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## Appeal Decision

Hearing and site visit held on 25 February 2020

**by Paul Jackson B.Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 March 2020**

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**Appeal Ref: APP/L3625/W/19/3240562**

**Priory School, Bolters Lane, Banstead, Surrey SM7 2AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by McCarthy and Stone Retirement Lifestyles Ltd against the decision of Reigate & Banstead Borough Council.
  - The application Ref 19/00472/F, dated 5 March 2019, was refused by notice dated 5 August 2019.
  - The development proposed is demolition of existing buildings and redevelopment to form 44 Retirement Living apartments for older persons including communal facilities and associated car parking and landscaping.
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### Preliminary matters

1. Following refusal, the applicant made another application<sup>1</sup> with additional information and elevation changes intended to address some of the reasons for refusal. This application was also refused planning permission. The appellant notified all those with an interest in the application of its intention in this regard and requested that the revised scheme is substituted into the appeal. Having regard to the Wheatcroft principles<sup>2</sup>, the differences between the schemes are not so significant that the anyone's interests would be prejudiced. I have considered the appeal accordingly.
2. At the Hearing, the Council advised that reasons for refusal relating to harm to a protected species (bats), loss of a community asset and the provision of affordable housing had been addressed in the second application. I accept that additional surveys during 2019 indicate there would be no harm to biodiversity interests and that educational needs are sufficiently provided for elsewhere in the Borough. I consider the S106 Unilateral Undertaking (UU), which facilitates an affordable housing contribution, later in the decision.

### Decision

3. The appeal is allowed and planning permission is granted for demolition of existing buildings and redevelopment to form 44 Retirement Living apartments for older persons including communal facilities and associated car parking and landscaping at Priory School, Bolters Lane, Banstead, Surrey SM7 2AJ in accordance with the terms of the application, 19/00472/F, dated 5 March 2019, subject to the conditions in the attached schedule.

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<sup>1</sup> Ref 19/02203/F

<sup>2</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

## **Main Issues**

4. The main issues can be summarised as the effect of the proposed design and layout of the scheme on the character and appearance of the area; and whether the public benefits outweigh the loss of the Priory School, having regard to the heritage significance of the building (which is locally listed).

## **Reasons**

### *Policy background*

5. Since the issue of the refusal notice, the Reigate and Banstead Development Management Plan 2018-2027 (DMP) was adopted on 26 September 2019. The Reigate and Banstead Core Strategy (CS) of 2014 is adopted policy. The policies of the 2005 Local Plan referred to in the reasons for refusal are superseded.
6. National guidance has changed. The Government issued the National Design Guide (NDG) in September 2019 and new advice in Planning Practice Guidance (PPG) on the Historic Environment was published in July 2019, reflecting changes in the National Planning Policy Framework (NPPF) since 2012.
7. The Surrey Design Guide 2002 remains relevant despite its age, as does the Reigate and Banstead Local Distinctiveness Design Guide of 2004. These supplementary documents provide guidance on Surrey's architectural heritage and suggest ways in which new developments can be sympathetic to the local vernacular.

### *Character and appearance*

8. The new development would be built on the same frontage line facing Bolters Lane and includes features reminiscent of the existing building including a glazed entrance porch, tile hanging, half-timbered gables and dormers. These features would reflect aspects of Surrey vernacular style. It would also be of 3 storeys, though floor to floor heights would be significantly lower than the existing building and the overall height would be less. The proposal to use brick walls with hanging tiles and a plain tile pitched roof would not be out of place in Banstead. The roof would be a conspicuous element with corbelled chimneys, reflecting some of the character of the existing school building. Its overall appearance would give it considerable status in the street scene.
9. The prominent south east elevation facing the Council's car park and The Horseshoe would repeat many of the features seen at the front. The staggered massing of the building around the community courtyard garden would be visually interesting. In terms of townscape, the proposed development would contribute positively to the character of the area as perceived from the main public viewpoints. It would not seriously diminish the sense of openness evident in The Horseshoe.
10. The south west and north west elevations would be simpler, but the 3-storey bulk and length of the building would be broken up with a variety of projecting bays, vertical tile hung elements, balconies and some half dormers. The south west elevation would be between 3 and 6.5 metres from the boundary with the adjacent Anchor Ridgemount care home. This particular aspect of the scheme would not give an impression of spaciousness, but seen in the round, considering the massing and setting of the building in the whole plot, this elevation would not be so cramped as to indicate an unacceptably poor outlook for the residents or an unreasonable density of development. Moreover the appeal scheme would

represent a significant improvement in overall character and appearance compared to the existing tired and utilitarian school buildings.

11. Turning to the extent of car parking, this would not be unacceptably dominant at the front off Bolters Lane, where there would be new landscaping around existing mature trees. The car parking courtyard to the north of the site would be separated from the building by basic landscaping and would be behind Norgrove Cottage, the neighbouring property, and not easily seen from Bolters Lane
12. I conclude on this issue that the development would not conflict with the design quality aims of CS policy CS4, DMP policy DES1, the guidance on design in the NPPF and the NDG and advice in supplementary guidance documents.

#### *Heritage significance*

13. The appeal building was erected as a dwelling in 1885, known as the Red House, by John Jaques, the Victorian game manufacturer, as a wedding present for his daughter and her husband. It was sympathetically extended to the north in 1894. It was sold and became a school in 1932, until closure in 2017, during which time rooms in the house were converted to classrooms, staff rest rooms and offices. It was substantially altered and extended again to the south. The site now also contains several other classroom and sports blocks.
14. The original building was constructed in the popular late Victorian 'Old English' style and retains front and back external elevations of brick, hanging tiles and half-timbered gables surmounted by a steep roof and tall fluted and corbelled chimneys. The design is reminiscent of the architecture of Richard Norman Shaw of a few years earlier. Whilst certain aspects, such as the chimneys, stained glass and the front porch are attractive and of detail interest, the remaining original brick and tile elevations are typical of much speculative and bespoke domestic architecture of the period, of which there are many examples in the Borough. Some original ceiling mouldings, oak panelling and fireplaces of interest remain together with joinery elements such as skirtings and a spiral moulded stair balustrade.
15. The heritage significance of the building derives from these elements of the remaining central part of the Victorian building which also largely retains its original external appearance at the front and rear, albeit with some replacement UPVC windows. However, the large southern classroom extension and substantial internal alterations have significantly diluted its heritage interest as a dwelling. Many of the original internal features that would have been of interest have been removed and the original layout has been compromised by corridors. The 20<sup>th</sup> century extension to the south has involved removal of a great deal of original fabric. There is nothing inherently special about the remaining internal finishes and details which are typical of many houses of the period. Though their loss would be regrettable, they are not particularly unusual.
16. The building was included on the Council's list of buildings of local interest (non-designated heritage assets) in 2014. An attempt to obtain statutory listing was refused by Historic England in June 2019<sup>3</sup>.
17. The alterations carried out in connection with school use have much diminished its architectural interest and heritage significance. The 20<sup>th</sup> century repairs necessary on the upper floor, following a direct hit by an incendiary bomb, have also removed some original fabric. As a surviving substantial Victorian private house, it contributes to the character of the townscape at the west end of Banstead, but the

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<sup>3</sup> Doc 4

utilitarian and poor quality school buildings on the rest of the site detract, seen from Bolters Lane, The Horseshoe and other public buildings in the area such as the library and the Banstead Centre.

18. The proposal would involve total loss of the non-designated heritage asset, equating to substantial harm. The NPPF advises at paragraph 197 that in these circumstances, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. DMP policy NHE9 requires that development protects, preserves, and wherever possible enhances designated and non-designated heritage assets and that in considering proposals that directly affect non-designated assets, weight will be given to the conservation of the asset and a balanced judgement is necessary having regard to the extent of harm or loss and the significance of the asset.

### **Other matters**

19. A signed and dated S106 UU has been provided which facilitates the provision of a financial contribution towards affordable housing. I consider that the provisions of the S106 are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in paragraph 56 of the NPPF and Regulation 122 of the CIL Regulations (2010). The requirements of Regulation 123 and PPG have been satisfied. As such I give the UU significant weight.
20. The number of parking spaces provided reflects the town centre location of the development very near to essential public services and close to a shopping centre, together with the likelihood that future occupiers may very well not need to own a car. There is no evidence that the provision would be inadequate or that it would not be in accordance with the Council's guidance.

### **Balance and conclusion**

21. The heritage significance of the building stems from its remaining architectural qualities as a late Victorian dwelling house and for many local people, some cultural and historic interest as a school. The remaining architectural features are not uncommon in the Borough in other areas and in the south east of the country in general. Whilst it would in theory be possible to restore the internal features, rebuild the missing elevation and repair the fenestration, that would be a costly exercise that has not been proposed and is not before me.
22. The replacement building would include timbered gables in a sensitive and proportionate way, reminiscent of the existing building and contributing interest to the street scene. This would not replace the contribution that the existing building makes as a heritage asset but would be attractive. The building line would replicate that of the existing building, retaining the relationship with existing mature scots pine trees, which are important to the overall composition as well as the townscape. The bulky and unremarkable school buildings in the grounds would be replaced. Importantly, the Council acknowledges that the proposal would bring forward much needed accommodation for elderly people in a highly sustainable location within easy walking distance of shops and adjacent to other facilities.
23. Whilst a few flats would have a limited outlook and a few others would have low levels of direct sunlight, this would be mitigated by the 'club lounge' facility within the scheme which would look onto an attractive landscaped garden facing south.
24. CS policy CS4 encourages sensitive restoration and re-use of heritage assets at risk. DMP policy NHE9 indicates that the loss of any heritage asset is to be resisted. The NPPF points out the desirability of sustaining and enhancing the significance of

heritage assets and putting them to viable uses consistent with their conservation. These considerations attract great weight, but the provision of 44 retirement living apartments for the elderly in a highly sustainable location in a building that would enhance the quality of the townscape overall, replacing a large group of poor quality school buildings, significantly outweighs the loss of remaining heritage significance embodied in the Victorian element of the Priory School. The proposal would not conflict with the relevant aims of CS policy CS4, DMP policy NHE9, or the guidance in the NPPF.

### **Conditions**

25. Details of finished levels need to be provided because of the sloping nature of the site. The widened vehicular access needs to be in place before occupation to avoid undue highway safety risks. A Construction Transport Management Plan is necessary to ensure safe access and management of construction traffic and other matters. The hours of construction activity are subject to control in the interests of neighbouring occupiers. Conditions ensure the installation of a sustainable urban drainage system to control rainwater that might otherwise cause flooding elsewhere. The specification of materials used on external surfaces is subject to approval in the interests of character and appearance. Conditions are imposed to protect existing trees and to ensure landscaping and boundary treatment is provided. Car charging points are necessary to meet the Council's aspirations for sustainable transport.
26. The occupants need to be aged over 60 to qualify for occupancy with certain exceptions. To promote walking and public transport, a Travel Plan is necessary with a method of monitoring its effectiveness. Ecological measures are necessary including bat and bird boxes in the interests of diversity. To accord with current development plan policy, measures are necessary to achieve not less than a 19% improvement over the target emission rate in the 2013 Building Regulations. To ensure that the architectural significance of the existing building is recorded, a condition is imposed to ensure that access is provided. Finally, in the interests of good planning, the development is to be built in accordance with the approved drawings.
27. For all the above reasons, the appeal should succeed.

*Paul Jackson*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Robert Walton	Queens Counsel
Ian Hann	Planning Bureau
Chris Surfleet	Bidwells
Robert Towse	ON Architects
Darren Piper	Graham Garner and Partners
Nigel Appleton	Contact Consulting

### FOR THE LOCAL PLANNING AUTHORITY:

James Amos	Principal Planning Officer, Reigate and Banstead Borough Council
John McInally	Conservation Officer, Reigate and Banstead Borough Council

### INTERESTED PERSONS:

Cllr Sam Walsh	Local Borough Councillor
Martin Matt	Local resident
Catalina Vassallo-Bonner	Local resident
Gillian Hein	Local resident

## DOCUMENTS

- 1 Statement of Common Ground dated and signed
- 2 Draft S106 Unilateral Undertaking
- 3 Letter dated 17 February 2020 from G N Day, Group Land and Planning Director, McCarthy and Stone Retirement Lifestyles Ltd
- 4 Listing Decision from Historic England dated 24 June 2019, provided by the appellant

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing and proposed external ground levels and the proposed finished floor levels of the proposed building. The development shall be carried out in accordance with the approved details.
- 3) The development hereby approved shall not be occupied until the proposed modified vehicular access to Bolters lane has been provided to a width of 5.5m and radii of 6m, with visibility zones of 2.4m by 49m to the north and 2.4m by 44m to the south in accordance with the approved plans. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high above ground level.

- 4) No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones and between the development site and Norgrove Cottage
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing to and from the site
  - (h) measures to prevent the deposit of materials on the highway
  - (i) no HGV movements to and from the site shall take place between the hours of 8.30am and 9.15am and 3.15pm and 4.00pm on school term days not shall the contractor permit any HGVs associated with the development to be laid up and waiting in Bolters Lane, The Horseshoe and Greenhayes Lane during these times
  - (j) on-site turning for construction vehicles.

The provisions of the CTMP shall be implemented during the construction of the development.

- 5) No construction works shall take place other than between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13:00 on Saturdays. No works shall take place on Sundays or Bank Holidays.
- 6) No development (excluding demolition and site preparation) shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical 22 Standards for SuDS, the NPPF and Ministerial Statement on SuDS of December 2014. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b) Evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40%) allowance for climate change storm events and 10% allowance for urban creep, during all stages in the development (Pre, Post and during), and storages volumes shall be provided using an infiltration based system (as per the SuDS pro-forma or otherwise agreed by the Local Planning Authority).
  - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any floor restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
  - d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

- e) Details of drainage management responsibilities and Maintenance regimes for the drainage system.
- f) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- 7) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 8) Notwithstanding the approved plans, no development above ground level of any part of the development hereby approved shall take place until written details of the materials to be used in the construction of the external surfaces including the fenestration (and details of the exact positions of extract vents and similar penetrations), roof finishes, windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall commence including any demolition or groundworks preparation until a detailed, scaled Tree Protection Plan (TPP) and a related Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority. These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of retained trees (RPA) shown to scale on the TPP, including the installation of any service routings and drainage runs. The AMS shall also include a pre commencement meeting, supervisory regime for their implementation & monitoring with an agreed reporting process to the Local Planning Authority. All works shall be carried out in strict accordance with the approved details.
- 10) No development shall commence on site until a scheme for the landscaping and replacement tree planting of the site including the retention of existing landscape features has been submitted and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, external lighting, boundary treatment, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme.
- All hard and soft landscaping work shall be completed in accordance with the approved scheme, prior to occupation or use of the approved development or in accordance with a programme agreed in writing with the Local Planning Authority.
- 11) All new tree planting shall be in accordance with guidelines and advice contained in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*. Any trees or shrubs or plants planted which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees and shrubs of the same size and species.

- 12) The development hereby approved shall not be occupied unless and until a minimum of 5 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) and a minimum of an additional 4 parking spaces are fitted with infrastructure for future provision of a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 13) The occupation of the residential dwellings hereby approved (excluding any on-site staff) shall be restricted at all times to persons 60 years old and above, apart from persons 55 years old and above who are a surviving spouse or partner of an occupant 60 years old and above.
- 14) The use hereby permitted shall not commence until a detailed Travel Plan has been submitted and approved in writing by the Local Planning Authority. The Travel Plan shall set out the measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors. The Travel Plan shall include the means by which modes of transport used by users are to be monitored. At the start of the second year of operation a detailed survey shall be provided to the Local Planning Authority showing the methods of transport used by all users of the building to and from the site and how this compares with the proposed measures and how any additional measures to be taken to encourage the use of public transport, walking and cycling to the site are to be put in place.
- 15) No occupation of the development hereby approved shall take place until ecological measures including bird boxes and bat bricks or boxes have been installed in accordance with the recommendations of the Surrey Wildlife Trust Ecology Services C3225 Report version number 1.1.
- 16) No development shall take place until details of measures to achieve not less than a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate) as defined in Part L1A of the 2013 Building Regulations have been submitted to and approved in writing by the Local Planning Authority in accordance with the Focus Energy and Sustainability Statement of February 2019. The approved measures shall be implemented before any occupation of the development hereby approved.
- 17) The developer shall give the Local Planning Authority 14 days advance notice of the start of demolition of the locally listed building as extended in 1894 and, for a period of 14 days before any stripping out or demolition work takes place, access to the building shall be given to a person/body nominated by the Local Planning Authority for the purpose of recording the building or interior by making measured drawings or taking photographs.
- 18) The development hereby permitted shall be carried out in accordance with the following approved plans (see page 10 following)

Site Location Plan	SE-2550-03-AC-100	A
Proposed Site Plan	SE-2550-03-AC-101	E
Proposed Ground Floor Plan	SE-2550-03-AC-102	C
Proposed First Floor Plan	SE-2550-03-AC-103	C
Proposed Second Floor Plan	SE-2550-03-AC-104	C
Proposed Roof Plan	SE-2550-03-AC-105	C
Hard and soft Ground Arrangements Plan	D2727-FAB-00-XX-DR-L-1001.pdf	PL02
Site Layout Plan	D2727_FAB_XX_00_DR_L_1100	
Topographical Survey	PP/3204T/Banstead/F1	
Floor Plans	PP/3204T/Banstead/F2	
Existing elevations	PP/3204T/Banstead/F3	
Tree Constraints Plan	9956-KC-XX-Ytree TCP01	A
Proposed Elevations Sheet 1	SE-2550-03-AC-110	D
Proposed Elevations Sheet 2	SE-2550-03-AC-111	C