with the council that there had been limited exploration of reasonable alternatives.
- 5.84 During the pre-application discussions, officers recommended that the whole site area in the allocation was included to remove some of the constraints on achieving an improved design advising that the preferred scheme did not meet the expectations of the Development Plan. It was recommended to the applicant that the land to the north be used to replace the parking shown to the east of the southernmost GLL building, and to use this space to break up the monolithic nature of the four storey building and/or to create a separate ASD school and to provide more flexibility to potential massing options. It was also suggested that the sports hall could be moved to the south west corner, given that its proximity to the railway line and the ecological corridor in the proposed scheme does not present insurmountable issues. This in turn would mean that the outdoor play areas in the south west corner would not be overshadowed and enclosed on two sides by trees which increases the amount of maintenance of these areas required to deal with leaf drop.
- 5.85 In summary the proposal is considered to be an unacceptable form of development which would be contrary to the above referenced policies, and policy 28 of the Local Plan and policy 7.4 of the London Plan in particular. The four storey block forming the main school building is approximately 90 metres in width and a uniform 15.5 metres high to the parapet standing 8 metres from the edge of the Metropolitan Open Land. The building would stand entirely forward of the established built edge defined by the GLL buildings and so will interrupt views looking north - south, and will constitute a highly dominant feature enclosing the Park edge.
- 5.86 The main building would result in a substantial change in the appearance of the site and its surroundings in views from the park and beyond, particularly from the east across the open MOL land. The building would enclose this part of the park due to its demonstrably greater scale than the discrete mass of the adjacent buildings in the sports village. The existing Sports Village buildings sit discreetly in views from the east across the park and are not obtrusive, with or without the benefit of the landscaped bund to screen these buildings on the northern and north eastern boundary.
- 5.87 Due to the exposed nature of this part of the site, and in view of the forward positioning of the building relative to existing built form it is imperative that any

building is designed in a manner that seeks to minimise its dominance in views. The London Plan policy 7.4(b) and Sutton Local Plan policy 28a, b, c, d, i (see section on 'Trees') are of particular relevance in this respect. The four storey building is not designed to maintain the setting of the adjacent MOL and would dominate adjoining land due to its monolithic form, height and position on the MOL boundary. It is not the case that the development has no impact on the remaining MOL as suggested in the applicants Planning Statement. The LPA has consistently recommended alternative massing and changes to the articulation to break up the relentless span of this east elevation including the use of recessive elements at the upper levels of the building.

- 5.88 The response to these concerns has been disappointing and instead has focused on changes to the elevational detailing. While there has been some change in the detailed design, neither the LPA or the DRP are of the view that these cosmetic alterations address more fundamental objections to the design approach.
- 5.89 The LPA appreciates the rationale for creating a separate mass for the sports hall which is predicated on a requirement for less glazing than other teaching spaces, but equally, the LPA has had little opportunity to consider alternative layout. The LPA does not agree that the only option for the sports hall is the north west corner of the site, and has recommended options for re-siting it in the south west corner. This would remove the positioning of outdoor play areas close to tree canopies where leaf drop will require considerable maintenance and to locate them to the north west corner to improve the quality of the external playspace.
- 5.90 Throughout the pre-application process the applicants response has been to consistently cite compliance with the clients brief, even when it has come under scrutiny from an independent design review panel with experience of designing schools. The LPA accepts that an assessment of exceptional design is not limited to the external expression of a building, but it can neither be argued that the internal arrangements of the main and SEN school are exemplar or exceptionally designed. The second DRP report refers to **'the length and claustrophobic nature of the corridors....there are still a number of teaching spaces without natural light.....We do not support the provision of classrooms with no visual links to the outside or natural daylight and ventilation'** It was highly revealing that the response to the latter was that "the pupils will not be in the classrooms very long" which does not support the case that the scheme represents an exemplar or exceptional learning environment. As the design is a product of form following function, and the functional requirements are not met, this tends to negate any argument that inadequacies in the external expression can be offset by a case that this scheme delivers an exceptional learning environment.
- 5.91 The site layout is further restricted by the use of a reduced site area from the Site Allocation which also places limitations on the amount of available outdoor playspace. It is acknowledged by the applicant that this does not represent a compliant scheme in relation to school design standards yet this is justified by the

applicant stating that this dictates a requirement for staggered break times which is neither conducive to healthy social interaction for the pupils or staff resources and timetabling issues that will present the school with challenging logistical difficulties. The proposed school would be well below Building Bulletin guidance for the size of the site in comparison to the size of the school.

- 5.92 In summary, the proposed design does not comply with the Development Plan. It is uninspiring and unimaginative in form and appearance, and is far from the expectations of national, regional and local policy. An insistence of pursuing the preferred approach is not matched by attaining a standard of design, either externally or internally that could be considered 'exceptional'. This proposal for a taller building situated 8 metres from adjoining Metropolitan Open Land which it would create an overwhelmingly negative sense of enclosure harmful to the perception of its openness by siting or a poorly designed building of four storeys in a location where taller buildings are not supported. As such the development is considered to be unacceptable in design terms against the provisions of the Development Plan and there are no material considerations which indicate otherwise, or conditions or planning obligations that would make the development acceptable in planning terms. In the absence of other options, the reliance on minor changes to the elevations does not address the fundamental objection to the height, scale, massing, and design and does little to relieve the overbearing nature of this development and the harm that will arise to its surroundings.
- 5.93 It is relevant to note that the attainment of high quality design is the cornerstone by which the council approaches all new development and can demonstrate consistency of approach when comparing the process of engagement with the applicants on this site with that resulting from the pre-application discussions with the Council as commissioners of the secondary school in Belmont. That planning application was preceded by lengthy but constructive discussions through an iterative process that informed the site layout, massing and design, both of the built form and external areas. The Belmont site was similarly constrained within a site area of 1.62 hectares on which a 6FE secondary with sixth form school was delivered. Although that site has different constraints to this application site, issues of its design, its relative height and proximity to neighbouring properties, securing adequate parking, retention of key natural features including trees and the provision of good quality outdoor play areas were all dealt with through negotiation and dialogue. By comparison, the current proposal for Rosehill seeks to deliver an 8FE secondary school with sixth form and a SEN school within a developable area of 1.5 ha which illustrates the reason why officers recommended that the whole site area (2.6ha) in the allocation is included. The LPA considers that there are solutions that can be found to ensure the delivery of a secondary and SEN school on this site, but have not been afforded the same opportunity to influence the design, that they were in shaping the new school at Belmont.

- 5.94 **C) The Impact on Residential Amenity:**
- 5.95 Policy 7.6 of the London Plan states that development should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings.
- 5.96 Policy 29 of Sutton's Local Plan states that the council will not grant planning permission for development if it adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties, or has an unacceptable impact on the residents of the surrounding area. As such, in assessing the impact of a proposed development, the council will take into consideration the impact on privacy, sunlight or daylight, noise and disturbance, sense of enclosure and outlook, together with effects on microclimate, odour, smoke, fumes and dust.
- 5.97 The application site is located on the western side of Rose Hill, on the site of a former all weather pitch and tennis courts. To the west is the railway line and beyond the railway line is Hurstcourt Road, approximately 50-70 metres from the site boundary.
- 5.98 It is acknowledged that these residents will experience noise and disturbance during construction, and will notice a step change in noise levels from the site on occupation, particularly due to the proposed concentration of pupil play in a relatively constricted area adjacent to the railway line. However, given that this separation distance, the intervening railway line and tree line, it is considered that there will be no adverse impact on the amenities of these properties by reason of unacceptable noise and disturbance.
- 5.99 To the south of the application site lies Cranleigh Gardens, which is located more than 100 metres from the proposed school. In addition to this significant distance from the application site, there is an area of densely planted coniferous trees to the south of the application site which form a natural buffer to the residents of Cranleigh Gardens.
- 5.100 Given the separation distance and intervening tree screen it is considered that the amenities of these properties will not be harmed by reason of loss of light, privacy or an unacceptable increase in noise nuisance.
- 5.101 To the east the nearest residential properties are on the east side of Rose Hill and are located approximately 140 metres away from the main school building. Due to the significant separation, it is considered that there will be no adverse impact on light or privacy to these occupiers.
- 5.102 To the north of the application site, the closest residential properties are situated over 400 metres away from the application site boundary and as such, it is

considered that these residents are unlikely to experience an adverse impact from the proposal.

5.103 The applicants have submitted an Air Quality Assessment, Air Quality Neutral and Environmental Impact Assessment. The details of those assessments are explained in more detail in section L that there will be no adverse impact in terms of noise, however, due to inaccuracies within the Transport Assessment (further details are explained in section D) the assumptions made with assessments cannot be relied upon to enable officers to make an informed decision on the impact on air quality, and an objection is raised for that reason.

5.104 **D) Transport and Highways:**

5.105 Paragraph 102 of the NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

“a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”

5.106 Policy 6.13 of the London Plan sets out that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking provision, and seeks to encourage cycling, walking and public transport use in accordance with Policies 6.9, 6.10 and 6.11 of the London Plan respectively.

5.107 Policy 6.13 of the London Plan further sets out that new developments providing parking provision should ensure that 1 in 5 spaces provide an electrical charging point, provide parking for disabled people, meet the minimum cycle storage standards, provide the needs of business for delivery and servicing and commit to the production of a Travel Plan to reduce provision over time.

5.108 Policy 37 of Sutton’s Local Plan states that new developments should provide the appropriate amount of car parking in accordance with the council’s restraint based,

maximum car parking standards, taking into account Public Transport Accessibility Levels (PTALs), existing publicly available parking provision and usage in the vicinity of the site, and the need to deter unnecessary car use while avoiding overspill parking problems.

- 5.109 The site is located within an area which has a Public Transport Accessibility level of 3, which is 'moderate' on a scale of 0 to 6b, where 6b represents the greatest level of access to public transport services. The application site is located within the southern portion of Rosehill Recreation Ground, which is accessed from Rose Hill. The nearest section of the Transport for London Road Network (TLRN), the A217 Reigate Avenue (including Rose Hill Roundabout) is located approximately 750 metres to the north of the site. Access to bus services can be achieved from Rose Hill, with 4 bus stops (Stops RW, RU, P and Q) serving 5 bus routes. Sutton Common railway station is located within a 15 minute walk of the site, which is served by Southern and Thameslink services.
- 5.110 The application proposes a total of 68 car parking spaces for use by staff only, including 3 Blue Badge spaces and 3 minibus parking spaces. 12 of these spaces will be active Electric Vehicle Charging Points (EVCPs) and 6 passive car parking spaces will also be provided. The application also proposes 234 covered and secured cycle spaces, with 194 spaces allocated to pupils, 24 for staff and 16 for visitors.
- 5.111 The proposed car park will be located to the north of the proposed school building and to the south/south-east of Sutton Sports Village. The development is proposed with car parking provision of 68 spaces split amongst four rows orientated parallel to the school building. The staff car parking spaces would be accessed via the existing sports centre car park and will be secured by automated vehicle gates with a buzzer and fob control to prevent parking by other non-staff users.
- 5.112 Within the submitted Transport Assessment, page 1 states that '*The parking impact assessment has determined that the majority of staff vehicles can be accommodated within the proposed car park. A total of 28 staff cars are anticipated to park within the Sutton Sports Village car park or the unmarked parking area to the north of this car park. The analysis of on-street parking demand has determined that there is adequate residual capacity to facilitate the drop-off and pick-up of pupils on-street. It is noted that there are CPZ proposals currently under consideration, if these restrictions are implemented then they may facilitate further uptake of sustainable travel modes*'.
- 5.113 **Car Parking:**
- 5.114 As stated above, the application proposes a total of 68 car parking spaces will be provided for the school employees. This equates to a ratio of 0.35 car parking spaces per full time employees (FTE). In the absence of specific car parking standards for schools in the draft London Plan, TfL considers this level of parking

to be acceptable given the site's PTAL and the expected mode share for staff who will drive to the site. Had the application been considered acceptable in all other aspects TfL recommend that a Car Parking Design and Management Plan is submitted and approved in writing by the Local Planning Authority setting out how opportunities for flexible car parking provision can be adopted; with a view to further reduce the total car parking over time. TfL also recommended that Sutton Council investigate opportunities to implement a Controlled Parking Zone (CPZ) in the surrounding area to restrict any overspill car parking from staff, students and parents.

- 5.115 TfL have raised concerns that the unrestricted use of the existing Sutton Sports Village car park by both staff and parents to pick up and drop off pupils would undermine travel by sustainable modes. The existing car park currently features 140 marked spaces, and this number will be retained upon the completion of the school. Currently, there are no proposed measures to prevent this car park from being used by both staff and parents to pick up and drop of pupils. TfL have requested that further measures to discourage student drop off and pick ups from occurring in this car park, to support the delivery of the Mayor's Strategic mode shift target of 80% of all trips in London to be made by foot, cycle or public transport by 2041 (draft London Plan Policy T1).
- 5.116 The Councils Senior Highways Officer has advised that Suttons maximum parking standard for a school is based on full-time equivalent staff numbers at a ratio of 4 spaces per 5 staff. The applicant has indicated that there will be 156 FTE staff for the secondary school and 35 FTE staff for the SEN, equating to a maximum parking provision of 153 spaces. Although Highways, in line with TfL, supports a below-maximum parking provision on sustainability grounds where there is evidence to support claims that demand can be suitably managed, concerns have been raised that the provision of 68 off-street parking spaces (65 regular + 3 accessible) is unlikely to be sufficient, leading to potential displacement of the excess parking demand on-street or elsewhere within the wider Rosehill Recreation Ground car parks.
- 5.117 The reliance on on-street parking for parents picking up and dropping off pupils, whilst not exhausting capacity, would clearly reduce overall parking availability and could be expected therefore to increase search and walking times for some residents. The supporting information makes reference to encouraging parents of using 'selected streets', however, no details have been provided on how these more suitable streets will be identified or how off-site pick-up and drop-off would be managed, beyond placing some staff onto Rose Hill which is unlikely to be effective.
- 5.118 Within paragraphs 9.46 and 9.47 of the TA it is acknowledged that 93 members of staff are expected to drive to work and therefore, given an on-site provision of only 65 regular parking spaces, 28 of these staff would therefore seek alternative parking within the Sutton Sports Village car park.

- 5.119 The application proposes minor reconfiguration of the car park and road layout, however, it is unclear as to whether this has been agreed with Greenwich Living Ltd (GLL), the operators of the Sutton Sports Village. Of greater concern, it is acknowledged that an assessment of this car park's utilisation in section 4 of the TA has also identified a spare capacity of 28 spaces. On that basis the applicant seems to be advocating increasing the overall utilisation of the car park to 100%.
- 5.120 No evidence has been provided to confirm that GLL have agreed to the proposed school taking up all spare capacity in their main car park, which would inevitably result in future parking shortages in relation to the Sutton Sports Village activities. No evidence has been provided to confirm that an agreement has been made with GLL on this assumed additional use of their car park.
- 5.121 The applicant has not proposed to utilise the land to the north of the GLL demise, which forms part of the site allocation, for additional car parking and instead proposes to use the Sutton Sport Village car park which will potentially reduce future parking capacity for users of the sports village.
- 5.122 Active and passive electric vehicle charging points (EVCP) should be provided in accordance with London Plan policy requirements and as already outlined by TfL.
- 5.123 **Cycle Parking:**
- 5.124 As referred to above the application proposes a total of 234 cycle parking spaces will be provided across the site, comprising of 194 spaces for students, 24 spaces for staff members and 16 spaces for visitors. TfL have advised that the proposed number of spaces is compliant with draft London Plan Policy T5 minimum cycle parking standards. The cycle parking for staff will be provided adjacent to the staff car parking area, with the cycle parking for pupils provided at the southern end of the site. These spaces will be provided through sheltered Sheffield stands. In accordance with paragraph 8.2.1 of the London Cycle Design Standards. TfL have advised that the applicant should ensure that at least 5% of all spaces provided are capable of accommodating a larger cycle.
- 5.125 The Council Senior Highways Officer confirms that the proposed level of cycle spaces is acceptable.
- 5.126 **Traffic Impact:**
- 5.127 Staff trips have been assigned to the network based on the Census Journey to Work data, which TfL accept. For pupil trips it has been assumed that all vehicle trips will be from the south of the site via Rose Hill. However, no significant evidence has been provided within the Transport Assessment (TA) to support this assumption, noting that there are already a number of existing secondary schools located within the areas. In addition, the vehicle catchment area is shown within a

1km area to the south of the site, which would be better attributed to walking, cycling and public transport trips. As such, TfL consider there is insufficient evidence to support the assumptions for pupil vehicle trips.

- 5.128 Given the uncertainty in the estimated number of vehicle trips within the TA and vagueness around the assignment of pupil trips, it is expected that the impact to the operation of the Rose Hill roundabout is underestimated. This is particularly concerning since data in the TA clearly shows that there is already significant queuing at the Rose Hill roundabout in the peak hours. As this route is also a bus corridor, TfL raise concerns with regard to the impact on bus journey times.
- 5.129 The Councils Senior Highways Officer has reviewed the submitted supporting documents and is in agreement with the comments made by TfL, in respect of the distribution of trips, particularly in relation to pupils, as indicated in the flow drawings contained in Appendix P of the Transport Assessment. This is likely to be disproportionately weighted in terms of trips assumed to be generated to the south. In addition, no details have been provided concerning the catchment area to support this claim.
- 5.130 The Transport Assessment (TA) does not provide a reasonable level of detail from which to draw meaningful conclusions on this issue. It is stated that a 60% catchment coverage for the area to the south of the site has been assumed on the basis of information provided by the proposed school operator. No information has been provided in support of this assumption.
- 5.131 Based on the assumed trip distribution and assignment, it would appear there would not be a significantly adverse impact in terms of highway capacity, including at the site access and Rosehill junction. However, as noted above, concerns are raised in regards to the assumptions made and it would have been preferable if a more balanced distribution was tested as a 'worst case' scenario, together with an associated modelling of the Rosehill signalised junction in order to ensure robustness. The TA includes a 'worst case' scenario in terms of flow capacity but not in terms of assumptions around trip generation and distribution.
- 5.132 An assumption has been made that parents can be adequately prevented from seeking to enter the Rosehill Recreation Ground area in order to drop off or pick up pupils, however, it is unclear how this could be effectively managed where rights of access continue to be available for other visitors to the park or Sutton Sports Village. To the extent that those movements may arise, the assessment of the traffic impacts on the priority junction access may be underestimated.
- 5.133 ***Travel Plan:***
- 5.134 The applicant has submitted a draft Travel Plan for both the secondary school and the SEN school. The travel plans both include a commitment to the TfL STARS initiative, with an aim that the school will seek to achieve STARS Gold

Accreditation within 5 years of opening, which is welcomed by TfL. Had the application been considered acceptable in all other aspects a Section 106 agreement for both Travel Plans would have been secured, delivered, monitored and funded through the agreement.

5.135 The Councils Senior Highways Officer has advised that the proposed outline Travel Plan has been considered in further detail by Highways' Sustainable Travel Officer. The outline travel plan would appear to be satisfactory and in compliance with TfL STARS requirements. In line with TfL's recommendations above, had the application been considered acceptable a final school travel plan would have been recommended to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the buildings and subsequently updated in accordance with TfL STARS guidance. Ongoing monitoring would have been required and funded through Section 106 agreement.

5.136 ***Construction and Deliveries:***

5.137 An outline Construction Logistics Plan (CLP) was submitted in support of the application, which TfL welcomed in line with draft London Plan Policy T7. However, further details are required within the CLP to include the expected number of construction vehicles that will access the site, in line with TfL's latest guidance. Had the application been considered acceptable in all other aspects a detailed CLP would have recommended to be submitted to and approved in writing prior to construction by the Local Planning Authority and Transport for London.

5.138 A draft Delivery and Servicing Plan (DSP) has been submitted in support of the application. The submitted DSP includes details of the expected number of vehicle trips (4-10 trips per day) and states that all deliveries will take place outside of school arrival/departure times (before 7:30am) to minimise conflicts between service vehicles, pedestrians and cyclists. The swept path analysis demonstrates that all vehicles can turn safely within the dedicated service area within the site. The commitment to use contractors registered on the Fleet Operators Recognition Scheme (FORS) initiative is welcomed by TfL.

5.139 The Councils Senior Highways Officer has reviewed the Outline Construction Logistics Plan and considers that whilst the plan covers most of the key requirements of a CLP, Highways agree with TfL's comments above, that further details are required in respect of the number and type of vehicles to be used, linked to a comprehensive work schedule.

5.140 In addition, the CLP has a 'Green Travel Plan' which states that 'We would encourage all to use public transport to get to site. Note there is no parking on site'. The Councils Senior Highways Officer considers that there are no targets or measures aimed at minimising car/van use and no commitment in terms of ensuring that staff do not park on nearby residential roads. As such, without evidence to the contrary, the proposal would lead to an adverse impact on

highway and pedestrian safety and result in an unacceptable increase in on-street parking pressure.

5.141 **Site Access and Active Travel:**

5.142 Active Travel Zone (ATZ) assessment incorporates walking and cycling areas from the application site, including a map of all the potential key destinations within the ATZ around the site, which include:

- Public transport stops,
- Public transport stations,
- London's current and future London-wide strategic cycle network,
- Town centres,
- Parks,
- Schools/colleges,
- Hospitals/doctors,
- Places of worship

5.143 An ATZ assessment has submitted in support of the application. The applicant has made some suggestions for improvements to existing routes that would complement the Healthy Streets approach. This includes improving the surface of National Cycleway 208 through Rosehill Park west. However, as TfL is not the Highway Authority for these roads, it is for the Local Highway Authority to determine whether any mitigation for the issues identified within the ATZ assessment should be secured for this development towards improvements for pedestrians and cyclists. TfL would support any contributions that are in conjunction with the Healthy Streets approach.

5.144 A Pedestrian Comfort Level (PCL) assessment is intended to ensure that the design of pedestrian footways and crossings are appropriate to the volume and type of users of that environment. The guidance is applicable whether evaluating a new design or assessing an existing footway. The primary objective of the guidance is to assist those responsible for planning London's streets to create excellent pedestrian environments through a clear, consistent process during the planning and implementation of transportation improvement projects.

5.145 For existing sites, undertaking a comfort assessment will identify priorities for action or attention, the cause of these issues and help to identify mitigation measures to make the site more comfortable. For schemes in development; undertaking a comfort assessment will identify any potential problems at an early stage. Mitigation measures, such as the relocation of street furniture, can then be decided upon if required.

5.146 A PCL assessment has been undertaken for the footways surrounding the site including Rose Hill and Angel Hill. The assessment has shown that the footway on Angel Hill at Bus Stop P achieves a rating of 'Unacceptable/Uncomfortable' when

considering the additional pedestrian flows that will arise from the proposed school, indicating that the clear footway width at this location is insufficient for comfortable movement. Concern has been raised by TfL in respect of this, as crowding at peak times can create obstructions on the footway, resulting in pedestrians stepping into the carriageway. As such, TfL requests that the applicant explores opportunities to mitigate the above issues regarding overcrowding at Bus Stop P, which is required to ensure the safety of pedestrians in line with the Mayor's Vision Zero approach.

- 5.147 The application proposes four access points to the school, including three from Rose Hill and an additional route to the north via Rosehill Recreation Ground. At the main vehicle access from Rose Hill there is an intermittent footway through the existing car park.
- 5.148 TfL consider that as this vehicular access point will be modified as part of the development, a suitable pedestrian footway needs to be provided through the existing car park from this access point, to increase pedestrian permeability and to improve safety in accordance with draft London Plan Policy T2.
- 5.149 ***Public Transport Access and Capacity:***
- 5.150 TfL have advised that all proposed trips from the school by public transport can be accommodated within existing local public transport capacities.
- 5.151 The Councils Senior Highways Officer had advised that notwithstanding the issues raised above in relation to potential footway overcrowding at Angel Hill, Bus Stop P, Highways agree with the observation made by TfL that the anticipated level of public transport trips can be accommodated on existing bus services.
- 5.152 ***Road Safety (Vision Zero):***
- 5.153 The aim of Vision Zero is to eliminate all deaths and serious injuries on London's transport system. The plan focuses on the area where the greatest challenges lie - London Streets. The actions in the plan will reduce road dangers for everyone and create streets safe for walking and cycling.
- 5.154 The TA has acknowledged several clusters of collisions that have occurred on Rose Hill directly outside the application site, and one fatality on the A217 Reigate Avenue, which is in close proximity to Rose Hill Roundabout. The TA concludes that no trends were identified and that there are no issues with the local road network. TfL advise that the Vision Zero approach is a shift in the emphasis towards a proactive approach of targeting road danger reduction, and as such this is not sufficient to demonstrate that the proposals are compliant with Vision Zero. In addition, 'people feel safe' is one of the Healthy Streets indicators, and improvements should be secured for compliance with draft London Plan policy T2 and the Healthy Streets approach. TfL have advised that for the application to be

considered acceptable the applicant would need to explore and implement measures to improve highway safety in the immediate vicinity of the school.

- 5.155 As identified in TfL's Vision Zero Action Plan, TfL are proposing to implement a series of speed limit reductions on the Transport for London Road Network (TLRN). Included in this is the Rose Hill roundabout, where it is proposed to reduce the speed limit from 30mph to 20mph. TfL recommend that the applicant and Sutton Council should consider whether the 20mph limit could be extended along Rose Hill to reduce vehicle speeds adjacent to the front of the application site.
- 5.156 The Council's Senior Highways Officer has reviewed the analysis of accident data and agrees with TfL's view that further proactive measures should be considered to improve highway safety in line with the Mayor's 'Vision Zero' Action Plan.
- 5.157 In line with TfL's recommendation, Highways would accept in principle the recommendation that a speed reduction from 30 mph to 20 mph be extended to incorporate Rose Hill.
- 5.158 ***Trip Generation and Mode Split:***
- 5.159 TfL consider that the approach to establishing the mode share for pupils and staff included in the TA is considered to be acceptable. However, the total number of vehicle trips in the peak hours is significantly underestimated within the submitted calculations. For pupils attending the proposed secondary school (including sixth form) and pupils attending the SEN school, arrival and departure trips should be included in both peaks to account for drop-off/pick-up by a parent or minibus. As such Table 8.1 is incorrect and does not reflect the total traffic impact resulting from the proposed development.
- 5.160 The Council's Senior Highways Officer has assessed the trip generation and mode split calculations and considers that they have been undertaken in line with commonly accepted principles.
- 5.161 However, concerns have been raised in respect of the assumptions on which the assessment has been based. As TfL have also noted, some of these assumptions are stated without any reference to supporting facts to indicate their likely validity.
- 5.162 As an example, it is suggested without any justification that 100% of staff and sixth form pupils will arrive at school between 06:45 and 07:45. There is also an inconsistency in the methodology used to estimate pupil and staff mode share, with pupil's mode share based on data averaged from selected nearby secondary schools and staff mode share based upon 2011 Census journey-to-work data. It is suggested that the staff travel behaviour could be similarly estimated based on these schools and would be more in line in terms of occupation than a more geographically focused but generic mode share derived from what is now quite

outdated Census data. Whilst, there may be reasons for the approach that has been taken, no justification has been provided within the transport assessment.

- 5.163 As such, without evidence to the contrary, the application fails to demonstrate that there will not be an adverse impact on the highway.
- 5.164 The application as submitted and without evidence to the contrary, would lead to an adverse impact on highway and pedestrian safety, adversely affect local highway conditions and result in an unacceptable increase in on-street parking pressure.
- 5.165 **Summary:**
- 5.166 Concerns are raised in respect of the unrestricted use of the existing Sutton Sports Village car park by both construction staff, staff of the school and parents to pick up and drop off pupils would undermine travel by sustainable modes. There are no proposed measures to prevent this car park from being used by construction staff, staff of the school and parents to pick up and drop of pupils. Furthermore, no evidence has been provided that the use of the existing Sutton Sports Village car park by staff of the school will not adversely impact on the future use of the Sports Village through reduced parking capacity.
- 5.167 No sufficient evidence has been provided within the TA to support the claims that all vehicle trips with be from the south of the site via Rose Hill.
- 5.168 Concerns are raised in respect of the PCL assessment which demonstrates that the footway on angel Hill at Bus Stop P achieves a rating of 'Unacceptable/Uncomfortable' when considering the additional pedestrian flows that will arise from the proposed school, indicating that the clear footway width at this location is insufficient for comfortable movement. No details have been provided as to how this can be mitigated to ensure the safety of pedestrians.
- 5.169 The vehicular access point does not provide a suitable pedestrian footpath through the existing car park to ensure safety to pedestrians using this route.
- 5.170 The application does not provide sufficient information to demonstrate that the proposal is compliant with 'Vision Zero' to ensure highway safety in the immediate vicinity of the school.
- 5.171 Concerns are raised that the assumptions made for the total number of vehicle trips during peak hours have been significantly underestimated. The information provided within the Transport Assessment is incorrect and does not reflect the total traffic impact resulting from the proposed development.

- 5.172 Finally, the proposed improvements to the site access have not been adequately developed and no final option has been identified for Highways to assess as part of this application.
- 5.173 **E) Sustainable Design and Energy Efficiency:**
- 5.174 Policy 5.1 of the London Plan states that the Mayor seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent (below 1990 levels) by 2025. Policy 5.2 of the London Plan states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
1. *Be lean: use less energy*
 2. *Be clean: supply energy efficiently*
 3. *Be green: use renewable energy.*
- 5.175 The policy also states that major development proposals should include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy.
- 5.176 Policy 31 of Sutton's Local Plan 2018 is considered to reflect the requirements of the London Plan and requires all residential buildings forming part of a major development to achieve 'zero carbon' standards by achieving at least a 35% reduction in regulated CO2 emissions on site and offsetting the remaining regulated emissions (to 100%), through the delivery of CO2 reduction measures off-site through a legal agreement, payable to the council's carbon offset fund priced at £60 per tonne over 30 years. In addition, all major non-residential developments should achieve at least a 35% reduction in regulated CO2 emissions on site.
- 5.177 In addition policy 31 states that all planning applications for new dwellings or major non-residential developments should be supported by an Energy Statement incorporating 'as-designed' Building Regulations Part L outputs to demonstrate how the relevant targets for reducing CO2 emissions will be met. The Energy Statement should include calculations of energy demand and emissions at each stage of the Mayor's energy hierarchy for both regulated and non-regulated elements in line with GLA 'Guidance on Preparing Energy Assessments' as amended.
- 5.178 Policy 33 of the Sutton Local Plan 'Climate Change Adaption' requires all residential developments to achieve good practice standards of water efficiency by ensuring that internal potable water consumption is limited to 110 litres a day per person. The Council's Sustainability Officer has recommended a condition requiring a completed water efficiency calculator to be submitted to and approved

in writing prior to the occupation of the building, had the proposal been considered acceptable in all other aspects.

- 5.179 Policy 5.9 of the London Plan and Policy 33 of the Sutton Local Plan seek to counteract the 'urban heat island' effect in London and encourage designs and layouts which avoid overheating and excessive heat generation arising from future climate change. The design, materials, construction and operation of all major development proposals should therefore seek to minimise overheating and meet the development's cooling needs through application of the Mayor's 'cooling hierarchy'.
- 5.180 The Councils Sustainability Officer has reviewed the submitted revised BREEAM New Construction 2018 Design Stage Report (Method Consulting, June 2019), which indicates that the proposed school is on track to achieve an 'Excellent' rating with a projected score of 79.18% (base target 74.66) which would meet the aims of Policy 31. This is subject to both the mandatory and targeted credits being delivered and sufficient evidence being provided by the applicant to the BREEAM assessor to demonstrate that the full requirements have been met. Had the application been considered acceptable in all other aspects a condition would have been recommended for BREEAM (Design Stage) and (Post-Construction) certificates to be submitted and approved in writing by the Local Planning Authority.
- 5.181 An Energy Statement (Method Consulting, June 2019) has been prepared and submitted in line with the GLA's Energy Assessment guidance (October 2018). The Councils Sustainability Officer has reviewed the Energy Statement and has made the following observations:
- The energy strategy meets the DFE's 'high performance' output specification and therefore the minimum standard required to achieve BREEAM 2018 Excellent;
 - Under step 1 of the energy hierarchy (be lean), energy efficiency measures include low U-values, efficient lights and a 'mixed-mode' ventilation strategy incorporating both natural ventilation and mechanical ventilation with heat recovery (MVHR). These measures exceed the minimum requirements of Part L 2013 and achieve around a 15% reduction in CO2 emissions;
 - Under step 2 of the energy hierarchy (be clean), no reduction in CO2 emissions will be achieved. The reasons given for this are as follows (i) there is no district heating network currently available to connect to (ii) CHP is not feasible as there is no year-round heating & hot water demand (iii) ground source heat pumps are not feasible as the space required is far greater than that available; and (iv) air source heat pumps are also not considered feasible as they would use up the roof space required for an appropriately sized heat network, and are not compatible with the heating strategy of the building;

- Under step 3 of the energy hierarchy (be green), a 185 kWp PV array is envisaged across the roof space of the proposed development. This array can achieve a further reduction in CO2 emissions of approximately 20%;
- The proposed energy strategy will achieve total cumulative on-site CO2 savings of 35% compared to Part L2A of the Building Regulations 2013 (or equivalent) and as such will meet the minimum requirements of Policy 31 of the;
- In line with Local Plan Policy 34 and draft London Plan Policy SI3, high efficiency ultra-low NOx gas boilers and direct gas fired water heaters are proposed;
- The site wide heating system will be 'future-proofed' in line with the council's Decentralised Energy (DE) Protocol to connect on to any available future district heating network. This will enable the site's heating to decarbonise when suitable district heating becomes available;
- The school buildings are designed to include detailed metering and monitoring. This data will be able to be remotely monitored and reported on an ongoing basis.

5.182 Had the application been considered acceptable in all other aspects a condition would have been recommended for 'as-built' Building Regulations UK Part L (BRUKL) outputs and details of the installed solar PV array to be submitted to and approved in writing by the Local Planning Authority.

5.183 A Dynamic thermal modelling has been carried out in line with Chartered Institution of Building Services Engineers- Building Performance Modelling AM11 (CIBSE AM11) to assess the risk of overheating and the Mayor's cooling hierarchy in London Plan Policy 5.9 has been addressed through the following:

- The length of pipework has been minimised and high levels of insulation applied to heating pipework to reduce heat gains. Energy efficiency equipment and lighting will be utilised;
- The design incorporates overhangs and half brick window reveals. Low U-values and g-values have been specified to minimise heat gains from the external environment;
- Exposed thermal mass and high ceilings to manage the heat within the building;
- Openable windows provide passive ventilation to the majority of classrooms and offices;
- MVHR measures have also been included in internal rooms, summer bypass will be provided.

5.184 Had the application been considered acceptable in all other aspects a condition would have been recommended for the proposal to be constructed in accordance with the overheating strategy as described in section 10 and appendix E of the Energy Statement.

- 5.185 Policy 33 (B) 'Climate Change Adaptation' states that applications should minimise vulnerability of people and property and be fully adapted and resilient to the future impacts of climate change by minimising overheating and contribution to the urban heat island effect by permeating the development with blue and green spaces and by incorporating a range of natural cooling measures as part of the design and layout, including passive design measures (e.g. building orientation), shading, planting and soft landscaping, trees, ponds, SuDS measures and other surface water features. All major developments should:
- comply with the Mayor's cooling hierarchy as set out in London Plan Policy 5.9;
 - incorporate and manage green roofs or green walls where feasible;
 - for previously developed sites - aim to achieve an increase in overall green space coverage of at least 10% compared to baseline conditions prior to development;
 - for previously developed sites - aim to achieve an improved Green Space Factor (GSF) score of at least +0.2 compared to the baseline GSF score prior to redevelopment;
 - greenfield sites - aim to achieve a GSF score of at least 0.5.
- 5.186 The Council's Sustainability officer has advised that no details have been provided as part of the landscape strategy as to how the proposed development will meet the council's minimum green space factor (GSF) thresholds in line with part (b) of Local Plan Policy 33(b).
- 5.187 Had the application been considered acceptable in all other aspects a condition would have been recommended for documentary evidence to be submitted to and approved in writing by the Local Planning Authority to show that the development will achieve an improved Green Space Factor score of at least +0.2.
- 5.188 Subject to the recommended conditions referred to above, it is considered that the proposal is acceptable in terms of sustainable design and energy efficiency.
- 5.189 **F) Flood Risk:**
- 5.190 Paragraph 163 of the NPPF seeks that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood risk assessment.
- 5.191 Policy 5.12 of the London Plan states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical guidance on flood risk over the lifetime of the development.

- 5.192 Policy 5.13 of the London Plan states that new development should utilise sustainable urban drainage systems (SuDs) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 5.193 Policy 32 of Sutton's Local Plan 2018 sets out that proposed developments should avoid or minimise all sources of flood risk to people and property, taking account of climate change, without increasing flood risk elsewhere by preparing site-specific flood risk assessments (FRAs) in support of all proposals in Flood Zones 2 or 3, all major proposals in Flood Zone 1 over 1ha and any proposal in a critical drainage area. FRAs should assess all sources of flood risk to and from the development and show how these risks will be managed, taking climate change into account, in line with minimum requirements set out in national planning policy.
- 5.194 In addition, proposed developments should incorporate effective measures as part of the design and layout of the development in order to manage surface water run-off as close to its source as possible and achieve the minimum SuDs performance standards through the application of the Mayor's drainage hierarchy.
- 5.195 The application site is partially located within flood zones 2 and 3 which extend into the northern part of the application site. The majority of the application site which is to be developed and the sports hall is located within zone 1.
- 5.196 Lead Local Flood Authorities are responsible for managing local flood risk, including from surface water, ground water and ordinary watercourses, and for preparing local flood risk management strategies. The Lead Local Flood Authority (Sutton's Flood Risk Officer) raised initial concerns in respect of the information submitted in support of the application. The submitted Drainage Strategy and Water Quality Management Report states that there are no uses for reusable water within the application site. The Flood Risk Officer considers that there are uses for reusable water within the application site for flushing toilets, watering plants and within green roofs.
- 5.197 Above ground SuDS features which could double as educational and recreational features have not been explored. The submitted Drainage Assessment Form and site plans contradict each other in regard to how water will discharge off the application site. The submitted MicroDrainage calculations do not include catchment areas, as such, the Flood Risk Officer cannot be assured that the proposal manages surface water from the whole site.
- 5.198 The application does not include floodplain compensation and it is unclear from the information provided where exceedance flows go after they leave the site. The information submitted fails to explain how the surface water drainage features will function when the watercourse has high levels.

- 5.199 It is also unclear as to what pollution interceptors are proposed and how much each will treat the pollutants before the water is discharged off site.
- 5.200 The applicant has submitted a response in respect to the comments from the Council's Flood Risk Officer ref: X172041 and an updated drainage strategy (Rev 4). The Flood Risk Officer now considers that the applicant has fully justified the use / non-use of options higher up the drainage hierarchy, provided a maintenance plan and information on who will be responsible for maintaining it, clarified that water will discharge off site to a culverted watercourse, demonstrated that there will be no loss of floodplain, provided information on exceedance routes, clarified how the surface water drainage features will function when the watercourse levels are high and clarified how the permeable paving will treat pollutants in the runoff.
- 5.201 However, the Flood Risk Officer still objects to the application as the applicant has not used the total site area (2.6 Ha) within the calculations and it is not clear as to whether the exceedance flows will leave the site via the highway or if they will cause flooding of the indoor tennis courts.
- 5.202 As such, it is considered that without evidence to the contrary, the application could lead to flooding within the indoor tennis courts to the north of the application site and would be contrary to Policy 32 of the Sutton Local Plan.
- 5.203 The Environment Agency have assessed the application and raise no objections. Had the application been considered acceptable in all other aspects a condition would have been included for the development to be carried out in accordance with the Flood Risk Assessment. This would include a requirement any unidentified contaminated land is identified, development shall cease until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. In addition, condition(s) would require that no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority and Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority.
- 5.204 **G) Trees and Landscaping:**
- 5.205 Policy 7.19 of the London Plan Policy states that development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 5.206 Policy 7.21 of the London Plan states that existing trees of value should be retained and any loss from development should be replaced on the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.

- 5.207 Policy 28 of Sutton's Local Plan 2018 states that new development, where appropriate, should make suitable provision for new planting, trees, and boundary treatments and incorporate well-designed soft and hard landscaping as an intrinsic feature of any proposal. It further sets out that where trees are present on site, a landscaping scheme should be submitted with the application which makes provision for the retention of existing trees, especially those which are significant within the local landscape.
- 5.208 The applicant has submitted an Arboricultural Impact Assessment, Arboricultural Method Statement, Design and Access Statement 2019 and a Landscape Colour Masterplan in support of the application. The Council's Principal Tree Officer has reviewed the submitted information and has made the following comments.
- 5.209 **Construction Impacts:**
- 5.210 The proposed location of the sports hall, will be in close proximity to two mature Poplar trees (T94 and T97) and as such, does not meet best practice guidelines (BS 5837) and therefore fails to adhere to Local Plan Policy 28 (P(v)). Whilst it would be recommended that the proposed sports hall be relocated away from the treeline, due to past management of these trees, their quality does have a bearing whether, on balance this is acceptable. These Poplars have been heavily pollarded in the past and periodic pruning of the trees will be necessary to manage risk (based on their position and existing public access), regardless of the development.
- 5.211 The proposals set out in the Arboricultural method statement demonstrate that foundations can be constructed in a manner which allows the safe retention of these trees. In addition, the arboricultural method statement provides mitigation to prevent issue with falling leaves /blocking gutters.
- 5.212 **Loss of Trees:**
- 5.213 The proposal leads to the loss of a fairly prominent landscape strip along the eastern boundary of the application site and includes a small section of the Park. This strip is made up of low value trees and shrubbery which makes a limited contribution to the visual amenity of the park. No objection is raised in respect of the mitigation strategy that proposes direct replacements for these trees.
- 5.214 The proposed access for construction requires the removal of trees T14 and T22. It is understood the necessity for the removal of these two trees and it is considered that this option creates the least impact on the application site, when compared to alternative locations for site storage deliveries. Semi mature replacement trees would have been required had the application been considered acceptable in all other aspects.
- 5.215 **Highway Widening:**

- 5.216 With appendix G of the Arboricultural Impact Assessment there are four options proposed for the alterations to the Rose Hill access routes. Notwithstanding that the applicant has not specified which option they propose to construct, the Principal Tree Officer would not support any option that resulted in the loss of T119, which is a high value London Plane. This would therefore preclude options 1 and 2.
- 5.217 **Landscaping:**
- 5.218 The proposed landscaping plans are lacking in sufficient detail and do not fully encompass the design and the aims of policy 28 or make best use of the opportunities within the application site. The application proposes low maintenance, drought resistant species, to facilitate ease of management and reduce ongoing costs. However, based on the limited amount of soft landscaping that is being proposed within the application site, it is considered that this strategy needs to be revised to one which provides maximum benefits in terms of interest, biodiversity benefits and enhancing the parkland setting.
- 5.219 The application proposes a sensory garden, which is a welcome and key feature although the plant choice needs to be clarified. Overall across the whole site there needs to be a good species mix (50/50) of biodiversity enhancement and ornamental planting.
- 5.220 The Council's Principal Tree Officer considers that based on all the tangible benefits that can be achieved from the inclusion of a green roof, as well as contributing toward meeting policy aims, its is considered that the application should include a green roof within the proposal. The proposed landscaping for the site has been restricted to softening, framing and providing seasonal interest. It is considered the landscaping proposal needs to be broadened to encompass ecosystem services delivery (carbon storage and sequestration, avoiding run-off and air pollution removal).
- 5.221 The application proposes to provide *Carpinus Betulus* (Common Hornbeam) along the boundary with the tennis courts and the proposed car park for the school. *Carpinus* is considered to be a suitable choice in this regard and will also provide effective screening to the tennis courts. The application also proposes *Carpinus* within the external dining area adjacent to the MUGA. *Carpinus* is considered to not be a suitable choice for a key arboricultural feature within this hard social area. The tree in this location needs to achieve maximum benefit in terms of ornamental features, interest, seasonal variation and contribution to learning opportunities. A species providing these benefits, such as *Kielruteria* or *Stewartia*, should be included and provided.
- 5.222 The application proposes small ornamental planting (*Prunus avium plena*) within the car park, however, the Principal Tree Officer considers that this should be

substituted in favour of providing one, central specimen tree in the form of a London Plane. This will not only maximise delivery of these services but provide considerable amenity and landscape value. Due to the limited provision of soft landscaping opportunities within the development to introduce large canopy species such as London Plane, any opportunity to provide large canopy species should be utilised.

- 5.223 The application proposes that T110 is to be retained, however, due to its quality and value this would not appear realistic within the area. Due to the small area, it would be better served with planting with clear ornamental and biodiversity benefits.
- 5.224 The Councils Principal Tree Officer is mindful of the need to maintain an element of natural surveillance for the application site and also that the residual visual impact of the park setting cannot be eliminated through tree establishment. However, based on the uniformity of the structural design, it is considered that the proposed uniform tree planting along the eastern boundary is not the best option. The proposed tree line needs to provide not only screening and softening, but biodiversity benefits. The application should include *Tilia cordata* (or variety of) within the planting mix; which could be interspersed or restricted to the south eastern corner. Additionally, planting can also be included in the park along this boundary to provide additional structural elements and aid long term screening.
- 5.225 As such, it is considered that the application fails to meet the aims and objectives of policy 28 of the Sutton Local Plan to make suitable provision for new planting, trees, and boundary treatments and incorporate well-designed soft and hard landscaping within the application site.
- 5.226 **H) Biodiversity:**
- 5.227 Policy 7.19 of the London Plan which sets out the new developments should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 5.228 Policy 26 'Biodiversity' states that "*The council will protect and enhance Sites of Importance for Nature Conservation, Green Corridors and biodiversity. It will ensure the restoration of Beddington Farmlands is completed to the agreed quality and implement its Biodiversity Action Plan and agri-environment schemes. Major new development should result in no net loss in biodiversity value, as assessed against the DEFRA biodiversity offsetting metric, the Environment Bank Biodiversity Impact Calculator or any metric which the council subsequently adopts formally. New development should incorporate opportunities to enhance biodiversity, wherever possible.*"

- 5.229 In addition, Policy 26 states that the council will not grant planning permission within or adjacent to a SINC where there would be a damaging impact on the nature conservation value or integrity of the site, unless:
- (i) the need for and the benefits of the development clearly outweigh the harm.
 - (ii) where there are no reasonable alternative sites that would result in less harm.
 - (iii) where development can demonstrate no net loss for biodiversity and, where possible, net gains for biodiversity by providing mitigation and/ or compensation measures.
- 5.230 The application site is located within a Metropolitan Green Chain, Public Open Space, Wandle Valley Regional Park and the railway line itself is an ecological corridor and Site of Importance for Nature Conservation, as set out in Suttons Local Plan.
- 5.231 The Council's Senior Biodiversity Officer has reviewed the submitted information and has made the following comments.
- 5.232 ***Preliminary Ecological Appraisal (PEA):***
- 5.233 A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application.
- 5.234 The PEA contains information on Biodiversity Accounting and references other survey reports, specifically bats and invasive species.
- 5.235 ***Biodiversity Accounting:***
- 5.236 The Senior Biodiversity Officer raised concerns in regards to the proposed biodiversity accounting, which is further exacerbated by the lack of any detailed landscaping masterplan.
- 5.237 The submitted information for Biodiversity Accounting provides a pre-development value of 1.70 (with a Habitat Impact Score of 0.86) and post-development value of +0.09. However, the Council's Senior Biodiversity Officer has concerns with the post-development calculations:
- B2.2 Semi-improved grassland has applied incorrect scoring and labelling (habitat is given as medium, which should attract a score of 4 but has been given a 2 and difficulty risk has been given a 'low' (1) but was calculated with 'medium' (1.5). That is, the calculation presented does not give the result presented.
 - Table 16 of the PEA suggests the woodland edge grassland will achieve 'good condition' within 3 years. However, Table 5.1 of the Technical

Guidance Note: 'Building a Sustainable Sutton' (TGN) gives eutrophic grassland a default time to target a moderate condition of 15 years, not 3 years, as applied in Table 16. As such, by recalculating the semi-improved grassland as achieving a more realistic moderate condition in 15 years produces 0.23 units. Whilst habitat creation does not work to an exact timescale, there is no justification or information within the PEA that demonstrates that this habitat could be created so much more quickly than the default value adopted within the TGN, especially to 'good' condition.

- A3.1 Scattered trees has a temporal value of 10 years applied to achieve moderate condition within the PEA. The default time utilised by Sutton as part of the adopted metric to moderate condition for scattered trees is 32 plus years. No justification is given as to why moderate condition could be achieved in 10 years, rather than the default time.
- The area of scattered trees to be created (0.01ha) is presumed to that given through the Design and Access Statement Tree Strategy. By applying the above revisions to the post-development Habitat Biodiversity Impact Score, it would produce a net loss of -0.23, not a net gain.

5.238 The applicant has submitted a letter in regards to the concerns raised by the Senior Biodiversity Officer. The letter confirms the following points:

- *In terms of semi-improved grassland enhancement for the SINC boundary, given the proposed use of seeding, it is expected that this habitat will establish much more quickly than 15 years. In three years, improvement is expected to be visible, especially since this habitat would be subject to a future BREEAM management plan that would include management of top soil nutrient levels and mowing.*
- *Scattered trees in this context are equivalent to street standard trees rather than mature parkland specimens and this was the reason why 10 years was selected.*
- *Note that a landscape and ecology management plan for created habitats is to be produced to support the BREEAM assessment, once detailed designs are finalised and will also support the establishment of these habitats. We propose that such a management plan could be produced to jointly satisfy BREEAM and planning and could be procured through a planning condition imposed on any granted planning permission.*

5.239 The Senior Biodiversity Officer has advised that insufficient information has been provided to clarify what the habitat creation and subsequent management conditions are for this area, to justify a reduced time to establishment. The use of seeding alone is not sufficient justification. As such, and until greater information is provided, the default time to moderate condition is regarded by officers as 15 years, as adopted in the TGN.

5.240 It is unclear why street trees would be in moderate condition in 10 years, compared to those planted in a woodland or hedgerow. As such and until greater

information is provided, the default time to moderate condition would remain at 32+ years, as adopted.

- 5.241 The comments from the applicant are not accepted as alleviating concern over the calculations.
- 5.242 **Landscaping:**
- 5.243 The application fails to provide a detailed post-development landscaping mastermap that ties into the proposed biodiversity accounting. The submitted Landscape Colour Masterplan is extremely scarce on details. The submitted Design and Access Statement and Hard and Soft Landscaping Plans do not provide any of the wildlife friendly species suggested for enhancement by the PEA.
- 5.244 The application proposes a habitat of 720sq metres, compared to the BB103 guidelines of 775sq metres, as stated on page 57 of the Design and Access Statement. The habitat area will be comprised of two separate blocks along the railway. No details have been provided as to what type of habitat will be created, other than non-specific references to meadow grassland, bird and bat boxes and fallen trunks.
- 5.245 Fencing is proposed with climbing plants, however no further information or indications of species and areas is provided. Within the 'Tree Strategy', three species have been proposed one is a non-native cultivar (*Acer platanoides* 'Columnar'), one is a native cultivar (*Prunus avium* 'Plena') and one is a native wild type species (*Carpinus betula*). Twelve, nine and four individuals of each species, respectively, are proposed. *Prunus avium* 'Plena' is extremely petal heavy and so has no fruit unlike *Prunus avium* and therefore will not provide pollen and nectar for insects or even fruit for birds.
- 5.246 The proposed planting strategy states 'The planting strategy is to provide native plants...' however it only has one native shrub (*Viburnum opulus*) and one native fern (*Dryopteris felix-mas*), out of seventeen proposed species.
- 5.247 A wider variety of bat and bird boxes should be proposed, as well as green infrastructure, including extensive substrate based biodiverse or biosolar roofs and SuDS at ground level that provide new habitats. The PEA recommends garden herb species (which can be used in borders, planters, window boxes etc.), which would improve the value of the application site for wildlife. A better suite of native species and ornamental species in the 'introduced scrub' area would also improve its condition for local wildlife.
- 5.248 No creation, aftercare, management or maintenance plans have been provided with the application to ensure that any and all created habitats fulfil their necessary Biodiversity Accounting score or ecological function.

- 5.249 The applicants response to these concerns raised by the Senior Biodiversity Officer are set out below:
- *The Design and Access Statement (DAS) does not provide a detailed planting schedule and it is acknowledged in the PEA that a review of the planting is required. It is understood that further detail on landscaping is to be provided separately which will show incorporation of enhancements recommended within the PEA. Pending review, this should also support the original moderate condition of the 'introduced shrub'.*
 - *While space is unlikely to be available for SUDS, incorporation of additional bird box designs (specifically for swift) could be incorporated (house sparrow was targeted due to BAP status and records).*
 - *Incorporation of climbing plants is proposed around the development as a green wall. This may also affect the final calculation of Habitat Biodiversity Impact Score, as this was not included in the original proposal.*
 - *A landscape and ecology management plan for created habitats is to be produced to support the BREEAM assessment once detailed designs are finalised and will also support the establishment of these habitats. It is expected that a condition will be imposed on any planning permission granted to achieve this.*
- 5.250 The Senior Biodiversity Officer has advised that basing the Biodiversity Accounting on an inadequate and undetailed landscaping scheme, results in no guarantee that projected habitats can be achieved, based on the understanding of the habitat creation, management and end goals. The submission material speculates as to what could be provided. As such, it is not considered there will be high quality biodiversity results.
- 5.251 It is considered that small ponds or rain gardens could be incorporated into land on the woodland edge or around the hardstanding areas as raised /planter beds to improve habitats and water movement (SuDS). The Senior Biodiversity Officer has recommended that triple chamber designs are incorporated on appropriate elevations to create potential colonies for swifts and that call lures are implemented. Had the application been considered acceptable in all other aspects, a condition would have been included for details to be submitted to and approved in writing.
- 5.252 No response has been provided in respect of incorporate biodiverse / biosolar roofs, which would provide multiple benefits in regards Biodiversity Accounting scores, water attenuation and thermal insulation to both buildings.
- 5.253 ***Bat Emergence / Re-entry Survey Report:***
- 5.254 The Senior Biodiversity Officer raised concerns with the submitted bat survey.

- 5.255 The main concerns were in respect of the timing of the surveys, which are compressed into the first month of the survey season. Table 7.21 of the Bat Survey Good Practice Guidelines states there should be at least 2 surveys between May and August for high roost suitability structures (and trees). It further notes that, for trees 'these surveys are unlikely to give confidence in a negative result'. That is, the recommended surveys for trees still do not provide full confidence that bats are unlikely to be present. The guidance goes on to state 'Multiple survey visits should be spread out to sample as much of the recommended survey period as possible (May to September). It is recommended that surveys are spaced at least two weeks apart, preferably more, unless there are specific ecological reasons for the surveys to be closer together'.
- 5.256 The surveys undertaken were on the 2nd, 17 and 28 May 2019, 15 days between the first and second survey and 11 days between the second and third surveys. It should be noted that no specific ecological reasons are offered for undertaking all surveys within a one month period at the start of the survey season and not being spaced at least two weeks apart. Activity levels and behaviour may vary the likelihood of encountering a bat or bats throughout the season.
- 5.257 As such, the Senior Biodiversity Officer considers there is a risk that the necessary survey effort has been constrained and may affect a bat roost. Although the provided Precautionary Method of Working (PMW) adheres to best practice, this would not mitigate for a lost bat roost.
- 5.258 In addition, no indication has been made as to the location of the surveyors on any of the survey dates through the use of a map, reducing how reliable the surveys are and does not fulfil scientific methodology.
- 5.259 The applicants in response to these concerns raised by the Senior Biodiversity Officer, advised that:
- *The surveyors surveyed multiple locations at dusk only on the 28/05/19, where surveyors were split between the building (MW and MS) and tree (JC). Surveyor locations have been highlighted on a map.*
 - *In terms of timings, it is considered that multiple survey visits only apply to Tree 100, as the building is a low potential structure requiring one survey visit only. It should be noted that the shed extension (the western outbuilding) is to be demolished from Building 1 and not the entire building.*
 - *It is acknowledged that the tree emergence survey is constrained by multiple factors. This is the reason for the inclusion of a pre-works inspection prior to felling as part of the PMW which would constitute an additional and update survey.*
 - *The precautionary method would mitigate for bat roosts, as if found works would need to stop as part of the Natural England licensing procedure and appropriate mitigation would need to be agreed / installed as part of the licencing process.*

- 5.260 The Senior Biodiversity Officer has advised that information provided still does not show where JC and MS were for the dusk and dawn survey of T100, or plan view locations of where the PRFs are located on T100 and Building 1. There are no photographs of the PRFs of T100 or Building 1 in either the PEA or the bat survey, nor annotated plans for bat activity within the bat survey. All of these omissions are contrary to the BCT Guidelines and as such, all of the omitted information raises concerns that sub-optimal survey effort has been undertaken and thereby reduces confidence within the report.
- 5.261 No ecological justification has been provided for compressing the surveys into one month and no limitations are acknowledged for not surveying the whole of the season.
- 5.262 In regards to the inclusion of pre-works inspection prior to felling as part of the PMW, this should be undertaken as part of best practice in dealing with trees, given the caveats and limitations around PRF inspection and presence/absence surveys of trees. In addition, it fails to provide roost characterisation and relies on 'falling' across a roost during the course of the work, rather than established understanding of the likely risks.
- 5.263 The Senior Biodiversity Officer has advised there is no justification why a climb and inspect survey has not been undertaken, to provide increased information on the PRFs, given that the presence/absence survey was designed to be compressed into the first month of the main activity season. A climb and inspect survey may have alleviate some of the presented concerns.
- 5.264 Without evidence to the contrary, the failure to provide any justification for changing best practice guidelines, the lack of additional details within the survey report and the constrained survey effort all raise concerns in the validity of the conclusions drawn.
- 5.265 Paragraph 99 of Biodiversity and Geological conservation: Circular 06/2005 states '*It is essential that the presence or otherwise of protected species is established before planning permission is granted otherwise all material considerations may not have been addressed...*'. Given the uncertainties of surveying for bats in trees, there is a greater probability of establishing presence or absence through coverage across the whole season. Concern is raised that the application has failed to provide evidence that legislation will not be breached and it is judged that there are no exceptional circumstances demonstrated which justifies that additional surveys can be conditioned.
- 5.266 ***Invasive Non-Native Species (INNS) Management Plan:***
- 5.267 The INNS Management Plan is considered sound by the Senior Biodiversity Officer and accords with best practice for the species concerned. However, given

that the Pyracantha needs to be removed to facilitate the school, it is considered that the proposed control of foliar application of herbicide for two seasons can take place on any areas where Firethorn control takes place and should be monitored until two full growth seasons have passed without re-growth.

5.268 Further information is required on the control of Pyracantha, as it is not understood as to why the school would need to be delayed for two seasons, from monitoring the regrowth. Ultimately, this species will need a full mechanical removal to eliminate all root growth.

5.269 The applicants response to the concerns raised by the Senior Biodiversity Officer states:

- *The management states in Section 5 that is likely that a combination of herbicide control and physical removal will be required. This is followed by section 7 providing information for "Where immediate removal is required, for example in a location that is shortly to be developed, the most appropriate control option is likely to be mechanical excavation". Where Pyracantha is present around the All weather pitch it is expected that mechanical removal will be the treatment used following cut to stump to minimise fruiting / spread of berries prior to removal.*
- *Monitoring of the Site post-control will be necessary in case of regrowth from seeds or root sections. These could be anywhere on the Site. It is acknowledged that Section 5 could be more direct in emphasising that mechanical removal is likely to follow cut to stump and to herbicide control.*
- *The document does provide the full suite of outline recommendations for a contractor to produce a method statement which will vary in each location by the timescales and the works proposed in each location, which may include mechanical removal.*

5.270 The Senior Biodiversity Officers accepts the submitted statement that the report could have been more clear and had it been more specific, would not have required a condition had the application been considered acceptable in all other aspects, to make invasive species removal acceptable.

5.271 ***Combined Hard and Soft Landscape General Arrangement Plan:***

5.272 Indicates areas for 'Proposed Amenity Planting and Herbaceous Planting' but provides no details of what is indicated.

5.273 ***External Lux Lighting Levels:***

5.274 The external lux lighting levels indicates that the proposed post-development lighting levels are at around 1 lux at the closest point to the SINC to the west of the application site. The lux contours do not extend beyond the redline of the

application site and as such, the Senior Biodiversity Officer cannot evaluate how much light degradation will take place and at what distance from the light sources.

- 5.275 No current lighting levels have been provided within the application and therefore, it cannot be accessed if 1 lux is a significant increase on current levels and whether this may impact on foraging and commuting along this belt of trees. No external lighting for the MUGA has been indicated which could have an additional impact on bats.
- 5.276 The applicants response to the concerns raised by the Senior Biodiversity Officer states:
- *Drawing 553096-MET-TB-ZZ-DR-M-91006 External Lighting Lux levels, which formed as part of our submission shows the lux levels achieved from our proposed external lighting design. Please note that within the legend, 5 colours are used to represent different lux levels achieved. Yellow represents the band of ground which achieves 1 lux. White is used to show areas where 0 lux is achieved on the ground. For ease, this drawing is attached as an appendix.*
 - *The existing site external lighting comprises of perimeter flood lighting to the existing dis-used All Weather Pitch. The existing flood lighting on the West side of site is currently located on the boundary and when in use will emit considerable light spill onto and beyond the western site boundary. Note that Sports England guidelines on 5-a-side football is to achieve 120 lux horizontal average on the pitch.*
 - *It is acknowledged that the new proposed external lighting design emits 1 lux at the site boundary, we note that on a clear nights sky, a full moon emits approximately 0.33 lux. Based on all this, it is considered that the proposed external lighting design of 1 lux at the site boundary results in a significant increase in current levels, therefore do not envisage an impact on foraging and commuting along this belt of trees.*
 - *No external lighting is to be provided to the new MUGA. Buried ducts are being provided around the perimeter of the new dis-used All Weather Pitch only to facilitate the installation of score board and if required lighting at a later date. Note that if a future installation of lighting were to occur, then planning permission would be required.*
- 5.277 The Senior Biodiversity Officer commented that this was recognised at the time but does not show degradation distances below 1 lux, the significance of which is highlighted below.
- 5.278 The granularity of the predicted levels below 1 lux is important, as is factoring in existing vegetation. No confirmation has been provided that this factored into the post-development lighting calculations. Further information on horizontal and vertical spill from each luminaire (plus any mitigation measures, such as baffles etc.) is required. Had the application been considered acceptable a condition

would have been recommended for details on horizontal and vertical spills from each luminaire to be provided.

- 5.279 Due to the floodlights on the all weather pitch not being used for a number of years, it is likely that bats have habituated to a darker areas and as such details of the existing ambient levels are required. Bats, generally, avoid full moons (and light in general), as it increases the risk of predation. It is noted that some bats do become more habituated to light sources. Given that bats often actively avoid full moons, which are approximately a third of the level proposed, the difference in lux values below 1 can be significant to bats and other nocturnal creatures.
- 5.280 Current best practice (Stone, E.L. (2013) Bats and lighting: Overview of current evidence and mitigation guidance) states that 'It is important to survey pre-development light levels in the areas to be impacted by the proposed lighting regime to be able to assess the relative change in illuminance as a result of the scheme.' (4.3.2, pg.38 and also note the remainder of 4.3, in regards information required). Details of readings, primarily from along the SINC boundary should have been provided at these levels. Due to existing light pollution, the ambient light levels are already above 1 lux along the SINC, which should have been taken into account with the post-development lighting scheme.
- 5.281 As such, it is recommended that permission be refused as the proposal without evidence to the contrary, will cause an adverse impact on bats, and would provide an insufficient level of biodiversity gains, contrary to Policy 26 of the Sutton Local Plan.
- 5.282 **I) Crime Prevention:**
- 5.283 London Plan policy 7.3, Policy 28 'Character and Design' (G) of the Local Plan require developments to have regard to design measures that deter crime and reduce the fear of crime.
- 5.284 The proposed development is considered to be acceptable in terms of crime prevention. The site layout and design has been formulated in consultation with the Metropolitan Police Crime Prevention Officer considers that the application site at present suffers from anti-social behaviour at times when the area becomes inactive outside of the sport centre opening times. The repurposing of the site as a school may mitigate the current anti-social attraction to the site.
- 5.285 However, the seclusion of the site, the distance from the active main road, the lack of natural/ informal surveillance opportunities, no overlooking from neighbouring properties, the low public footfall within the park still present the opportunity for anti-social behaviour.
- 5.286 Surveillance opportunities for the school need to be improved and a formal surveillance and monitoring system is advisable.

- 5.287 Had the application been considered acceptable in all other aspects a condition would have been recommended for a full and detailed application to be submitted to the secure by design award scheme prior to the commencement of the application.
- 5.288 **L) Air Quality and Noise Impact:**
- 5.289 Policy 3.2 D of the London Plan 2016 'Improving health and addressing health inequalities' states 'New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities'. Policy 5.3 'Sustainable design and construction' of the London Plan states that 'the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments. This includes minimising noise pollution'.
- 5.290 Policy 7.14 B, 'Improving air quality' of the London Plan (2016) states that development proposals should:
- Minimise increased exposure to existing poor air quality and make provision to address local problems of air quality,
 - Promote sustainable design and construction to reduce emissions,
 - Be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas(AQMAs),
 - Ensure that where provision needs to be made to reduce emissions, this is usually made on-site and
 - Where biomass boilers are included, permission should only be granted if no adverse air quality impacts from the biomass boiler are identified.
- 5.291 The site lies within a Borough-wide Air Quality Management Area (AQMA). Air Quality Impact Assessment has been submitted with the application as required by London Plan policy 7.14 and Policy 34 'Environmental Protection', to consider baseline and predicted air quality conditions.
- 5.292 The applicant has submitted an Air Quality Impact Assessment, which has been assessed by the Councils Environmental Health Team. Concerns have been raised in respect that the data within the assessment is based on the date from the Transport Assessment. Environmental Health agree with the concerns raised by Transport for London and the Councils Senior Highways Officer that the assumptions made for the total number of vehicle trips during peak hours, have been significantly underestimated.
- 5.293 As such, due to the inaccuracies within the Transport Assessment the assumptions made with the Air Quality Assessment and Air Quality Neutral

Assessment cannot be relied upon to enable officers to make an informal decision on air quality impact.

- 5.294 Policy 5.3 'Sustainable design and construction' of the London Plan states that 'the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments. This includes minimising noise pollution'.
- 5.295 Policy 7.15 'Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes' of the London Plan states that 'Development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business'.
- 5.296 Policy 34 (K) 'Noise and Vibration' of the Sutton Local Plan states that noise-sensitive developments should be separated from major noise-generating activities wherever practicable. All planning applications for noise-sensitive developments located near to an existing noise-generating activity should be accompanied by a Noise Assessment, which should determine whether the overall effect of noise exposure (including construction impacts) would be above or below the 'significant observed adverse effect' and 'lowest observed adverse effect' levels defined in DEFRA's 'Noise Policy Statement for England 2010'.
- 5.297 The submitted Environmental Noise Assessment states that the western boundary of the development site is exposed to noise levels of up to 56 dB LAeq,30mins primarily due to noise from the adjacent train line, which would exceed the level at which partially open windows could be used for ventilation of standard secondary school classrooms. For this reason the building footprint has been moved to the east of the site to increase the distance from the train line and therefore reduce noise levels at the building façade.
- 5.298 The proposed position of the building footprint allows all standard (non-SEN) teaching spaces within the school building to utilise open windows as part of the ventilation strategy.
- 5.299 All teaching spaces intended specifically for students with special hearing and communication needs (SEN teaching spaces) require a lower indoor ambient noise level and are not anticipated to be suitable for ventilation via partially open windows.
- 5.300 Based on predicted façade noise levels the following spaces within the ASD School are to utilise a system providing required ventilation levels with windows closed. BB93 guidance also states that additional ventilation to mitigate summertime overheating should be provided with windows closed if required.

- SEN Classrooms
- SEN Group Rooms
- SEN Quiet Bays

- 5.301 The report continues to state that vocational/practical education areas within the ASD School are classified according to the relevant vocational BB93 classification. Calculations indicate that Indoor Ambient Noise Level (IANL) requirements of BB93 can be met with a ventilation strategy including partially open windows.
- 5.302 With regard to external teaching areas, the report states that whilst external teaching areas are not included in the BB93 performance standards, additional guidance to BB93 published in 'Acoustics of Schools: A Design Guide' states that noise levels in unoccupied playgrounds, playing fields and other outdoor areas should not exceed 55 dB LAeq,30min, and there should be at least one area suitable for outdoor teaching activities where noise levels are below 50 dB LAeq,30min.
- 5.303 Based on site noise levels the majority of external spaces are expected to be exposed to noise levels of less than 55 dB LAeq,30min. Areas to the north of the school building are screened from rail and traffic noise and at least one external area around the new school buildings is expected to have noise levels below 50 dB LAeq,30min in line with BB93 guidance.
- 5.304 There is a dedicated ASD external / social area proposed to the north of the school building which is to be enclosed with a 1.8 metre high close boarded timber fence, with noise levels within this area are anticipated to be less than 50 dB LAeq,30min.
- 5.305 The Council's Environmental Health Officer has raised no objections to the submitted noise assessment in terms of impact on future students.
- 5.306 ***External Sports Facilities Operational Noise Impact:***
- 5.307 A Multi Use Games Area (MUGAs) is proposed to be located to the west of the school building. The application does not propose to use the MUGA for out of hours use of the sports facilities, however an assessment of evening and weekend noise impact was undertaken to account for any future use. There are no proposals for floodlighting of external sports areas, which would limit any future evening use of the facilities.
- 5.308 The noise assessment indicates that noise levels within external amenity areas of adjacent residential properties due to use of the external sports facilities are not expected to exceed the existing ambient noise levels. Cumulative noise levels are not expected to exceed 53 dB LAeq,1 hour during typical school hours and 51 dB LAeq,1 hour during more sensitive evening and weekend periods.

- 5.309 The noise assessment states that the predicted increase in existing ambient site noise levels is a maximum of 2 dB, which is considered to be imperceptible, and therefore the use of the MUGA pitches is anticipated to have a low noise impact during both daytime use, and any evening and weekend use.
- 5.310 Noise levels from use of MUGAs is not expected to exceed the 50 dB LAeq,16hr threshold outlined in WHO guidance for outdoor living area amenity or the typical Lowest Observed Adverse Effect Level (LOAEL) given by the Institute of Environmental Management and Assessment (2014) for residential dwellings.
- 5.311 The Council's Environmental Health Officer raises no objection to the impact on adjoining residential occupiers in terms of adverse impact from noise and disturbance.
- 5.312 **L) Planning Contributions:**
- 5.313 Had the application been supported by officers, the proposal would result in a legal obligation by the developer to commit to financial and non-financial commitments through a Section 106 Agreement to include (but may not be limited to) the following: Sustainable Transport and Highways, School Travel Plan, Local Employment and Training.
- 5.314 The London Borough of Sutton introduced its Community Infrastructure Levy (CIL) charging schedule in April 2014. Any new build, that is a new building or an extension, is only liable for the levy if it has 100 square metres, or more, of gross internal floor space or creates an additional residential unit.
- 5.315 All Local Authorities are required to index the CIL charges to take account of price increases between the time when charging schedules setting out an authority's rate come into force, and the time at which planning permission is granted. In this instance the London Borough of Sutton's CIL has been indexed from its adoption in April 2014 and the Mayoral CIL indexed from its adoption in April 2012.
- 5.316 The proposal would not be liable for CIL.
- 5.317 **M) Conclusions and Recommendations:**
- 5.318 The proposed development is considered to be unacceptable, due to the proposal not utilising the full site allocation as set out in the Site Allocation S98 and, as such, would result in an overly dominant form of development, due to its height, mass and proximity to the edge of Metropolitan Open Land (MOL). The proposal would result in substantial harm to the character and appearance of the area and result in an unacceptable visual impact on the setting of the adjacent MOL.
- 5.319 The proposed development would detract from the character and appearance of the surrounding area by reason of its monolithic design, height, massing, siting

and lack of appropriate soft landscaping, tree and screening planting. This would result in a detrimental visual impact on the amenity and character of the surrounding area and to the character and appearance of the adjacent Metropolitan Open Land (MOL).

- 5.320 The development includes the provision of a four storey building within an area not considered appropriate for taller buildings and does not represent the exceptional design quality that might support such a departure from the policies in the Development Plan.
- 5.321 The proposed development fails to provide a satisfactory educational environment, due to classrooms having no access to natural light, internal corridors being cramped and the Special Educational Need (SEN) rooms within the upper floors having no access for external breakout spaces.
- 5.322 The proposed development without adequate and sufficient evidence fails to provide adequate parking provision for the staff and servicing needs within the shared parking area used by all users of Rosehill and the Sports Village. Furthermore the proposal fails to provide the requisite highways mitigation measures that would ensure pedestrian and highway safety due to inadequate details provided in relation to car park management plans, parent pick up and drop off, and service vehicles.
- 5.323 The application fails to provide sufficient details that the site can accommodate construction vehicles and staff parking off street during the construction of the development. As such, it is considered that the proposed development would result in danger to highway and pedestrian safety and overspill parking into surrounding residential streets to the detriment of the amenities of nearby residents.
- 5.324 Due to the lack of comprehensive information and evidence relating to the net gains in biodiversity and potential impact on protected species, the proposed development would adversely impact on the biodiversity interests in and around the application site.
- 5.325 The proposed development fails to provide adequate protection for the loss of trees along with suitable mitigation measures for their removal. This is due to poor and inadequate information being submitted relating to the landscaping strategy for new tree planting, boundary treatments and well-designed hard and soft landscaping.
- 5.326 The proposed development fails to demonstrate that the proposal has been designed to minimise or mitigate for surface water run-off that would lead to flooding of the adjacent buildings within the Sports Village due to inadequate measures and mitigation being incorporated as part of the development.

- 5.327 Without evidence to the contrary, the proposal may result in adverse impact on the surrounding residents properties in terms of air quality due to insufficient information submitted within the Transport Assessment.
- 5.328 The proposed development would fail to provide the appropriate financial and non-financial planning obligations to mitigate the impact of the development (but not limited to) in terms of highway improvements, sustainable transport, School Travel Plan and Local Employment and Training.

R

Mr Alan Gunne-Jones
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DM2019/00985

DRAFT

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

Rosehill Recreation Ground, Rose Hill, Sutton, SM1 3HH

Erection of a four-storey building creating a new eight form entry secondary school, including a sixth form, a Special Educational Needs (SEN) school for secondary age students and a detached part-one, part-two storey sports hall (Use Class D1), modification of existing access from Rose Hill, provision of areas of hard playing space, car parking, cycle parking and hard and soft landscaping works and other associated works.

SECOND SCHEDULE

(1) The proposed development is considered to be unacceptable due to the proposal not utilising the full site allocation as set out in the Site Allocation S98 and as such would result in an overly dominant form of development, due to its design, height, mass and proximity to the edge of Metropolitan Open Land (MOL). The proposal would result in substantial harm to the character and appearance of the area and the visual setting of the MOL. The application is therefore contrary to Policies 3.18, 7.4, 7.6 and 7.17 of the London Plan and Policies 24, 28 and 40 of the Sutton Local Plan 2018.

(2) The proposed development which includes a four storey building which does not meet the test of exemplar or exceptional design in terms of its external and internal arrangements in a location not considered suitable for taller buildings as defined in the Local Plan. As such, the development is considered to be unacceptable and contrary to policies 7.4, 7.6 and 7.7 of the London Plan and Policy 28 of the Sutton Local Plan 2018.

(3) The proposal provides insufficient evidence within its Transport Assessment to quantify the level of the traffic impacts likely to be associated with the development, and neither does it demonstrate it makes adequate provision for off-street parking and servicing within the shared parking area used by all users of Rosehill and the Sports Village and fails to provide details of mitigation measures including a car park management plan to control parent pick up and drop offs or clarify details of safe pedestrian movement within the area of the shared access and parking areas. As such the proposal is considered to be unacceptable as without evidence to the contrary it is likely to give rise to conditions prejudicial to highway and pedestrian safety and overspill parking to the detriment of highway safety and the amenities of adjacent neighbouring properties contrary to Policies 6.12 and 6.13 of the London Plan and Policies 29, 36 and 37 of the Sutton Local Plan 2018.

(4) The application fails to provide sufficient details to demonstrate that the site can accommodate for construction vehicles to load/unload and contain parking for staff during the construction of the development. Neither does it demonstrate how site management will operate such that delivery vehicles arrive on site as required, and do not create any vehicle stacking on the main road. As such, it is considered that the proposed development would result in danger to highway and pedestrian safety and overspill parking into surrounding residential streets to the detriment of the amenities of nearby residents. The application is therefore contrary to Policies 6.12, 6.13 of the London Plan and Policies 29, 36 and 37 of the Sutton Local Plan 2018

(5) The application is unacceptable as insufficient information has been provided to demonstrate how the development would provide net biodiversity gains or mitigate the potential impact on protected species. As such, the proposed development would adversely impact on the biodiversity interests in and around the application site, contrary to Policy 7.19 of the London Plan and Policy 26 of the Sutton Local Plan 2018.

(6) The proposed development fails to provide adequate protection for the loss of trees along with suitable mitigation measures for their removal. This is due to a poor and inadequate information being submitted relating to the landscaping strategy which relate to new planting of trees, boundary treatments and well-designed hard and soft landscaping. The application is therefore contrary to Policy 7.21 of the London Plan and Policy 28 of the Sutton Local Plan 2018.

(7) The proposed development fails to demonstrate that the proposal has been designed to minimise or mitigate for surface water run-off and would not lead to flooding of the adjacent buildings within the Sports Village due to inadequate measures and mitigation being incorporated as part of the development. The application is therefore contrary to Policies 5.12 and 5.13 of the London Plan and Policies 32 and 33 of the Sutton Local Plan 2018.

(8) Without evidence to the contrary, the proposal would result in adverse impact on the surrounding residents properties in terms of air quality due to insufficient information submitted within the Transport Assessment. The application is therefore contrary to Policy 7.14 of the London Plan and Policies 29 and 34 of Sutton's Local Plan 2018.

(9) The proposed development would fail to provide the appropriate financial and non-financial planning obligations to mitigate the impact of the development (but not limited to) in terms of improvements on highways and sustainable transport modes, School Travel Plan, Biodiversity Accounting, Local Employment and Training. The application is therefore contrary Policies 4.12 and 8.2 of the London Plan and Policy 38 of the Sutton Local Plan 2018.

INFORMATIVES

(1) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access

to Information) Act 1985. An appointment can be made for this purpose by telephoning 020 8770-5070.

(2) The applicant sought pre-application advice, but did not amend the proposal in line with the advice given. As such, the proposal does not comply with the relevant planning policies and the Council therefore had no alternative but to refuse planning permission.

(3) The refused development has been assessed in accordance with the following drawings/details:

Design and Access Statement July 2019
Planning Statement June 2019 (1029/Rev 02)
Addendum to Planning Statement 1 July 2019
Construction Logistic Plan 5 June 2019 (Rev C1)
Transport Assessment June 2019
Delivery and Servicing Plan June 2019
School Travel Plan - SEN School June 2019
Car Park Management Plan June 2019
Coach Strategy 1 July 2019 (Rev P1)
School Travel Plan - Secondary and Sixth Form School June 2019
BREEAM 2018 New Construction Issue 1.2 4 June 2019 (Rev P5)
Arboricultural Impact Assessment Report March 2019
Arboricultural Method Statement May 2019
Preliminary Ecological Appraisal Report May 2019
Bat Emergence/ Re-entry Survey Report May 2019
Invasive Non-native Species Management Plan May 2019
Air Quality Assessment May 2019
Energy Statement April 2019
Drainage Strategy and Water Quality Management Report June 2019
Flood Risk Assessment June 2019
Planning Stage Environmental Noise Assessment 3 June 2019 (130810-AC-2v2)
Statement of Community Engagement June 2019 (Rev 02)
Archaeological Desk Based Assessment May 2019
Ground Investigation October 2017
Ground Investigation Report May 2019
Technical Note External Lighting Response 9 August 2019
Technical Response 2 August 2019 (X172041)
Technical Response 4/2019
Biodiversity Planning Response 9 August 2019
Block Plan - 2470_04040 Rev P1
Location Plan - 24702_04000 Rev P2
Scope of Works Plan - 2470_04050 Rev P1
Site Sections 1 - 2470_AP05020 Rev P1
Site Sections 2 - 2470_AP05021 Rev P1
Proposed Facade Sections 1 - 2470_AP05008 Rev P1
Proposed Facade Sections 2 - 2470_AP05009 Rev P1

Typical Bay Elevations - 2470_AP05004 Rev P1
Sports Hall Sections - 2470_AP05007 Rev P1
Sports Hall Elevations - 2470_AP05006 Rev P1
Sports Hall Ground Floor Plan - 2470)AP04010 Rev P1
Sports Hall Roof Plan - 2470_AP04011 Rev P1
Teaching Block Sections - 2470_AP05005 Rev P1
Teaching Block Elevations - 2470_AP05001 Rev P1
Teaching Block Elevations - 2470_AP05002 Rev P1
Teaching Block Ground Floor Plan - 2470_AP04001 Rev P1
Teaching Block First Floor Plan - 2470_AP04002 Rev P1
Teaching Block Second Floor Plan - 2470_AP04003 Rev P1
Teaching Block Third Floor Plan - 2470_AP04004 Rev P1
Teaching Block Roof Plan - 2470_AP04005 Rev P1
Landscape Sections - 553096-FAB-ZZ-00-DR-L-11400
Combined Hard and Soft Landscape General Arrangement Plan -
553096-FAB-ZZ-00-DR-L-11250
Combined Hard and Soft Landscape General Arrangement Plan -
553096-FAB-ZZ-00-DR-L-11251
External Lighting Lux Levels - 553096-MET-TB-ZZ-DR-M-91006 RevS2-P04

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