

Planning Committee

30 March 2021

Construction of new two storey Special Educational Needs and Disabilities (SEND) College building with associated soft and hard landscaping, a floodlit all-weather pitch, car parking and drop off/pick up facilities and alterations to existing access arrangements

Woodlands Meed College, Birchwood Grove Road, Burgess Hill RH15 ODP

Application No: WSCC/055/20

Report by Head of Planning Services

Local Member: Mrs Anne Jones

Electoral Division: Burgess Hill East

District: Mid Sussex

Summary

Planning permission is sought for the construction of a new two-storey Special Educational Needs and Disabilities (SEND) College building at the Woodlands Meed College site in Burgess Hill. Once the new building has been constructed on the current playing field, the existing school buildings on the site would be demolished and replaced by a floodlit all-weather pitch, car parking and drop off/pick up facilities. Soft and hard landscaping and alterations to existing access arrangements are also proposed.

The report provides a description of the site and details of the proposed development, and appraises it against the relevant policy framework.

No objections have been raised by statutory consultees.

Seventy third-party representations have been received, the majority of which support the proposal. Key matters raised include the overriding need for the college to replace the existing college building which is out-dated and is no longer fit for purpose. Those objecting, raise a number of matters, including an increase in noise, dust and light pollution, traffic and highway issues, overlooking and reduction in privacy.

Consideration of Key Issues

The main material considerations in relation to this application are the:

- need for the development;
- design and impact on visual amenity;

- impact on highway capacity and road safety; and
- impact on residential amenity

Need for the Development

The Local Education Authority (LEA) has identified the need to provide better and more suitable educational facilities at Woodlands Meed College because the current building is past its predicted life-span and in poor condition. National policy gives great weight to meeting the needs of students and the proposed development is considered to accord with the relevant Development Plan policies in that regard. It is concluded that there is a clear need for the development to meet demand for better educational facilities in the local area.

Design and Visual Amenity

The limited size of the site, the proximity of surrounding residential development, and the need to maintain the existing education facility whilst building works proceed, dictate the proposed location of the new building. The scale and form of building, produced in response to the site constraints, is appropriate in its context. The proposal would include sustainability features and outdoor sport and learning spaces. Overall, the scale, design and finish of the development is considered to be acceptable with regard to impacts on visual amenity.

Highway Capacity and Road Safety

Subject to the development and implementation of a School Travel Plan (to be secured by condition) and securing construction management details via condition prior to development works commencing, the proposed development is not considered likely to give rise to any unacceptable impacts upon highway capacity or road safety.

Residential Amenity

The scale, massing, and location of the built elements of the development will not impact unacceptably on the amenity/privacy of the residents. Provided that appropriate conditions are attached to the permission to preclude use beyond unreasonable hours and to require submission, approval and monitoring of mitigation schemes to reduce potential amenity impacts, the use of the College and associated floodlit pitch will not give rise to unacceptable impact on the amenity of the occupants of adjoining residential properties.

Overall Conclusion

The proposed development relates to an existing educational site within the built-up area. The existing facility is in poor condition and no longer suitable to meet the needs of the students. There would be no increase in student or staff numbers and the proposed development would provide the local area with a much needed, modern education and community facility to facilitate the delivery of the national curriculum and support community development for Special Education Needs. It would be of an appropriate design within the local context, acceptable with regard to highway capacity and road safety, and would have no unacceptable impacts on residential amenity. Accordingly, the proposed development accords with national policy and the relevant development plan policies.

Recommendation

It is recommended that planning permission be granted subject to the conditions and informatives set out in Appendix 1.

1 Introduction

- 1.1 Planning permission is sought for the construction of a new two-storey Special Educational Needs and Disabilities (SEND) building at the Woodlands Meed College campus in Burgess Hill. Once the new building has been constructed on the current playing field, the existing school buildings on the site would be demolished and replaced by a floodlit all-weather pitch, car parking and drop off/pick up facilities. Soft and hard landscaping and alterations to existing access arrangements are also proposed.

2 Site and Description

- 2.1 The application site comprises 1.4 hectares (ha) of school land located in a residential setting of Burgess Hill, West Sussex (see **Appendix 2 – Site Location Plan**). Birchwood Primary School is located adjacent to the south-east side of the existing Woodlands Meeds College, with both being accessed from the north via a shared driveway from Birchwood Grove Road.
- 2.1 The College site can be broadly described as in three parts (see **Appendix 3 – Existing Site Plan**):
- i) the car park, which is adjacent to Birchwood Grove Road and at a higher level;
 - ii) the central section, which accommodates the current College building; and
 - iii) the school playing field.
- 2.2 The current car park is a formally laid out area with 30 spaces and a more informally arranged area that serves as overflow and accommodates the College's mini buses.
- 2.3 The central section of the college site contains the main building and a series of temporary portakabin-type buildings. The main building includes classrooms, offices and administration, the hall, kitchen, common room, and some specialist areas. The temporary buildings also accommodate specialist classroom spaces and a stand-alone hygiene room. This central section is not all on the same level with a series of ramps and stairs to link spaces. There are also some external learning and play spaces around the buildings. The current drop-off/pick-up area is also within this area.
- 2.4 The school playing field area is located to the south-west of the main building and contains a Multi-Use Games Area (MUGA) and a poly-tunnel for horticultural use. The playing field is on a significant slope, sloping from north to south with a gradient of 1:13. The gradient makes it incompatible for formal sports with the result that pupils currently have to go off-site for sports/PE lessons.

- 2.5 The playing field, where the new building is proposed, has residential properties to the north, west and south, which are a mix of two-storey properties and bungalows. The playing field comprises a two-metre high close-boarded fence, with a similar height weld-mesh fence separating the site and adjacent Birchwood Primary School. In addition to the close-boarded fencing, mature bushes and trees also surround the playing field. The car parking area is separated from Birchwood Grove Road by a thick hedgerow, approximately two-metres high. The topography of the site generally slopes down from the north of the site to the southern boundary.
- 2.6 A Bridleway (No. 14BH) runs along Birchwood Grove Road, the access road that serves the College and the Primary School.
- 2.7 The site is not within an area subject to any ecological, landscape or other constraints, nor in a Groundwater Source Protection Zone. However, there is a Conservation Area to the north-west of the application site, on the opposite side of Birchwood Grove Road.
- 2.8 The school day for pupils starts at 08:45 and finishes at 15:45 Monday to Thursday and 13:50 on Friday. Staff currently arrive between 07:30 and 08:00, finishing at 16:00 (17:00 on Tuesdays). The hours are not expected to change after the proposed redevelopment.

3 Relevant Planning History

- 3.1 Since 2005, the only planning permissions approved at the College have been for the renewal of temporary classrooms, and some replacement cladding and fencing approved in 2012. The adjacent Birchwood Primary School was approved in 2008 as a replacement school.

4 The Proposal

- 4.1 The application seeks to redevelop Woodlands Meed College, a Special Educational Needs (SEN) College catering for up to 100 children and young adults aged 14–19 years.
- 4.2 The proposal involves the construction of a new purpose-built teaching facility, with the existing Woodlands Meed College building remaining in use until the new building's completion (see **Appendix 4 – Landscape Masterplan**). Following the completion of the new building, the current Woodlands Meed College building would be demolished. A new all-weather pitch and car park would then be constructed, and the site landscaped.
- 4.3 The new College building would include 12 general classrooms, science, food-tech and design and technology rooms, a hydrotherapy pool, sports hall, changing facilities, a dining area, kitchen, staff room, conference and office space and toilet facilities. Externally, the design includes a trim trail, an outdoor gym area, a wild garden, a central courtyard and amphitheatre area and a sensory nature trail. A new MUGA would be located at the southern end of the site, with a floodlit, all-weather pitch sited centrally. The sports areas, and the sports hall, are proposed for use outside college hours.
- 4.4 The College will continue to provide 100 pupil places, managed by up to 50 members of staff, although the levels of staff at the College will vary on a

day-to-day basis.

- 4.5 The main entrance point and car park are to remain at the existing locations. An improved car parking layout would be provided with 30 dedicated staff parking spaces, as well as six designated spaces for the parking of college-owned minibuses. In addition, it is proposed that there would be a drop off/visitor car park with 14 car parking bays and six minibus drop off bays.
- 4.6 It is intended that the new Woodlands Meed College building would be fully occupational by May 2023.
- 4.7 The site layout has been designed with accessibility at its core. An extensive cut-and-fill of the site would be undertaken to create access routes for all users. No ramps or steep gradients are proposed across the site, and all areas would be accessible to non-ambulant students. The raised roof terrace the north-west of the site would be accessible by stepped access from the courtyard or by using internal lifts. There would be a terrace that would make use of the site's topography by linking the upper level of the school to the retained higher ground along the western edge.
- 4.8 The existing levels to the southern and western edges of the playing field would be retained, so as not to disturb the existing mature trees along the boundary.
- 4.9 The building would be modern in design with external materials chosen to be robust and ensure low maintenance. The external appearance of the building would use brickwork and concrete panels with aluminium louvres, windows and doors frames, and aluminium slats surrounding the roof terrace areas (see **Appendix 5 – Elevations**).
- 4.10 Although five trees and shrubbery would be removed from the site to accommodate the development, this loss would be mitigated by new tree planting to screen the site.

5 Environmental Impact Assessment (EIA)

- 5.1 The need for EIA has been considered in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').
- 5.2 The development does not fall within either Schedule 1 or 2 of the EIA Regulations and is not considered likely to have the potential for significant environmental effects within the meaning of the Regulations. Therefore, an EIA is not required.

6 Policy

Statutory Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 47 of the National Planning Policy Framework - NPPF). For the purposes of the application, the following documents form

the statutory development plan: the Mid Sussex District Plan (2014–2031); and the Burgess Hill Neighbourhood (2015-2029).

- 6.2 The key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant emerging policy and guidance, national planning policy and supplementary planning documents which guides the decision-making process and is material to the determination of the application.

Mid Sussex District Plan (2014–2031)

- 6.3 The key policies in Local Plan are summarised below:

- DP1 – Sustainable Economic Development;
- DP6 – Settlement Hierarchy;
- DP21 – Transport;
- DP25 – Community Facilities and Local Services;
- DP26 – Character and Design;
- DP29 – Noise, Air and Light Pollution;
- DP37 – Trees, Woodland and Hedgerows;
- DP38 – Biodiversity; and
- DP41 – Flood Risk and Drainage.

Burgess Hill Neighbourhood Plan (2014-2029)

- 6.4 The key policies in Local Plan are summarised below:

- Policy S3 – Protect and enhance existing community facilities and medical/health facilities; and
- Policy LR3 – Protect and improve existing leisure facilities.

National Planning Policy Framework (2019)

- 6.5 The National Planning Policy Framework (NPPF) sets out the Government’s planning polices for England and how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. It also helps to guide decision-makers as to what matters are material to the decision-making process.
- 6.6 Paragraph 8 sets out the three key roles of the planning system; economic, social and environmental. The supporting text highlights the importance of providing infrastructure to support growth.
- 6.7 The paragraphs of the NPPF of key relevance to this application are: 8 (roles of the planning system), 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the development plan), 91-95 (promoting healthy and safe communities), 102 (consideration of transport issues), 108-111 (impact on the road safety or the road network), 127-132 (achieving well-designed places in decision

making), 163 (ensuring flood risk is not increased elsewhere), 175 (protection and enhancement of biodiversity and geodiversity), 178 (avoiding pollution and contamination), and 180 (minimising impacts of noise).

Department for Communities and Local Government (DCLG) Policy Statement – Planning for schools development (2011)

- 6.8 This sets out national planning policy on schools does not form part of the development plan. It is intended to help guide decision-makers and should be read alongside the NPPF. In general terms, it seeks to allow schools to expand, adapt and improve their facilities. It states that "*Local authorities should give full weight and thorough consideration to the importance of enabling the development of state-funded school in their planning decisions*" and that "*Local authorities should make full use of their planning powers to support state-funded schools applications.*"

7 Consultations

- 7.1 **Mid Sussex District Council (inc. Environmental Protection):** Have no objection to the proposal subject to a condition on external lighting specifying lux levels and hours of use. They also recommend that conditions be used to secure details of suitable materials, a hard and soft landscaping scheme, drainage and sustainable construction and suggest that consideration should be given including a condition that would allow the all-weather pitch to be available to the wider community beyond just the school.
- 7.2 **Burgess Hill Town Council:** Recommend approval of the application, raise concerns over the construction access to the site and state that they would like to see a traffic management plan in place and a renewable energy scheme for the new building
- 7.3 **Sport England:** Raise no objection subject to conditions protecting the sports areas for exclusive sports use and the submission and approval of a Community Use Agreement.
- 7.4 **WSCC Archaeology:** Have no objection and advise that no additional archaeological mitigation required.
- 7.5 **WSCC Ecology:** Have no objection.
- 7.6 **WSCC Flooding and Drainage:** No objection subject to a drainage strategy for surface water
- 7.7 **WSCC Highways:** Have no objection. They recommend conditions requiring the submission and approval of a Construction Management Plan prior to the commencement of the development and the preparation, submission and approval of School Travel Plan prior to the occupation of the new building.
- 7.8 **WSCC Public Rights of Way:** Have no objection. They advise if any damage is done to the surface of Bridleway (No. 14BH) as part of the proposed development, that it must be reinstated to the same or better standard than before and that if access is required over the public bridleway to access the site then suitable signs should be erected to warn both path

users and anyone accessing the site of the potential conflict and that any private access onto the site must give way to lawful path users.

7.9 **WSCC Tree Officer:** Has no objection subject to suitably worded conditions being included requiring compliance with the submitted tree protection plan and the submission for approval of an arboricultural method statement, detailed landscaping specification and a long-term maintenance plan.

7.10 **Local Member:** No comments received

8 Representations

8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) (England) Order 2015. Nine site notices were erected at and around the application site, an advertisement was placed in the local newspaper and the neighbour notification letters were sent out to properties adjacent to the school boundary. In response, 70 representations have been received, 57 of which support the proposal, 11 of which object and 2 commenting on the development.

8.2 The main issues raised in support, include that:

- The existing building is not fit for purpose and does not support the needs of the students;
- Students deserve excellent facilities;
- The development is desperately needed;
- Specialist schools are important to support students wellbeing and education;
- New facilities are needed to support students learning and independence in adulthood;
- The new building is required as some previous students have had to leave because they were unable to access the college; and that
- The plans are well thought out, maximising the space

8.3 The main issues raised in objections include:

- The close proximity to new school and floodlit pitch;
- That it will result in a reduction in privacy;
- That the construction period will result in unacceptable noise, pollution and dust to local residents;
- Overlooking from roof terrace;
- Increased noise and light pollution from development;
- That the level of traffic would be dangerous and that construction access should not be via Birchwood Grove;
- The adverse impact upon ecology;
- The potential impact from flooding;
- That the proposed retaining wall would impact on tree roots;
- That there will be no room to expand the school in future;

- Odour from the new pool; and
- That there will be a negative impact on property values.

9 Consideration of Key Issues

9.1 The main material considerations in relation to this application are the:

- need for the development;
- design and impact on visual amenity;
- impact on highway capacity and road safety; and
- impact on residential amenity

Need for the Development

- 9.3 Paragraph 94 of the NPPF states that *"it is important that a sufficient choice of school places is available to meet the needs of existing and new communities"* and that *"local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement"* and *"give great weight to the need to create, expand or alter schools"*. Furthermore, the DCLG Policy Statement – Planning for schools development (2011) directs local authorities to *"give full weight and thorough consideration to the importance of enabling the development of state-funded school in their planning decisions"*.
- 9.4 The 'West Sussex: Planning School Places' document sets out how the County Council is planning sufficient school places across the County. Woodlands Meed College, which caters for approximately 100 students, is the only Special Educational Needs (SEN) school that serves the Mid Sussex District Council area for pupils aged 14-19.
- 9.5 The existing College building is past its predicted life-span and in poor condition. There is a clear need to provide improved student accommodation and facilities as identified in the Design and Access Statement submitted with the application, which highlights the following issues:
- the 40 year old modular buildings are not fit for purpose and have been deemed not suitable for refurbishment;
 - the existing units have a limited life span with significant condition issues in relation to roofs and mechanical and electrical services;
 - the structure of the existing building is weak, which means that hoists for the children with complex physical needs cannot be fitted. This has resulted in a lack of ceiling-tracking and hoisting equipment in classrooms and hygiene rooms resulting in significant moving and handling issues;
 - narrow circulation areas are unsuitable for wheelchair users;
 - poor access for wheelchairs;
 - a lack of storage for walking support equipment and chairs potentially causing trip hazards and other health and safety related risks;

- inadequate space available for Occupational Therapist (OT) based programmes which impacts on the ability to deliver any OT requirements detailed as part of student's Education Health Care Plans (EHCP);
- rebound therapy cannot be completed on-site due to a lack of space suitable for trampolines;
- no hydrotherapy pool on site. As a result, students have to be transported off-site to Chanctonbury Lane, Burgess Hill, resulting in the time in the pool being limited. This impacts on the operation of the College as well as reducing teaching and support staff being available;
- not all classrooms have level external access through fire doors;
- many of the external circulation routes are uneven and unusable for wheelchairs;
- the existing MUGA is breaking up and in need of urgent replacement;
- the existing hall size is unsuitable for the delivery of the secondary school PE curriculum and does not comply with Department for Education (DfE) requirements;
- GCSE specialist subjects like design technology, science, food technology and art cannot be delivered on-site as there is no dedicated specialist practical teaching space. Ofsted have also raised this as a concern because the full curriculum is not available to pupils;
- the College have converted a classroom to provide a dedicated music room but the acoustic environment is unsuitable;
- no dedicated performance space for teaching performing arts, e.g. drama;
- a lack of group spaces, sensory rooms, therapy spaces, and life skills kitchen;
- a lack of quiet/calming spaces creating risks for staff and a significant increase in incidents logged by the Headteacher;
- the current space for physiotherapy is too small limiting floor physiotherapy;
- existing classrooms are too small and wheelchair users are restricted to certain rooms;
- external doors are not wide enough and do not have push button operation, limiting independent travel; and
- the current modular units have no emergency accessible escape routes increasing the risk of injury should an evacuation be necessary.

9.6 *The Local Education Authority (LEA) has identified the need to provide better and more suitable educational facilities at Woodlands Mead College because the current building is past its predicted life-span and in poor condition. National policy gives great weight to meeting the needs of students and the proposed development is considered to accord with the relevant Development Plan policies in that regard. It is concluded that there is a clear need for the development to meet demand for better educational facilities in the local area.*

Design and Impact on Visual Amenity

- 9.7 The main element of the proposed development is the new two-storey building. The building, which would be located in the western part of the site, is flat roofed with some green roof design elements, and is, in the most part, rectangular in design, with a central courtyard area between the northern and southern elements of the building. The northern elevation measures approximately 41m in length is 7.9m tall at its highest point. However, due to the extensive cutting into the ground at this point, the building would only appear to be approximately 5m in height from the perspective of the residential properties to the north. The building is sited approximately 7m from adjacent residential boundaries, meaning the properties themselves are approximately 18-19m away. There are no windows on the northern elevation, but there is a rooftop terrace area, with vegetable growing beds and a poly-tunnel of the northern part of this area. This element has aluminum slats on the northern elevation.
- 9.8 As described above, due to the sloping topography, there is extensive cutting into the ground meaning that the western elevation also appears single-storey from the properties of Ryeland Road, with a height of approximately 4.5m. Again, the western-most elevation (which is closest to the boundary) does not have any windows, only two doors.
- 9.9 The southern elevation looks over the MUGA (enclosed by 3m weld-mesh fencing) and a small grassed playing area with the eastern elevation facing the Primary School and the all-weather pitch.
- 9.10 Other works associated with the proposal include the provision of additional car parking spaces and the provision of additional bike storage. The design also includes a new floodlit all-weather sports pitch located centrally, enclosed by 3m weld-mesh fencing. It is proposed to install six flood-lights, which are 8m in height.
- 9.11 The development would also include new hard and soft landscaped areas. The sports-based and passive outdoor spaces are rationally organised around the site meeting space standards for Schools and Colleges for children and young people with Special Educational Needs and Disabilities (SEND).
- 9.12 The boundaries of the College are currently defined by a variety of fence types, hedges, and mature trees. A small number of trees would need to be removed to the enable better use of the car-parking area and to accommodate the building. A condition can be attached to the consent requiring trees and hedges not directly affected to be retained and protected during construction.
- 9.13 The building is considered to be contemporary and well designed and of an acceptable appearance. To create visual interest and break-up the building facade, brickwork and concrete panels would be used along with aluminum slats. The windows and doors would be typical of school sites, using powder-coated aluminum framing. However, as no detailed bricks or colour palette have been given, details of these would need to be reserved by condition.
- 9.14 *In conclusion, the limited size of the site, the proximity of surrounding*

residential development, and the need to maintain the existing education facility whilst building works proceed, dictate the proposed location of the new building. The scale and form of building, produced in response to the site constraints, is appropriate in its context. The proposal would include sustainability features and outdoor sport and learning spaces. Overall, the scale, design and finish of the development is considered to be acceptable with regard to impacts on visual amenity.

Highways Capacity and Road Safety

- 9.15 The site is set in the context of a network of residential streets with the access from Birchwood Grove Road. The proposed development would not increase the number of students at the College, which would remain at 100. In common with most other educational sites, the surrounding residential streets experience varying degrees of congestion during peak pick-up and set-down times.
- 9.16 The Highways Authority raises no objection to the proposed development and are content that the development would not result in an unacceptable impact.
- 9.17 *In conclusion, subject to the development and implementation of a School Travel Plan (to be secured by condition) and securing construction management details via condition prior to development works commencing, the proposed development is not considered likely to give rise to any unacceptable impacts upon highway capacity or road safety.*

Impact on Residential Amenity

- 9.18 To continue the provision of education to students, it is clear that the available locations to site a new building on the campus are limited. However, it is considered that the development has been designed well, taking opportunities to minimise impacts upon the surrounding residential properties.
- 9.19 The proposed two-storey building would be sited approximately 7m from adjacent boundaries and 18-19m to residential facades to the north. On the western boundary, the building would be approximately 4.5m from residential gardens and approximately 17m from residential facades. The elevations would appear single-storey in height at these locations, and no windows are proposed. Existing planting on the adjacent residential boundaries, and substantially so on the western boundary, would be protected during the development.
- 9.20 Overall, in the context of an established school, and taking the design and separation of the building from neighbouring properties into account, it is considered that the potential impacts upon amenity from overlooking, loss of daylight or intrusion, would be minimal. It is also considered that construction-related activities would be typical of a development of this kind and unlikely to result in any unacceptable impact on amenity given their temporary nature.
- 9.21 The addition of a new all-weather sports pitch, MUGA, sports hall and hydrotherapy pool and could have an adverse impact upon local amenity, particularly the community use element of the proposal resulting in use of the

pitch and other sports facilities outside core College hours. This would result in increased levels of activity on the site with the potential to cause adverse impact on the amenity of adjoining residents by way of noise and light impacts. Being flood-lit, the largest impact could arise from use of the all-weather pitch. The degree of impact and the proposed mitigation are considered below.

- 9.22 **Light Impacts:** The all-weather pitch would involve the installation of six 8m light columns to enable all year-round use. The submitted lighting strategy highlights lighting contours from the floodlights but does not indicate LUX levels, something that the District Council recommended to be controlled.
- 9.23 The playing surface of the all-weather pitch would be located approximately 40m from the back elevations of residential properties in Birchwood Grove Road. In order to ensure no unacceptable impact on residential amenity, the lighting would provide zero upward light and would be concentrated on the pitch. The directional lighting would be positioned to ensure the maximum lighting on the surface of the pitch while minimising light spill beyond the pitch playing surface. The proposed lighting would, as far as practicable, overcome any adverse impacts associated with lighting. In addition, a condition requesting LUX levels of the lighting would be reserved by condition for submission and approval prior to use of the all-weather pitch.
- 9.24 Subject to the above mitigation, it is not envisaged that the proposed floodlit pitch would have an unacceptable impact on the amenity of the adjoining residential occupants.
- 9.25 **Noise:** The floodlit playing surface would be 40m from the nearest residential properties in Birchwood Grove School. The level and character of noise associated with sporting activity, whether for training or competition, has the potential for adverse amenity impacts, due to shouting, whistles, and balls hitting perimeter fencing.
- 9.26 In order to ensure that the use of the all-weather pitch and other sporting facilities (including activity in the car park as people leave the premises) would not have a significant adverse impact on the amenity of the local residents, it is recommended that use of the all-weather pitch and other sporting facilities be limited to the hours of 8.00 to 21.00 on Mondays to Fridays; 10.00 to 18.00 on Saturdays and 10.00 to 16.00 on Sundays and Bank Holidays. This is in line with similar other sporting installations at schools in West Sussex.
- 9.27 *In conclusion, the scale, massing, and location of the built elements of the development would not impact unacceptably on the amenity/privacy of the residents. Provided that appropriate conditions are attached to the permission to preclude use beyond unreasonable hours and to require submission, approval and monitoring of mitigation schemes to reduce potential amenity impacts, the use of the College and associated floodlit pitch would not give rise to unacceptable impacts on the amenity of the occupants of adjoining residential properties.*

Other material considerations

- 9.28 No objection has been raised by WSCC Arboriculturist. Although there are

some concerns regarding tree protection measures and full, detailed landscape specifications, they were content that such matters could be dealt with through appropriate conditions. These have been recommended and included.

- 9.29 WSCC Drainage Officers also raise no objection to the proposal. Although no drainage strategy has been provided, they state that *'in view of the relatively low flood risk set out in the Flood Risk Assessment'*, the drainage strategy can be dealt with through a pre-commencement condition.
- 9.30 Subject to such conditions ensuring appropriate tree protection measures during construction, the implementation of appropriate landscaping and a drainage strategy, it is not considered that the proposed development would give rise to any unacceptable impacts upon the local landscape and the water environment.

10 Overall Conclusion and Recommendation

- 10.1 The proposed development relates to an existing educational site within the built-up area. The existing facility is in poor condition and no longer suitable to meet the needs of the students. There would be no increase in student or staff numbers and the proposed development would provide the local area with a much needed, modern education and community facility to facilitate the delivery of the national curriculum and support community development for Special Education Needs. It would be of an appropriate design within the local context, acceptable with regard to highway capacity and road safety, and would have no unacceptable impacts on residential amenity. Accordingly, the proposed development accords with national policy and the relevant development plan policies.
- 10.2 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out in Appendix 1.

Factors taken into account

11 Consultations

- 11.1 See Sections 7 and 8.

12 Resource implications and value for money

- 12.1 Not applicable.

13 Equality and Human Rights Assessment

- 13.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.
- 13.2 The Human Rights Act requires the County Council to take into account the

rights of the public under the European Convention on Human Rights and prevents the County Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 13.3 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 13.4 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6.

14. Risk Management Implications

- 14.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

15. Crime and Disorder Reduction Assessment

- 15.1 There are no implications.

16. Social Value and Sustainability Assessment

- 16.1 Not applicable.

Michael Elkington

Head of Planning Services

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Appendices

Appendix 1 – Conditions

Appendix 2 – Site Location Plan

Appendix 3 – Existing Site

Appendix 4 – Landscape Masterplan

Appendix 5 – Elevations

Background papers

See Section 6.

Appendix 1: Conditions and Informatives

GENERAL CONDITIONS

Commencement

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

Approved Plans

2. The development shall not take place other than in accordance with the approved plans:
 - Site Location Plan - (dwg. 1191-HAV-ZZ-XX-DR-A 1007 P.1);
 - Proposed Site Plan (Block Plan) – (dwg. 1191-HAV-ZZ-XX-DR-A 1000 P.1);
 - Demolition Site Plan – (dwg. 1191-HAV-ZZ-XX-DR-A 1008 P.1);
 - Elevations – (dwg. 1191-HAV-ZZ-XX-DR-A 2003 P.9);
 - GA Sections – (dwg. 1191-HAV-ZZ-XX-DR-A 2013 P.9);
 - GA Ground Floor Plan (Level 00) – (dwg. 1191-HAV-ZZ-XX-DR-A 1001 P.9);
 - GA First Floor Plan (Level 01) – (dwg. 1191-HAV-ZZ-XX-DR-A 1002 P.9);
 - GA Roof Plan (Level 02) – (dwg. 1191-HAV-ZZ-XX-DR-A 1003 P.9);
 - Landscape Masterplan Stage 3 - (dwg 5190243-ATK-XX-XX-DR-L-1000 Rev P04);
 - Landscape Cross Sections Stage 3 - (dwg 5190243-ATK-XX-XX-DR-L-2000 Rev P01);
 - Levels Strategy Stage 3 - (dwg 5190243-ATK-XX-XX-DR-L-1010 Rev P01);
 - Proposed External Lighting Strategy (dwg. HBS-00-00-DR-E-6302 – REV P0.02); and
 - Proposed External Lighting Strategy with Isolux contours (dwg. HBS-00-00-DR-E-6303 – REV P0.02);

and supporting information, save as varied by the conditions hereafter.

Reason: to secure a satisfactory development.

PRIOR TO THE COMMENCEMENT OF DEVELOPMENT

Construction Management Plan

3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. Thereafter, the approved Plan

shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

1. the anticipated number, frequency and types of vehicles used during construction,
2. the method of access and routing of vehicles during construction,
3. the parking of vehicles by site operatives and visitors,
4. the loading and unloading of plant, materials and waste,
5. the storage of plant and materials used in construction of the development,
6. the erection and maintenance of security hoarding,
7. the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
8. details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Drainage Strategy

4. No works shall commence on site until a Drainage Strategy in support of the proposed development has been reviewed and approved in writing by the County Planning Authority. The strategy should accord with the LLFA Policy for the Management of Surface Water

Reason: To ensure that the development does not result in an increase in flooding off site.

Tree Protection

5. No development shall take place until an Arboricultural Method Statement in accordance with BS5837:2012 (Trees in relation to design, demolition and construction – recommendations) has been submitted to and approved in writing by the County Planning Authority. The Arboricultural Method Statement shall identify and detail all trees/hedgerows/groups to be retained and the measures to ensure their retention and protection in accordance with BS5837:2012, including full details of root protection areas, tree works, protective fencing, location of services/utilities/drainage, scaffolding and ground protection within tree protection zones, construction within the RPAs or that may impact on retained trees, details of site access, temporary parking, onsite welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires. Thereafter the approved Arboricultural Method Statement shall be implemented in full.

Reason: To protect existing trees and shrubs in the interests of the visual amenity and landscape of the locality.

PRIOR TO THE COMMENCEMENT OF BUILDING WORKS

Schedule of Materials and Finishes

6. No development other than groundworks shall be carried out until a schedule of materials and finishes and, where so required by the County Planning Authority, samples of such materials and finishes to be used for external walls, roofs, fencing and surfacing materials (including paths, hard play areas/courts, car park and access roads) of the proposed development have been submitted to the County Planning Authority for approval. Following approval in writing, the materials schedule shall be adhered to in full.

Reason: In the interests of local amenity and to ensure a development of visual quality

PRIOR TO OCCUPATION/USE OF SITE

Community Use Agreement

7. Use of the development shall not commence until a Community Use Agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the County Planning Authority, and a copy of the completed approved agreement has been provided to the County Planning Authority. The agreement shall apply to the All Weather Pitch, MUGA, sports hall and hydrotherapy pool and associated change and WC facilities; and include details of, but not limited to, pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy

School Travel Plan

8. No part of the new development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the County Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Landscaping Scheme

9. No part of the development shall be first occupied until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include but not be limited to details of species, planting sizes, numbers, spacing, planting rate and densities, typical layout matrices if appropriate, plant protection, tree pit design, soil amelioration / improvement, biosecurity, on-going maintenance provision and the finish of all new hard surfacing, referring to all relevant and

current British Standards. Once approved the scheme shall be implemented in full with all planting carried out in the first planting season (November to February) following the commencement of the development. Any plants or turf or seeding which die, fail to establish, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of a similar size and species.

Reason: To safeguard and enhance the amenity and character of the area, to provide ecological, environmental and biodiversity benefits and maximise the quality of open space within the development and to enhance its setting within the immediate locality.

Flood Lighting

10. Prior to the use of the all-weather pitch, a lighting scheme must be submitted for the approval in writing of the County Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E2 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2020 and shall provide details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties. Once approved, the scheme shall be implemented and adhered to throughout the lifetime of the development.

Reason: To safeguard the amenity of adjoining residential properties.

Hours of Use (Floodlit AWP, MUGA, sports hall and hydrotherapy pool)

11. The all-weather pitch and its associated floodlights, the MUGA, sports hall and hydrotherapy pool shall not to be used outside the hours of 8.00 till 21.00 Monday to Friday; 10.00 to 18.00 on Saturdays, and 10.00. to 16.00 on Sundays and Bank Holidays.

Reason: To safeguard the amenity of adjoining residential properties.

Sports Provision Protection

12. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any order amending, revoking or re-enacting that order), the All Weather Pitch and the MUGA shall not be used other than for sport.

Reason: To protect the sports facility from a change of use to a non-sporting use that would be inappropriate to justify the loss of the grass playing field land in accordance with paragraph 97 of the NPPF, and to accord with Development Plan Policy

INFORMATIVES

- a) In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:

- Providing pre-application advice;
- Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
- Discussing issues of concern as early as possible, including those raised by consultees and third parties;
- Giving them the opportunity to provide further information/changes to overcome material impacts; and
- Working with consultees

As a result, the County Planning Authority has been able to recommend the grant of planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

- b) The granting of any planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact Mid Sussex District Council Environmental Health Department. The developer should at all time employ best practical means to minimise noise disturbance to nearby residents. All construction work practises should comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'.