

DM2020/02143

Seaton House School

61A Banstead Road South

Sutton

SM2 5LH

<b>Committee</b>	Planning Committee
<b>Committee Date</b>	5th May 2021
<b>Committee Chair</b>	Councillor Drew Heffernan
<b>Report From</b>	Simon Latham, Interim Strategic Director of Regeneration, Housing and Planning
<b>Site Reference</b>	DM2020/02143
<b>Site Address</b>	Seaton House School 61A Banstead Road South Sutton SM2 5LH
<b>Time taken</b>	19 weeks 1 day
<b>Applicant</b>	Mr Tim Roads
<b>Agent</b>	Mr. Christopher Sampson MRTPI, Kember Loudon Williams
<b>Ward(s) Affected</b>	B09 - Belmont

## 1 Summary

- 1.1 The application seeks to vary condition 11 (the D2 use shall be restricted to and limited to use as a bowls clubhouse and shall not be used for any other class D2 use) of planning permission Ref: B2016/73421/FUL for the 'Erection of a clubhouse for Carshalton Beeches Bowling Club' to allow for the use to include educational purposes and associated ancillary facilities by Seaton House Preparatory School.
- 1.2 Application B2016/73421 was allowed on appeal. The council refused the scheme for the following reason:
- 1.3 *The proposed clubhouse, by virtue of its siting, mass and bulk would result in development which would break up the openness of the back land forming the site and the openness of the surrounding area which is an important characteristic feature of the area. Its design would not complement or enhance the surrounding area and would be contrary to policy BP12 of the Core Planning Strategy and policy DM1 of the Site Development Policies DPD.*
- 1.4 However the Inspector disagreed and stated that “there is little before me to suggest that open spaces to the rear of residential properties are an intrinsic feature in the locality. On the contrary, the appeal site and its surroundings appear to be something of an anomaly in an otherwise built-up albeit low-density, suburban neighbourhood. Moreover, when I

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visited the site, I observed various timber outbuildings around the perimeter of the playing fields many of which are screened from adjacent gardens by established landscaping and boundary fences” and concluded that the development would not cause unacceptable harm to the character and appearance of the area.

- 1.5 This application has been referred to the committee because the council has received more than 10 letters of objection and the application has been de-delegated by Councillor Hicks.

**2 Recommendation**

- 2.1 To **GRANT** planning permission, subject to the conditions outlined at Appendix B.  
Summary of reasons for recommendation
- 2.2 The principle of the change of use of the existing building is acceptable and accords with the relevant planning policies and the existing use and ownership of the site.
- 2.3 The proposal would not have a significant impact on the amenities enjoyed by the occupants of the surrounding properties.
- 2.4 The proposed change of use would not result in any adverse impact on the safe operation of the public highway or pedestrian safety and would not be detrimental to the parking stress on the existing highway.

**Background and Key Information**Conditions

- 2.5 The suggested conditions for this application are attached at Appendix B.

Site and surroundings

- 2.6 The application site relates to Seaton House School, the school site itself comprises of the frontage properties on Banstead Road South with a large rear area of land bordering neighbouring residential gardens, which contains a detached building known as ‘Senior House’ as well as the recently constructed single storey ‘pavilion’ building which is the subject of this application.
- 2.7 Southway lies to the east of the site and Westway to the north. The wider surrounding area is predominantly residential in character, comprising large detached and semi-detached dwellinghouses.

Site specific designations

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- 2.8 There are no site specific designations.

#### Planning History

- 2.9 There is extensive planning history connected with the school site, however the most relevant is:
- 2.10 B2016/73421 - Erection of a clubhouse for Carshalton Beeches Bowling Club. This application was allowed at appeal by the Planning Inspectorate on 6th December 2016. This proposal has been fully implemented and the building is in situ, but no longer occupied by the Bowls Club and is currently not in use due to the a condition which states that the use of the building is restricted to and limited to use as a Bowls Clubhouse and shall not be used for any other Class D2 use as specified by the Town and Country Planning (Use Classes) Order 1987 (as amended) or benefit from any permitted change within Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or revoking and re-enacting that Order), without the prior written approval of the Local Planning Authority. The parent application was allowed on appeal and therefore there is no reason given by the Inspector for imposing the condition.

#### Pre-application History

- 2.11 The applicant sought pre-application advice for the demolition of the existing detached school building and erection of a detached two storey school building (not connected with this application). This submission also sought advice regarding the variation of condition 11 to allow the bowls clubhouse to be used for educational purposes.
- 2.12 It was concluded in the pre-application advice that in principle there would be no objection to the variation of condition to allow the bowls club building to be used for educational purposes. However the applicant would need to seek permission for the variation of condition before any such change of use could take place.

### **3 Application Proposals**

- 3.1 This application seeks permission to vary condition 11 (the D2 use shall be restricted to and limited to use as a bowls clubhouse and shall not be used for any other class D2 use) of planning permission Ref: B2016/73421/FUL for the 'Erection of a clubhouse for Carshalton Beeches Bowling Club' to allow for the use to include educational purposes and associated ancillary facilities by Seaton House Preparatory School.
- 3.2 Following the departure of the Bowls Club from the site, it is proposed that the bowls clubhouse (which is currently vacant) will be used for educational purposes and associated ancillary facilities in connection with Seaton House School. The proposal will not include any increase in pupil numbers but would be used as a flexible teaching space

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and associated school offices. This space would allow for socially distanced teaching together with a space suitable for pupils with mobility issues.

Amendments

3.3 None

**4 Publicity**Consultation

4.1 In total 57 letters were sent to local residents on 12th January 2021 surrounding the site on the following roads listed below:

- **Beeches Walk**
- **Banstead Road South**
- **Chiltern Road**
- **Southway**
- **Westway**

4.2 A site notice was displayed at the entrance to the site on 15th January 2021.

Number of letters received in response to the proposal

The application received 44 objections from the addresses listed below:-

- 16 Beeches Walk
- 28, 40, 57, 58, 63, 65, 70, 71, 73, 81, 84, 85 and 103 Banstead Road South
- 187 Banstead Road
- 7, 15, 36 and 37 Fairway
- The Croft, West Drive
- 11, 30, 47 and 48 Southway
- 113 Woodmansterne Road
- 14, 17 and 52 Pine Walk
- 23 Woodbury Drive
- 2A and 3 Westway
- 55 Woodstone Avenue
- 64 Beeches Avenue
- 1 Farm Road
- 74 The Gallop
- 38 Cedar Road
- 68 Harbury Road
- 3 Rosewood
- 2B Peaks Hill, Purley
- 25 Bawtree Close
- 105 Chapel Way, Epsom

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Representations received

4.3 The objections received are listed with an officer response within the table below

Objection Letters Received	Response
Building should be demolished if not used by the bowls club	The building itself does not harm the appearance and setting of the application site or the wider surrounding area, nor is there an unreasonable impact on the amenities of the surrounding properties. It would therefore be unsustainable and without justification in planning terms to seek the demolition of the building rather than seeking an alternative use.
Would result in increase in pupil numbers	The applicant has confirmed that there would not be an increase in pupil numbers and the building would be used by existing staff and pupils
Will create more traffic and parking congestion	There would be no increase in pupils or staff as a result of this proposal. As such, there would be no increase above and beyond the existing traffic generation and parking issues.
Increase in noise and disturbance from children	The proposed use of the clubhouse building for teaching space and office use in connection with the existing use of the site would not result in noise and disturbance that would be considered unreasonable in this setting, especially given the hours in which schools operate.
Increase in pollution from cars and traffic	There would not be an increase in traffic as a result of this proposal, therefore there would not be an increase in pollution as a result of the change of use of the clubhouse building.
The use should remain as a sports facility for the community	The clubhouse building is located on land that is in the ownership of Seaton House School and it is applying for planning permission for the use of this redundant building. There is no objection to the use of the building for educational purposes



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	connected to the school and given that the building is located within the grounds of the school it is perhaps less suited for use by an external body or organisation given current safeguarding issues.
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**Councillor representation:** Councillor Hicks has de-delegated this application for the following reasons:

- 1.Intensification of use of the building and site
- 2.Impact on amenity of neighbouring properties
- 3.Original permission allowed use for the Bowls Club, a community facility.

Summary of non-material representation(s)

<b>Non-Material planning consideration</b>	<b>Officers Response</b>
There is a restrictive covenant on the site	Restrictive covenants not relevant to the planning proposal as they are a civil matter between landowners, not covered under planning legislation.
The Bowling club was pushed out and this is underhand by the school to gain use of building	This is a private matter between the Bowling Club and the school and is not relevant to the consideration of the planning merits of this application.
The school has made previous statements that it has no intention to expand	The applicant has confirmed that as a result of this proposal the school does not intend to increase the pupil numbers.

4.4 The application received 41 letters of support for the proposal from the addresses listed below (in some cases more than one letter was received from the same household):

- 8a The Bridle Road, Purley
- 15 Langton Ave, Epsom
- 12, 50 Golf Side
- 58 West Drive
- 15 The Chase, Coulsdon
- 16 Brasted Close
- 161 Bandsted Road
- 31 Central Way
- 16 Southway

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- 28 Est Drive
- 8 Woodmanstern Road
- 39 The Mount
- 3 The Byway
- 17 Cavendish Road, Redhill
- 46 Stratton Ave
- 22 Queens Road
- 28 Seymour Ave
- Tanglewood, Stagbury Ave, Chipsted
- The Lindens, Hawthorn Ave
- 62 Purley Park Road, Purley
- 33 Ewell Downs Road, Epsom
- 52 Metcalfe Ave
- 67 Salisbury Ave
- 4 Grampian Close
- 32A Morton Gardens
- 13 Hornbeam Close, Epsom Downs
- 19 Star Lane, Coulsdon
- 7 Sunnymede Ave
- 94 Pine Ridge
- 29 Brighton Road, Hooley
- 45 Canning Road, Croydon
- 40 Longfield Ave
- 24 Portnells Close. Coulsdon

<b>Material Reason for Support</b>	<b>Officer's Response</b>
Additional space will benefit pupils and provide modern facilities	Agreed
Extra space will improve social distancing in pandemic	Agreed, additional space would allow for more social distancing
Traffic problems would not worsen as there would be no increase in traffic as there would not be an increase in pupils at the school	Agreed, as discussed above.
Will create a safe environment for the children and have a positive impact on their wellbeing.	The site appears to be a safe environment for the children and the additional space will benefit the learning environment.
Will utilise an unused building	Yes, the proposal would utilise an unused building that cannot be used by the Bowls Club.

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Internal and external consultations

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

<b>Internal Consultation</b>	<b>Comments Received</b>
Highways	No comments received
Environmental Health	No objections
Sustainability Officer	No objections
Waste Team	No comments received.

## **5 Material Planning Policies**

- 5.1 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 2021
  - Sutton Local Plan 2018
- 5.2 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
- 5.3 Public Sector Equality Duty (PSED) and Human Rights.
- 5.4 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



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special needs of (paragraphs 5.22-5.51) 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.

- 5.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.6 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.
- 5.7 The proposal is for the variation of a condition restricting the use of the Bowls Clubhouse for use by the Bowls Club only and no other D2 use. The variation of the condition will allow use for educational purposes by Seaton House School and as such it is considered to have a neutral impact on any members of the public protected by the Equality Act 2010. It is also considered that the decision takes into account issues arising from the Human Rights Act (1998)

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

**5.9 London Plan 2021 Policies:**

- GG1 Building strong and inclusive communities
- GG2 Making best use of the land
- D4 Delivering good design
- D5 Inclusive design
- D14 Noise
- S3 Education and child care facilities
- S5 Sports and recreation
- G7 Trees and woodland
- T3 Transport connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T6 Car parking

**5.10 Sutton Local Plan Policies:**

- Policy 1 Sustainable Growth
- Policy 20 Education and Skills
- Policy 28 Character and Design
- Policy 29 Protecting Amenity
- Policy 36 Transport Impact
- Policy 37 Parking

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## **6 Planning Considerations**

- 6.1 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**
- B) The Design of the Development**
- C) The Impact on Residential Amenity**
- D) Transport and Highways**
- E) Trees and Landscaping**

### **6.2 A) The Principle of the Development**

- 6.3 The Bowls Clubhouse structure is already in place as approved under application ref: B2016/7342 and is located within the curtilage of land under the ownership of Seaton House School. Seaton House School has leased facilities at the site to Carshalton Beeches Bowling Club for around 80 years. Until last year, the bowls club occupied the upper floor of the 'Senior House' building as tenants, and used that floor of the building as a clubhouse. The whole building known as Senior House became required for educational purposes by the school, which led to the construction of the building subject of this application. This was originally constructed with the intention of being used as a pavilion/clubhouse for the bowls club, replacing the space they previously occupied in 'Senior House'.
- 6.4 However, leasing the facilities to the bowls club became problematic due to the possible interaction of the pupils with the club members and the school has a duty to protect the children in their care. After a legal case, Carshalton Beeches Bowling club's tenancy at the site was ended and Seaton House School has regained full control of the land and premises on which the clubhouse is located.
- 6.5 The school proposes to use the existing pavilion/clubhouse building for educational purposes, noting that it was originally intended for use by the bowling club, who have now vacated the site. However, planning permission is required as there is a condition on the original planning permission that restricts the use of the building for the bowls club only and no other purpose with class D2 plus educational use falls under a different use class. Following the recent changes to the Use Class Order, the Bowls Club use would fall under class E(d) and educational use would fall under class F1(a). As mentioned above, it is not clear what the reason for the condition was on the original application as this was imposed by the Inspector at appeal.

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- 6.6 The school has confirmed that the proposal will not involve any increase in the numbers of pupils but will be a space that is used for additional teaching space and office use in connection with the school. The additional space will allow socially distanced teaching and accessible space for those with mobility difficulties.
- 6.7 The council has received a number of comments objecting to the scheme as it is felt that the building should be retained as a community use, however the condition placed on the parent applicant explicitly states that it is for use by the bowls club only and not for wider community use. In planning terms, there is little difference between exclusive use of the building by a private bowls club and for educational purposes connected with the school.
- 6.8 The use of the building for educational purposes in connection with the school is acceptable in principle in land use terms. The use of the building by the school would form a natural extension of the educational provision within the curtilage of land and buildings in the freehold ownership of Seaton House School, provided that the use complies with all other relevant planning policies.

#### **6.9 B) The Design of the Development**

- 6.10 In accordance with Policy 28: Character and Design of the Sutton Local Plan 2018, the Council will only grant permission for development providing it is attractive, designed to the highest standard using high quality materials and maintains and enhances local character and the appearance of the surrounding area.
- 6.11 This application is for the variation of condition to allow for a change of use, there are no external alterations proposed to the building and so there are no design considerations to take into account in this case. The building would be suitable in design to accommodate use by the school as it has level access and suitable light and ventilation. It appears that any changes to the internal layout of the building could be made to adapt the space for use as teaching or office space.

#### **6.12 C) The Impact on Residential Amenity**

- 6.13 Policy 29 of the Sutton Local Plan is relevant as part of the assessment of the application regarding residential amenity impact. As there will be no alterations to the building, the main considerations in this case are whether the use of the building for educational purposes results in any greater impact on the amenities of adjoining occupiers by reason of noise or potential overlooking as a result of the change of use to educational purposes.
- 6.14 The use of the building in connection with the school is not considered to give rise to additional noise above and beyond the existing use of the site by the school. The teaching and office use would be contained within the building, further mitigating the risk of any noise nuisance to adjoining properties. It is noted that the building is set away from the shared boundaries with neighbouring properties, is no closer to neighbouring gardens

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than the pavilion building opposite this building which is in use by the school and the rear gardens to the surrounding properties are a generous size, helping to further mitigate any impact on the amenities enjoyed by the surrounding occupants.

6.15 It is considered that the use of the building by the school will not give rise to any unreasonable overlooking or loss of privacy as the building is single storey and set away from the site boundaries. It is also noted that there are no windows or openings in flank elevations directly facing the rear gardens of the surrounding residential properties.

6.16 As such the proposal is considered to comply with the aims and objectives set out within Policy 29 of the Sutton Local plan.

**6.17 D) Transport and Highways**

6.18 Policy 36 of the Sutton Local Plan states that the Council will assess all new development applications for their impact on the existing and proposed transport infrastructure and services, and the local environment.

6.19 Policy 37 of the Sutton Local Plan states that 'new developments will be expected to provide car parking in accordance with the council's restraint based maximum car parking standards taking into account public transport accessibility levels, 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'.

6.20 The change of use of the clubhouse building for educational purposes in connection with Seaton House School would not give rise to any additional traffic generation or pressure on the existing on-street parking situation as the applicant has confirmed that the use of the building by the school would not involve an increase in pupils numbers.

6.21 Therefore this proposal is considered to comply with Policies 36 and 37 of the Sutton Local Plan.

**6.22 E) Trees and Landscaping**

6.23 In accordance with policy 28 of the Sutton Local Plan 2018, new developments will be expected to respect and retain existing landforms and natural features of application sites, including trees of amenity value, hedges and other landscape features, and make suitable provision for high quality additional landscaping.

6.24 Given that there would be no changes to the external appearance or location of the building there would not be any undue impact on the surrounding trees and landscaping.

**7 Reason(s) for recommendation**

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- 7.1 The principle of the change of use of the existing building is acceptable and accords with the relevant planning policies and the existing use and ownership of the site.
- 7.2 The proposal would not have a significant impact on the amenities enjoyed by the occupants of the surrounding properties
- 7.3 The proposed change of use would not result in any adverse impact on the safe operation of the public highway or pedestrian safety and would not be detrimental to the parking stress on the existing highway.

## 8 Appendices and Background Documents

### 8.1 Appendices

Appendix Letter	Appendix Title
A	Site Plan
B	Conditions of application
C	APP/P5870/W/16/3153742 61A Banstead Road South, Sutton SM2 5LH.

### 8.2 Background Documents

Date of Expiry	Background Document
N/A	N/A

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