

Planning Committee

05 February 2019

Regulation 3 Application

Application No: WSCC/045/18/HA

Outdoor Performance Area

Downlands School, Dale Avenue, Hassocks, West Sussex, BN6 8LP.

Report by Head of Planning Services

Local Member: Kirsty Lord

District: Mid Sussex

Executive Summary

This report relates to an application for planning permission to create an outdoor performance space within the grounds of Downlands School, a secondary school in Hassocks, to expand pupil's experience of the arts. The landscaped amphitheatre would be used during the school day for music, drama and dance lessons, and also for informal seating during break times, and after school by school clubs and community based music, arts and drama clubs.

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level, along with other material considerations.

Environmental Health officers raise no objection subject to conditions to ensure that no event would finish after 21:00 hrs (with the exception of one event per month until 22:00 hrs), and no electronic amplification of voice or music. No other consultees have objected to the proposals, with the exception of the County Arboriculturist who objects because of the potential impact on a mature oak tree, which forms part of an important line of mature trees.

Six third party representations have been received, three in objection, two raising concerns, and one in support. The key areas of concern raised by objectors relate to the potential for noise, light pollution and disturbance to residential properties, impact upon highway safety/capacity, and availability of parking. The representation in support considers the proposal represents as great initiative and resource for both the school and the community.

Consideration of Key Issues

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

- is acceptable in principle;
- is satisfactory in terms of its siting, design and impact upon trees;
- is acceptable in term of impacts upon residential amenity; and
- is acceptable in terms of highway capacity and road safety.

Principle of the Development

The proposed outdoor performance space would support education in the arts at the school, providing an important community facility to serve local educational needs. Further, the facility would be made available for wider community use, promoting social interaction and providing a cultural facility. The proposed development is supported in principle by the Development Plan and national policy.

Siting, Design and Impact on Trees

The proposed design and finish of the proposed space would be a pleasant landscaped addition that would be easily assimilated into the wider school campus. Although the proposed development could have a detrimental impact upon the future health of a mature oak tree, on balance, it is considered that conditions can ensure any such impact is minimised, and proposed planting is sufficient to offset any negative impact on the local landscape.

Impact on Residential Amenity

There is potential for some impacts upon amenity resulting from the use of an outdoor performance space, which principally result from noise associated with musical performances and evening events (both school and third party). Subject to conditions to control the hours and number of evening events, the proposed development is not considered likely to result in any unacceptable impact on amenity.

Impacts on the Highway Capacity and Road Safety

The proposed development has the potential to attract additional evening vehicular movements to/from the site, which could act in combination with established sports centre uses. The Highway Authority is satisfied that sufficient parking is available on site for the addition of the proposed facility, and that the school access is of a sufficient standard in terms of design and visibility. As a result, the proposed development is not considered to give rise to any unacceptable impacts upon highway capacity and road safety.

Conclusion

Planning permission is sought for the construction of an outdoor performance space (a landscaped 'amphitheatre'). The proposed facility would complement education of the arts at the school, and where possible would be made available for wider community use. The school is an important community facility serving local needs and the proposed development would enhance the facilities therein. As such the development is supported principle by the development plan, and national policy/guidance.

The proposed design and finish of the performance space would form an attractive landscaped addition to the school campus and would easily integrate into the wider school environment. Although the proposed development has the potential to impact upon a mature oak tree of significant quality/amenity value, on balance it is not considered to give rise to unacceptable impacts upon the local landscape subject to measures to ensure its protection, as far as reasonably practicable, and proposed new planting.

The proposed has potential for impacts upon neighbouring residential amenity resulting from noise associated with outdoor performances, and event goers arriving/leaving the site. Although evening events are likely to have the greatest potential for impacts, the school and Hassocks Sports Centre are established uses on the campus, including during the evenings. Subject to conditions to control the hours and number of evening events, the proposed development is not considered likely to result in any unacceptable impact on amenity. Further, is not considered that the development would result in unacceptable impacts on highway capacity or road safety.

Taking into account the NPPF and government policy which gives great and significant weight to expanding and developing school sites and community facilities, on balance, the proposed development is considered acceptable in planning terms.

Recommendation

That planning permission be granted subject to the conditions and informatives set out in **Appendix 1** of this report.

1. Introduction

- 1.1 This report relates to an application for planning permission to create an outdoor performance space within the grounds of Downlands School, a secondary school in Hassocks, to expand pupil's experience of the arts. The landscaped amphitheatre would be used during the school day for music, drama and dance lessons, and also for informal seating during break times, and after school by school clubs and community based music, arts and drama clubs.

2. Site and Description

- 2.1 Downlands School caters for pupils aged 11-16 with accommodation for approximately 1,200 pupils. It is located in a residential area in Hassocks in Mid Sussex District. The main school buildings generally occupy the northern part of the site, and playing fields the south. Access to the school is taken from Dale Avenue at the north-western corner of the school, with formalised parking along the western boundary of the site. The school campus includes Hassocks Sports Centre with a sports hall, gymnasium and artificial pitch, used by both the school and wider community.
- 2.2 The site is bounded to the north and west by residential properties, in Dale Avenue and Windmill Avenue respectively. The southern boundary of the school contains a mature belt of trees, beyond which is agricultural land rising steeply into the South Downs. Immediately to the east of the school, via a separate access from Dale Avenue, is Windmills Junior School.
- 2.3 The site of the proposed outdoor performance area falls centrally within the school campus. Immediately to the west, it would be flanked by the existing sports hall and changing facilities (max height approximately 9m), and to the south is a large floodlit artificial turf pitch (joint facilities shared by the school and Hassocks Sports Centre). To the east is a row of large mature trees, Windmills Junior School, and school playing fields (see **Appendix 2 –Site Location Plan**).

2.4 The school is not within a historic, landscape, or ecological designated area, and is within an area at a low risk of flooding (Flood Zone 1). However, immediately to the south of the school is the South Downs National Park, which has elevated views over the school.

3. **Relevant Planning History**

- HA/04/03 - New sports hall with ancillary accommodation and associated external works, parking and landscaping (granted).
- HA/2733/03 – Construction of a floodlit synthetic turf pitch and landscaping (granted 21/06/04).
- HA/2877/08 - Variation to condition 13 of planning consent HA/04/03 to increase hours of use (granted for a temporary period 13/10/08).
- WSCC/024/10/HA - Variation of condition 13 of planning permission HA/04/03 to permanently extend the hours of opening of the sports hall and ancillary accommodation (granted 10/03/10).
- WSCC/026/10/HA - Existing courtyard to be infilled providing additional dining hall building and construction of car park to provide an additional 20 parking spaces (granted 18/03/10)
- WSCC/071/11/HA - Variation of condition 2 of planning permission WSCC/024/10/HA to allow extended operating times for the existing sports centre (granted 20/01/12).
- WSCC/054/16/HA - Partial demolition of the existing school building to allow the construction of a new three storey teaching block to provide a music suite and 10No. classrooms and an extension to provide new circulation and teaching support areas. Further extension work to provide a new SEN area as well as new changing rooms and a new dance studio (granted 14/10/16).

4. **The Proposal**

4.1 Planning permission is sought for a new outdoor performance space, to be located on a grassed area adjacent to the existing sports hall and artificial pitch. It is proposed to create a landscaped 'amphitheatre' measuring approximately 16m x 17m by re-grading a grassed bank. It would have four tiers of timber sleeper seating arranged in a horseshoe shape and surfaced in artificial turf, facing a stage to the south, with three acoustic screens/backdrops to 2.5m in height. It would have a capacity of up to 163 people (see **Appendix 3 and Appendix 4**).

4.2 During normal school hours, the applicant proposes that the facility would be used for music, drama and dance lessons, doubling as an outdoor social space for children to sit and have lunch. Outside of school hours, the space would provide the school with an alternative venue for school performances, which currently take place within the school grounds.

4.3 In addition to school use, the facility would be made available to wider community based music, arts and drama clubs outside of school hours.

5 Environmental Impact Assessment (EIA)

- 5.1 The need for EIA has been considered in relation to this application 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

- 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 the National Planning Policy Framework (NPPF)). For the purposes of the application, the statutory development plan comprises the Mid Sussex District Plan 2014-2031.
- 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 national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

Mid Sussex District Plan 2014-2031 (March 2018)

- 6.3 The key policies in District Plan are summarised below:
 - DP3 – Village and Neighbourhood Centre development
 - DP6 – Settlement Hierarchy
 - DP12 – Protection and Enhancement of Countryside
 - DP18 – Setting of the South Downs National Park
 - DP21 – Transport
 - DP24 – Leisure and Cultural Facilities and Activities
 - DP25 – Community Facilities and Local Services
 - DP26 – Character and Design
 - DP29 – Noise, Air and Light Pollution
 - DP37 – Trees, Woodland and Hedgerows
 - DP41 – Flood Risk and Drainage

Hassocks Neighbourhood Plan (Submission Version) June 2016

- 6.4 This plan is currently in its draft stages and has not been subject to independent examination or referendum so cannot be given any great weight.

National Planning Policy Framework (2018)

- 6.5 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The Framework does not form part of the development plan but is a material consideration in determining planning applications, and helps guide decision-makers as to what matters are material to the decision-making process.
- 6.6 For this application, the key relevant paragraphs in the NPPF are considered to be as follows:
- 8 (accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being)
 - 11-12 (presumption in favour of sustainable development, and approving development that accords with the development plan)
 - 38-40 (positive decision making and early pre-application engagement)
 - 47 (determining applications in accordance with the development plan)
 - 54-56 (use of planning conditions)
 - 83 (retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space cultural buildings, public house and places of worship).
 - 91-92 (social, recreational and cultural facilities and services the community needs).
 - 94 (planning authorities should take a proactive, positive and collaborative approach to providing sufficient school places, and give great weight to the need to create, expand or alter schools)
 - 108 (promote sustainable transport modes, safe and suitable access)
 - 109 (highway safety and impacts on the road network)
 - 111 (travel plans)
 - 127-130 (development contributes to locality and is of good design)
 - 170 (conserving and enhancing the natural environment)
 - 180 (limit noise and light pollution)

7. Consultations

- 7.1 **Mid Sussex District Council (MSDC):** No objection.
- 7.2 **MSDC Environmental Health Officer (EHO):** No objection. No complaints received about school events to date, but an increase in numbers of events and of attendees will raise the likelihood of complaints about noise. Therefore recommend conditions to ensure that no event would finish after 21:00 hrs (with the exception of one event per month until 22:00 hrs), and no electronic amplification of voice or music.
- 7.3 **Hassocks Parish Council:** Recommend approval. Supports the comments of the South Downs national Park Authority regarding the need ensure any light pollution from the development is minimised.

- 7.4 ***South Downs National Park Authority:*** If external lighting is proposed, welcome a condition to ensure it is appropriately designed to protect dark night skies, minimise light pollution, and turned off when not in use.
- 7.5 ***WSCC Highways:*** No objection. The existing school access is of an acceptable standard in terms of design and visibility. Parking spaces available within the school are more than adequate to meet the parking demands of the proposed use. In the event construction takes place during school term time, deliveries will need to be scheduled outside of school start and finish times and under the supervision of a banksman.
- 7.6 ***WSCC Archaeology:*** No objection. No anticipated significant archaeological impact.
- 7.7 ***WSCC Arboriculturist:*** Objection. The proposals would result in a significant incursion into the root protection area of a large oak tree, which has already been compromised by other development around it. There has to be a high level of confidence in the outcome for this tree which forms part of an important line of mature trees running east – west. Further evaluation of potential impact upon the oak tree is required, and if mitigation is feasible, an Arboricultural Method Statement provided. In addition further details are required in respect of: tree protection measures, method statement for relocation of immature red oaks, and full specifications/maintenance measures for proposed planting.
- 7.8 ***WSCC Ecology:*** No objection; do not consider the proposals are likely to have any significant impact upon ecology.
- 7.9 ***WSCC Flooding and Drainage:*** Noted that flood risk overall is low, however, outline drainage proposals require amendment to suit ground conditions. Conditions recommended to secure a scheme of surface water drainage prior to commencement of development.
- 7.10 ***WSCC Councillor Kirsty Lord:*** No response received.

8. Representations

- 8.1 The application was publicised in accordance with article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Publicity consisted of the erection of six site notices located around the application site.
- 8.2 In response, six representations have been received, three in objection, two raising concerns, and one in support.
- 8.3 The key areas of concern raised by objectors relate to the potential for noise, light pollution and disturbance to residential properties resulting from both the use of the outdoor performance area, and people arriving/departing and parking at the site. Concerns are raised over the combined impacts with existing evening uses which some consider already give rise to disturbance to local residents. Restrictions on the amplification of music, and the times and days of use are requested, in particular to avoid evening and weekend uses.

Some objectors consider that the potential use of the facility by community groups is not acceptable and could not be adequately controlled by the school.

- 8.4 Objectors also raise concerns in terms of unacceptable impacts upon a high quality oak tree, the South Downs National Park, ecology (including tawny and barn owls), highway safety/capacity and parking availability, the suitability of proposed replacement tree species, and there being no justified local need for the facility.
- 8.5 The representation in support considers the proposal represents as great initiative and resource for both the school and the community.

9. **Consideration of Key Issues**

- 9.1 The main material considerations in relation to this application are whether the development:
 - is acceptable in principle;
 - is satisfactory in terms of its siting, design and impact upon trees;
 - is acceptable in term of impacts upon residential amenity; and
 - is acceptable in terms of highway capacity and road safety.

Principle of the Development

- 9.2 The school's stated vision is to supplement the curriculum to achieve both qualifications and a thorough grounding in the arts. The school considers that the current school hall offers little opportunity for the creative engagement of students, and the proposed outdoor performance space would provide a vital contribution towards expanding students' experience of the arts, as well as much needed outdoor social space (e.g. as a seating area for children on their breaks during the school day). Although primarily a school facility, it is proposed the venue would also be made available for wider community use such as by local drama and music groups.
- 9.3 The Mid Sussex District Plan (MSDP) promotes the development of cultural and community facilities within existing villages to support community needs and reduce the need for commuting (Polices DP6 and DP24). The provision of inclusive cultural facilities is supported by National Policy (NPPF – Paragraphs 91 & 92), which highlight the need to promote social interaction and plan positively for provision and use of shared spaces, community and cultural facilities. Further, Paragraph 94 of the NPPF makes clear that local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education and "*give great weight to the need to create, expand or alter schools*".
- 9.4 On this basis, it is considered that the proposed development is supported in principle through the Development Plan and national guidance.
- 9.5 *The proposed outdoor performance space would support education in the arts at the school, providing an important community facility to serve local educational needs. Further, the facility would be made available for wider community use, promoting social interaction and providing a cultural facility.*

The proposed development is supported in principle by the Development Plan and national policy.

Siting, Design and Impact on Trees

- 9.6 The proposed outdoor performance space would be located centrally within the school campus, on a grassed area immediately south of the main school buildings.
- 9.7 The facility would not be readily visible from outside the site because it would be screened by existing buildings and boundary treatment. Distant views may be possible from the south, given the elevated position of the South Downs; however, the facility would be viewed against the backdrop of the large buildings within the existing school campus.
- 9.8 The South Downs National Park Authority have requested that any required lighting be appropriately designed, and turned off when not in use to minimise any light pollution to the South Downs National Park. However, the performance space would abut floodlit pitches, and given the proposed limitation of evening use, it is not considered that the proposed low level terrace lighting or any directed stage lighting would be likely to give rise to any unacceptable lighting impacts upon the wider area or South Downs National Park.
- 9.9 The siting of development would require the removal of five young red oak trees. To mitigate the removal of these trees, it is proposed to plant five new native Field Maples to the west of the site alongside the existing sports hall (see **Appendix 5**). In addition, the school has confirmed that they would attempt to relocate the young oak trees to the edge of the school playing field.
- 9.10 In general terms, the proposed design/finish of the performance space would form a pleasant landscaped feature that would be easily assimilated into the wider school campus. Proposed tree planting and the possible relocation of existing trees, would soften the appearance of both the proposed development and existing buildings.
- 9.11 However, the development would be sited in close proximity to a large mature oak tree, which is of considerable quality and of amenity value to the immediate surroundings (although it is not subject to a Tree Preservation Order). The County Arboriculturist considers that it should be protected, particularly as it forms part of an important line of mature trees running east – west within the campus. Although the applicant considers the tree could be adequately protected, the Arboriculturist considers that the development would result in a significant incursion into the root protection area, highlighting that the applicant has not provided a suitable arboricultural impact assessment to determine the likely level of impact on the tree, or ascertain whether appropriate mitigation can be afforded.
- 9.12 Although the proposed development would not directly impact upon the visible part of the tree, it is likely that there would be some detrimental impact upon its roots, space for which has already been compromised by other adjacent development. In the absence of a detailed Arboricultural Impact Assessment, it is difficult to be certain what the impact would be, but the tree is not subject to

formal protection. Conditions are proposed to ensure the submission of a detailed Arboricultural Method Statement and tree protection measures throughout construction.

- 9.13 On balance, it is considered that proposed tree planting and relocation of existing young trees would result in a net increase in trees sufficient to offset any negative impact on the mature oak tree. Further, all reasonable steps to minimise potential impacts on the tree will be required by condition.
- 9.14 *The proposed design and finish of the proposed space would be a pleasant landscaped addition that would be easily assimilated into the wider school campus. Although the proposed development could have a detrimental impact upon the future health of a mature oak tree, on balance, it is considered that conditions can ensure any such impact is minimised, and proposed planting is sufficient to offset any negative impact on the local landscape.*

Impact on Residential Amenity

- 9.15 Given the outdoor location, there is the potential for the performance space to result in an increase in noise and lighting, particularly during evenings. Further, event goers would require use of the school car park (including the possible use of the northernmost hard-courts for overflow parking) both of which fall in close proximity to neighbouring residential properties (see **Appendix 6**).
- 9.16 The proposed performance space would primarily be a school facility. During the school day (08:45–15:05) it would be used for music, dance and drama lessons, as well as doubling as a social space for children during break times.
- 9.17 Outside of these hours, it would also be used for school events such as a literary festival, evening orchestral concerts, and dance performances. School evening events would usually start at 18:00 and end by 21:00, and at the very latest 22:00.
- 9.18 In addition to school use, it would also be made available to local community groups such as local drama and music groups. The school envisages that this would typically be in the evenings and on average no more than once a week across the year.
- 9.19 The Hassocks Sports Centre is permitted to open until 21:00 Monday to Saturday, except on three days/week when it can open until 22:00; and until 19:00 on Sundays. The floodlit pitches can operate until 21:00 Monday to Saturday, and to 19:00 on Sundays/Public Holidays, albeit the lighting must be switched off after 19.30 on Saturdays and not used at all on Sundays.
- 9.20 The school advises they already host evening events approximately once a week (parents' evenings, cultural performances, community events and adult education etc.), with up to 340 people attending (the capacity of the school hall). Accordingly, existing evening events at the school already attract significantly greater visitor numbers than the maximum capacity of the proposed outdoor performance space (maximum 163 seated). Although somewhat unlikely, there is potential for the proposed facility to act in combination with existing school evening events. However, the likelihood is

that the venue would be used as an alternative to host existing performances, and clashes with other school events should be easily avoidable through typical school management.

- 9.21 In terms of noise, the nearest residential properties lie approximately 90m to the west in Windmill Avenue, and in Dale Avenue, approximately 140m to the north, and 150m to the east respectively. The majority of surrounding properties, including these, would be generally well-shielded by large buildings which make up the school campus and Sports Centre.
- 9.22 The Mid Sussex Environmental Health Officer (EHO) considers that the day-to-day use of the performance area is unlikely to significantly affect residential amenity. It is recognised that evening performances could be more intrusive owing to lower background noise levels; however, given the physical shielding provided by adjacent buildings and distance to the nearest homes, disturbance is likely to be minimal. Subject to conditions to secure no amplification of voice/music, and no events after 21:00hrs (with the exception of one event per month until 22:00hrs), the EHO raises no objection to the proposals.
- 9.23 Notwithstanding the advice of the Environmental Health Officer, taking the proximity of the parking areas to residential properties, the potential for some evening events to be audible, and the potential for the use of the development to act cumulatively with other existing sports/community uses, it is considered that evening and Sunday use of the proposed performance space should be controlled.
- 9.24 In order to provide flexibility for the school to make use of periods of suitable weather (which is likely to be a significant constraint to the use of the outdoor performance area), it is proposed that the facility be restricted to a maximum of eight evening events (after 18:00) per calendar month, with no use beyond 21:00 hrs or on Sundays. Further a condition is proposed to ensure that no electronic amplification would be permitted.
- 9.25 The proposed performance space may require occasional targeted lighting for performances, and the school plans to incorporate low level lighting into the terraces. The area is generally well-screened by large existing buildings and trees/boundary treatment to the north, so the potential for affecting residential properties is limited, particularly in the context of the adjacent floodlit artificial turf pitches.
- 9.26 There is potential for some impacts upon amenity during construction. However, the limited scale of the proposal is such that this would be for short period (approximately one month) and is unlikely to result in significant impact upon neighbouring amenity.
- 9.27 *There is potential for some impacts upon amenity resulting from the use of an outdoor performance space, which principally result from noise associated with musical performances and evening events (both school and third party). Subject to conditions to control the hours and number of evening events, the proposed development is not considered likely to result in any unacceptable impact on amenity.*

Impacts on Highway Capacity and Road Safety

- 9.28 The proposed development would not result in any increase in pupil capacity or staff numbers. As a result, there would be no increase in vehicular movements to/from the site during the normal school day.
- 9.29 Outside of school hours, the school's car park is currently used by those attending school evening events, and Hassocks Sports Centre. The campus provides formal parking for approximately 90 vehicles. However, the school advises that, in addition to this, the hard surfaced tennis courts to the north of the school are made available for overflow parking, significantly increasing parking availability on site when necessary (to total of approximately 240 spaces) (see **Appendix 6**).
- 9.30 The Highway Authority raises no objection to the proposals in highway safety or capacity terms. They note that the existing school access is of an acceptable standard in terms of design and visibility and parking availability on site should meet parking demands required during a full capacity performance. It is recommended that any construction deliveries should avoid school drop off/pick up times.
- 9.31 The school has an effective and up-to date travel plan that seeks to promote the use of sustainable transport modes and reduce vehicular trips to/from the school (e.g. the promotion of cycling and walking). The existing Travel Plan is a live document, which is subject to review in consultation with the highway authority and could incorporate consideration of attendees of evening events..
- 9.32 *The proposed development has the potential to attract additional evening vehicular movements to/from the site, which could act in combination with established sports centre uses. The Highway Authority is satisfied that sufficient parking is available on site for the addition of the proposed facility, and that the school access is of a sufficient standard in terms of design and visibility. As a result, the proposed development is not considered to give rise to any unacceptable impacts upon highway capacity and road safety.*

10. Overall Conclusion and Recommendation

- 10.1 Planning permission is sought for the construction of an outdoor performance space (a landscaped 'amphitheatre'). The proposed facility would complement education of the arts at the school and, where possible, would be made available for wider community use. The school is an important community facility serving local needs and the proposed development would enhance the facilities therein. As such the development is supported in principle by the development plan and national policy.
- 10.2 The proposed design and finish of the performance space would form an attractive landscaped addition to the school campus and would easily integrate into the wider school environment. Although the proposed development has the potential to impact upon a mature oak tree of significant quality/amenity value, on balance it is not considered to give rise to unacceptable impacts upon the local landscape subject to measures to ensure its protection, as far as reasonably practicable, and proposed new planting.

- 10.3 The proposed has potential for impacts upon neighbouring residential amenity resulting from noise associated with outdoor performances, and event goers arriving/leaving the site. Although evening events are likely to have the greatest potential for impacts, the school and Hassocks Sports Centre are established uses on the campus, including during the evenings. Subject to conditions to control the hours and number of evening events, the proposed development is not considered likely to result in any unacceptable impact on amenity. Further, is not considered that the development would result in unacceptable impacts on highway capacity or road safety.
- 10.4 Taking into account the NPPF and government policy which gives great and significant weight to expanding and developing school sites and community facilities, on balance, the proposed development is considered acceptable in planning terms.
- 10.5 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out at Appendix 1.

11. Crime and Disorder Act Implications

- 11.1 There are no implications.

12. Equality Act Implications

- 12.1 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 the representations made by third 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. Human Rights Act Implications

- 13.1 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 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 well-being 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.
- 13.2 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.

13.3 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.

Michael Elkington
Head of Planning Services

Background Papers: As set out in Section 6.

List of Appendices

Appendix 1 – Conditions
Appendix 2 – Site Location Plan
Appendix 3 – Visuals
Appendix 4 – Section Plan
Appendix 5 – Landscaping Plan
Appendix 6 – Parking Plan

Contact: James Neave, ext. 25571

Appendix 1: Conditions and Informatives

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 proposed development shall not take place other than in accordance with the particulars of the application and the approved plans:
 - Site Boundary Plan (drawing number 002 Rev A);
 - Landscape Masterplan (drawing number 100 Rev B); and
 - Sections (drawing number 801 Rev B);save as varied by the conditions hereafter.

Reason: *To secure a satisfactory development*

Limitations of use

3. Unless otherwise agreed in advance and in writing by the County Planning Authority, the outdoor performance area (and any associated lighting) hereby approved shall only be used:
 - between the hours of 08:00 and 18:00 Monday to Saturday, except on eight days per calendar month when the use can continue to 21:00 hours; and
 - at no time on Sundays or Public Holidays.

A record of all evening events (i.e. between 18:00-21:00 hours) shall be maintained at the school and made available upon request for inspection by the County Planning Authority.

Reason: *In the interests of the amenity of the locality and of local residents.*

No amplification

4. Unless otherwise agreed in advance and in writing by the County Planning Authority, no electric amplification shall be used in connection with the development hereby approved.

Reason: *In the interests of the amenity of the locality and of local residents.*

Lighting

5. No permanent lighting shall be installed on site without the prior approval of the County Planning Authority. Thereafter any lighting shall only be installed in accordance with the details as approved. Any temporary lighting required in association with use of the outdoor performance area shall be directed inwards and downwards such as to minimise light spill outside of the site (in accordance with the Institute of Lighting Professionals – Guidance notes for the reduction of obtrusive light (2012)).

Reason: To minimise light pollution in the interests of amenity and the intrinsic qualities of the South Downs National Park.

Arboricultural method statement/tree protection measures

6. No development shall take place until an Arboricultural Method Statement in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) has been submitted to and approved in writing by the County Planning Authority. The Arboricultural Method Statement shall identify and detail all trees/hedgerows to be retained (and those to be relocated) 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/drainage runs, construction methodology within root protection areas (to include supervision by a qualified arboriculturist), and a scheme of translocation for all trees to be relocated. Thereafter the approved Arboricultural Method Statement shall be implemented in full.

Reason: To protect and where possible retain existing trees in the interests of the visual amenities and landscape of the locality.

Soft landscaping scheme

7. No development shall take place until a detailed soft landscaping scheme shall be submitted to and approved in advance in writing by the County Planning Authority. The scheme shall include details of species, planting sizes, planting spacing, tree pits, soil amelioration/improvement, relocated tree locations, and on-going maintenance provision. Once approved the scheme shall be implemented in full with all planting carried out in the next available planting season (November - February). Any plants which die, 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, unless otherwise agreed in writing with the County Planning Authority.

Reason: To ensure a development of a high visual quality that integrates with the locality in the interests of visual amenities.

Construction traffic management

8. During school term time, any construction deliveries or HGV construction traffic resulting from the proposed development shall be scheduled to avoid peak school drop off and pick up times (i.e. 08:00-09:30 and 14:30-16:00), and will only take place under the supervision of a banksman.

Reason: In the interests of highway and pupil safety.

Surface water drainage

9. No development shall take place until a scheme of surface water drainage, including ongoing maintenance, has been submitted and approved in writing by the County Planning Authority. Thereafter the approved drainage scheme shall be implemented in full.

Reason: To ensure that the proposed development would not give rise to localised flooding.

Informatives

- A. In accordance with the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive way, and has worked proactively with the applicant by:
- 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 the Mid Sussex Council Environmental Health Department.
- C. With regard to condition 9, the applicant's attention is drawn to the comments of the WSCC Flooding and Drainage advisor (dated 14/12/18).
- D. 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'.