

[REDACTED]
70 Merryfield Drive
Horsham
West Sussex
RH12 2AX

Date: 25th July 2026

To: The Planning Team, Horsham District Council

Planning References:

- **DC/26/1048** (Section 73 Variation of Conditions 1, 3, 4, 5, 6, 9, 20, and 23 to DC/22/1954)
- **DISC/26/0153** (Approval of Details Reserved by Conditions 3, 4, 5, and 6 to DC/22/1954)

Subject: Formal Representation and Technical Objections

Dear Planning Team,

We write regarding the active planning files for the Greenway Academy redevelopment. As the immediate adjacent neighbours at 70 Merryfield Drive, we support the school's modernisation.

Flawed Community Consultation and Representation

While we welcome constructive dialogue, we must formally object to the integrity of the applicant's Statement of Community Involvement (SCI):

- **Procedural Failures:** Despite being identified by the applicant's representatives as the most directly affected party, our requests for the promised direct consultation meeting were repeatedly delayed, deferred to the Department for Education, and ultimately ignored.
- **Inaccurate Reporting:** The submitted SCI report is heavily padded, repetitive, and technically incomplete, with numerous copy-paste errors and unfinished sentences. Furthermore, the "sticker feedback" system utilised at the public exhibition was entirely unmoderated and open to multiple submissions by single users (including children), rendering the "public support" statistics heavily biased and procedurally worthless. It does not represent a balanced or accurate reflection of local community impact.

Because of this lack of meaningful engagement, a series of critical technical, topographical, and visual discrepancies have been left unresolved. Having reviewed the newly submitted site sections for the Section 73 variation and compared them to the originally consented 2023 plans, we wish to raise these unresolved issues which span both active applications.

To ensure the high design and environmental standards of the consented scheme are maintained, we request that the Council addresses the following inconsistencies before determining either application:

1. Material Deviations and Encroachment on the Separation Boundary

- **Visual Comparison:** The applicant's current sectional drawings use a blue dashed line to represent the consented footprint. The proposed solid outline clearly extends beyond this boundary, indicating an unconsented increase in the building's physical footprint.
- **The Separation Boundary:** The original layout established a clear, agreed 35m separation distance from our rear wall to the school face, which successfully mitigated any sense of enclosure. With our rear garden measuring approximately 21m (70ft) in depth, this relied on the school maintaining a strict 15m setback on their side of our shared boundary fence.
- **The 5-Meter Encroachment:** While the applicant officially asserts they are not deviating from the approved footprint, their revised technical Design Statement states the building will be "*no closer than 30 meters*" to our western residential boundary. This represents an unconsented 5-meter encroachment closer to our home. This equates to a **14.3% reduction** in our overall 35m separation buffer, and a staggering **33.3% reduction** in the consented 15m open space buffer directly behind our boundary fence (reducing their setback from 15m to just 10m). A loss of one-third of this immediate boundary buffer is a major material deviation, not a minor variation.
- **Misleading and Contradictory Reporting:** This physical encroachment directly contradicts the applicant's public-facing representations. Specifically, page 22 of their Statement of Community Involvement (SCI) explicitly assured the community that "the building was not moving closer to neighbouring properties." It is highly concerning that the public and decision-makers were explicitly told there was no change to the footprint, while the technical S73 variation quietly requests a 33.3% reduction of the boundary buffer on their side. We request that the originally approved, definitive 35-meter setback (incorporating the full 15-meter setback from our boundary fence) is strictly maintained.

2. Contrast of Rooftop Profiles and the 25° Rule

- **Deliberate Design Intent of the Consented Scheme (DC/22/1954):** The original scheme restricted roof-mounted elements to essential, low-profile, passive features, specifically Windcatchers and fixed roof access, ensuring everything was neatly integrated below the baseline handrail height to protect our residential daylight and outlook.
- **Absence of Omission Evidence:** The applicant has suggested at resident consultation that the omission of the commercial kitchen chimney from the 2023 consented plans was an oversight by the previous project team. However, a review of the extensive 2023 planning file shows no reference to, or assessment of, an external vertical extraction stack of this scale. In planning terms, such an industrial feature cannot be treated as a clerical omission; because it was never presented on the approved plans, its environmental, noise, and visual impacts have never undergone formal evaluation by the Local Planning Authority or statutory consultees.
- **The Proposed Stacks:** In stark contrast, the proposed Section AA introduces prominent, vertical "Food Tech" and "Kitchen Extract" terminals that project significantly above the handrail. These are highly visible from all directions, including the furthest point on the North elevation.
- **Omission in Public Visualizations:** Highly concerning, the applicant's "revised scheme final material images" and public-facing colour palette illustrations do not show this industrial chimney. Instead, they only show clean lines and solar panels. It is procedurally unacceptable to present a sanitized, highly aesthetic visualization to the public and decision-makers while hiding a major, intrusive industrial extraction stack that only appears on the technical elevation drawings.

- **Failure to Conceal or Integrate Plant Machinery:** A chimney of this industrial scale is not an inevitable requirement; alternative architectural and mechanical designs exist that allow extraction systems to be recessed, integrated horizontally, or housed entirely within flush roof wells. The applicant has opted for the cheapest, most intrusive vertical stack design rather than investing in a concealed solution that respects the visual amenity of neighbouring residential bungalows.
- **Non-Compliance with BREEAM and Mitigation Requirements:** The consented scheme was bound by strict BREEAM sustainability and environmental commitments. While our primary objection is that this intrusive vertical chimney must be removed from the design entirely, any proposal to retain rooftop extraction must, at an absolute minimum, undergo a rigorous, updated BREEAM assessment. The developer must not be allowed to bypass standards for Local Noise Impact (Pol 02) and Indoor Air Quality (Hea 02). If the applicant cannot prove absolute compliance with these standards, which is highly likely given the chimney's direct proximity to our windows, the extraction system must be relocated internally or removed entirely.
- **Our Representation:** We request that the Council rejects this prominent vertical chimney design. The applicant must be required to submit an alternative mechanical scheme that fully integrates or conceals the extraction plant below the approved baseline roofline, preserving the clean, low-profile horizontal design of the original 2023 consent. Suggesting a nominal horizontal relocation is unacceptable, as a vertical stack of this height remains highly visible and intrusive from our property regardless of its position on the roof.

3. Topographical Inaccuracies and Relative Finished Floor Levels (FFL)

- **The Documented Level Discrepancy:** The applicant's site section drawing identifies a natural level drop under the notation "Boundary Level to Level 00: -1111" (confirming an exact 1.11-meter drop from the school's base level to the boundary). In physical reality, this must reference the grade on our side of the fence.
- **The Cumulative Height Impact:** Our property is situated on a multi-tiered slope:
 - There is a natural 0.5-meter step-up in ground height from our side of the boundary fence to the school's side.
 - There is a further natural 1-meter rise from our home's finished floor level up through our garden to our boundary fence.
- **The Bungalow Context and False 'Perception':** The applicant's SCI repeatedly dismisses our concerns as "perceived" or "apparent" height and massing. We must clarify the physical reality of the immediate boundary: the first three properties directly backing onto this development are a cluster of low-profile bungalows, including our own chalet bungalow (where the predominant living and amenity space is situated at ground-floor level). The physical reality of placing a massive, elevated school building directly behind low-profile bungalows is not a matter of subjective "perception", it is a severe, measurable planning impact that causes immediate visual dominance and a crippling sense of enclosure. While other properties further along Merryfield Drive are two-storey dwellings, the dramatic slope of the topography means the entire row of residential boundary lines faces a highly disproportionate, overbearing scale of development.
- **The Reality of the Impact:** When combining the school's proposed FFL platform build-up (which sits 1.11 meters above the boundary) with the 0.5-meter boundary step-up and our garden's 1-meter slope, the ground floor of the new school will sit significantly elevated above our own home's living areas. This massive cumulative vertical offset means the ground floor of the school will look directly into our home and private garden. Because of these complex, tiered levels, the visual impact of the building and the kitchen chimney will be far more severe than shown on flat, simplified 2D drawings.

- **Our Representation:** We respectfully request that the Council mandates a definitive, independent Topographical Survey with Ordnance Datum (OD) levels to ensure the school's FFL is strictly controlled and does not artificially rise any further above our home's true level.

4. Material Changes, Visual Dominance, and Local Character

- **The Consented Palette:** The original 2023 design was approved on the basis of a sympathetic, natural colour palette designed to blend seamlessly with the residential surroundings and soften the building's profile.
- **The Proposed High-Contrast Materials:** The new proposal introduces a stark contrast, utilising traditional brick on the lower level and a dark grey/black monocouche render on the upper storey.
- **The Visual Impact:** Elevating a highly contrasting, dark-coloured upper storey on a site that already sits physically higher than our property will artificially exaggerate the building's height. Rather than blending in, this dark render will create a visually heavy, looming, and industrial appearance. This significantly increases the overbearing sense of enclosure experienced from our garden and living areas.
- **Our Representation:** We request that the material palette is reverted to the lighter, natural tones of the consented scheme, or simplified to a uniform, traditional brickwork that respects the established residential character. If a high-contrast dark render is permitted, it directly amplifies the urgent need for substantial, mature boundary screening.

5. Inadequate Landscaping Schemes and Topographical Ineffectiveness of Tree Screening

We formally object to the current tree planting proposals on the grounds that they are a "tick-box" exercise rather than a functional, purpose-built mitigation strategy. As currently proposed, the landscaping fails to address the severe level differences and privacy impacts on our property:

- **The Low-Level Boundary Trap:** The applicant proposes planting 12 *Tilia cordata* 'Greenspire' (Lime) trees (12-14cm girth, 2-3m height) directly along our shared boundary. Because our boundary sits at the lowest tier of the slope—significantly below the school's elevated finished floor level—planting at this low point is geometrically useless.
- **Zero Overhead Protection:** A young 2-to-3-meter tree planted at the lowest boundary point will barely reach the height of the school's elevated platform. It is a mathematical certainty that the school's ground and upper floors will look directly over these trees into our private living areas and garden.
- **The Deciduous and Seasonal Lighting Flaw:** The *Tilia cordata* is a deciduous species. For six months of the year (mid-autumn to spring)—coinciding with peak school terms—these trees will drop their leaves, leaving our property entirely exposed to direct, mutual overlooking. Crucially, this dormant period aligns perfectly with the shortest daylight hours of the year, when internal lights are switched on in both the school classrooms and our home. Without leaf cover, there will be absolutely no visual or light-spill barrier at the exact times of day when high-contrast internal lighting makes mutual overlooking the most severe. A deciduous screen provides zero protection when active lighting is turned on both ways.
- **Exaggerated Overlooking from Larger Glazing:** The proposed scheme introduces significantly larger classroom windows than those in the consented 2023 design. This increased glazing, combined with the elevated position of the school relative to our bungalows, dramatically increases the potential for direct overlooking, making robust, evergreen tree screening an absolute necessity.
- **Our Representation:** To ensure this landscaping serves a genuine, protective purpose rather than a mere administrative checkbox, we request the following mandatory conditions:

1. **Relocation Up-Slope:** The primary tree planting must be positioned further up the slope, closer to the school's elevated building platform, where it can actually intercept the direct sightlines from the classroom windows.
2. **Evergreen Integration:** The planting mix must be revised to include a high proportion of mature, evergreen species to ensure year-round privacy.
3. **Pre-Commencement Spec:** Trees must be planted at a minimum starting height of 4.5 to 5 meters to offset the severe level difference from day one and provide immediate, functional screening.

6. Procedural Abuse of the Section 73 Mechanism

We object to the use of a Section 73 application to push through these cumulative changes, as they represent a fundamental, material departure from the consented scheme rather than minor variations:

The Legal Precedent (*Finney v Welsh Ministers* [2019] EWCA Civ 1868): Established case law dictates that a Section 73 variation application cannot be used to alter the fundamental nature, description, or core design intent of an approved development.

- **Cumulative Material Departure:** The applicant is attempting to use the S73 process as a backdoor to bypass a full planning assessment for a building that is fundamentally different in scale, massing, and design from the 2023 consent:
 1. **Increased Volumetric Mass and Footprint:** Despite claims that the building remains within consented height limits, the site sections clearly show the solid black outline (proposed) extending past the blue dashed line (consented). The building has increased in overall footprint and physical length, resulting in a much larger, more oppressive building mass.
 2. **Unconsented Rooftop Clutter and Omitted Height Measurements:** The applicant asserts that the building remains within consented height limits by strictly measuring only to the baseline roof slab or parapet wall. However, this is a highly misleading calculation. A review of the revised site sections reveals that while the roof parapet sits at 7,588mm, the proposed handrail height extends significantly further to 8,450mm. This introduces nearly a metre (862mm) of unmeasured, highly visible metal clutter directly on our visual horizon. The Council must not accept structural roof measurements as a proxy for total envelope height. The actual, cumulative height of these handrails, alongside the newly repositioned commercial extraction chimneys and industrial plant machinery, must be formally measured, drawn, and evaluated relative to our boundary line.
 3. **Encroachment on the Spatial Buffer:** Reducing the agreed 35-meter separation boundary to 30 meters, resulting in a highly damaging 5-meter encroachment closer to our residential boundary.
 4. **Stark Architectural Redesign:** Abandoning the approved sympathetic natural palette in favour of a highly imposing, dark-clad upper storey that visually exaggerates the building's mass.
- **Our Representation:** These cumulative modifications do not constitute "minor material amendments." They fundamentally alter the visual impact, physical footprint, and environmental profile of the development relative to our residential boundary. In line with the principles of *Finney*, we request that the Council rejects this Section 73 application and requires the applicant to submit a full, standard planning application where this entirely redesigned, larger school building can be properly scrutinized.

Conclusion and Requested Actions

For the reasons detailed above, we respectfully request that the Local Planning Authority:

1. **Requires a Full Planning Application:** In accordance with the principles established in *Finney v Welsh Ministers*, refuse the current Section 73 application (DC/26/1048) on the basis that the unconsented 5-meter boundary encroachment, the commercial extraction stack, the dark rendered visual massing, and the increased volumetric footprint represent a cumulative, material departure from the original 2023 consent.
2. **Mandates a Topographical Survey:** Order an independent topographical survey using Ordnance Datum (OD) levels to map the complex tiered slopes between our property and the school's finished floor level (FFL), ensuring the building's height is strictly controlled and verified relative to our residential bungalows.
3. **Enforces a Concealed Extraction Scheme:** Mandate that any mechanical extraction system for the kitchens/food tech rooms must be redesigned to be fully integrated, recessed, or flush-mounted below the baseline roofline, entirely rejecting the proposed vertical, industrial-style extraction stack.
4. **Enforce a BREEAM Re-Assessment:** If the Council does not refuse the extraction chimney outright, it must legally condition the applicant to submit an updated, independent BREEAM assessment. The developer must prove absolute compliance with BREEAM standards for **Local Noise Impact (Pol 02)** and **Indoor Air Quality (Hea 02)** relative to our boundary before any S73 variation is approved.
5. **Conditions Robust, Year-Round Screening:** In the event that any variation is permitted, mandate a strict pre-commencement planning condition requiring the boundary tree screening to be relocated up-slope closer to the school's platform, revised to a high proportion of major evergreen species, and planted at a minimum starting height of 4.5 to 5 meters to guarantee genuine, year-round privacy.

We thank the Planning Authority for their diligent attention to these matters and for ensuring this development matches the high quality, careful parameters, and community protections originally promised in the 2023 consent.

Yours faithfully,



70 Merryfield Drive