Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/1912
Rikkyo School , Guildford Road, Rudgwick, West Sussex, RH12 3BE

DESCRIPTION:
Erection of a detached two storey Dormitory building, with associated landscaping

RELEVANT PLANNING HISTORY:

DC/12/2179	Erection of a stand-alone 3 storey student accommodation block (Outline Planning)	Application Permitted on 22.03.2013
DC/13/0606	Approval of Reserved Matters relating to appearance, landscaping and scale following Outline permission DC/12/2179 (Erection of a stand-alone 3 storey student accommodation block)	Application Permitted on 23.09.2013
DC/20/0426	Erection of a 4-storey rear extension (including accommodation within the roof), alterations to existing elevations including erection of lift shaft, and associated landscaping works.	Application Permitted on 22.05.2020
PE/23/0120	Erection of a detached two storey dormitory building, with associated landscaping works	Pre-Application Advice Given on 10.10.2023

SITE AND SURROUNDS

The application site known as 'Rikkyo School' was established in 1972, and is set within large, secluded grounds measuring 24.3 ha, located outside of any defined settlement boundaries, approximately 7.3 miles to the west of Horsham and close to Rudgwick.

The school is set on a sloping site (north to south) within the Wealden Countryside on the brow of a hill with long views towards the South Downs and is accessed via a tree lined private driveway off of the A261 Guildford Road. The area surrounding the wider school grounds comprises countryside with a matrix of fields and field boundaries, sporadic residential and agricultural built form, with the Built-up Area Boundaries of Bucks Green 1.9Km to the southeast, and Rudgwick 2.6km.

The wider site comprises a cluster of buildings which include the original 1940's Pallingshurst House and stable buildings and a cluster of newer 1970, 80's and 90's buildings. Buildings within the site a typically 2-3 storeys in height (over 10 metres in height), are of masonry construction under pitched roofs. There is no one particular architectural style and buildings. None of the buildings are listed for their architectural merit. The site has an overall on-site provision for 160 car parking spaces (including spaces for up to 4 mini buses).

The application site itself (approximately 0.89ha) forms an existing hardstanding area of land used as an overspill car parking area for 39 cars, and areas of woodland and grassland. The applications site is located between a non-designated area of woodland (Upper Furze Wood to the west), LPG gas tanks (5 in total) located in the southwest corner of the site; a hard landscaped car park area which falls away

from the site (to the east); a sports hall set on land that falls steeply away from the site (to the north); and the cluster of buildings (including the original Pallingshurst House) set on higher grounds to the south. Existing buildings within the site are typically 2-3 storeys in height.

Woodland is located to the northwest (Great Muttons Copse), beyond which is an area of Ancient Woodland well separated from the site (approx. 130 metres to nearest point). The site falls within an area identified as a Great Crested Newt Impact Risk Zone. There are two ponds close by, the nearest and smallest of which is approximately 40m to the southeast, immediately south of a bridleway (ROW 399Sy); the larger pond is approximately 143m further to the southeast between the Garden House and West House. The bridleway (ROW 399Sy) commences at the entrance of the school on Guildford Road and cuts northeast to southwest through the wider school site (passing 'the site' on its southern side); A further PROW (footpath ROW 1381) adjoins ROW399Sy and spurs along the northwest to southeast axis, before joining ROW 1380 (which runs along the north / southwest axis) to the southeast.

It is noted that whilst the main complex of school buildings sits within the designated North Sussex Water Neutrality Zone which is subject to Water Neutrality measures, 'the site' (subject to the application) is located to the north of the boundary and is located outside of the identified and designated water neutrality zone.

The site lies approximately 7.9km north of The Mens Special Area of Conservation (SAC) and 9.4km north of Ebernoe Common SAC (Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol) and therefore falls within the 12 km Wider Conservation Area for the SACs.

DETAILED DESCRIPTION

The proposed building has a gross internal floor area of approximately 1,256.7 sqm with an 'H' shape footprint. Each separate wing measures approximately 30m in length and 11m in width; the connecting central hub measures approximately 12m in length and x 11.5m in width. The building would have a maximum height of approximately 11.6m (each 2-storey element) and 5.12m (connecting single storey element). The top floor accommodation would be partially set into the roof. Each wing would be under a single pitch roof, with pupil and staff accommodation conjoined by a connecting central communal and study atrium. Together, this would provide the overall general living space for students.

The proposals include 60 bed spaces for students and two teachers flats, comprising 14 x 4 bed dorms, 2 x 2 bed sick bay rooms and 2 x 1 bed overnight duty rooms. All rooms would have clear level access to bathrooms, each bed space would have its own sink and storage area and the building would have bespoke made shutters for increased security with limited entrance and exit points within the building.

The palette of materials includes timber weatherboard cladding (elevations) along with a metal tiled roof with solar panels.

The application proposals include opportunities for sustainable construction and renewable technology. It is advised that the building will follow a fabric first approach in order to lower the buildings energy consumption, thereby creating an airtight, insulated building that reduces the amount of energy required to heat it.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Rudgwick Neighbourhood Plan (2021)
Relevant policies include:
RNP1 – Spatial Development
RNP6 – Materials
RNP7 – Architectural Style
RNP8 – Development Height
RNP10 – Local Economy
RNP17 Green Infrastructure and Trees

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five-year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 4.3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Facilitating Appropriate Development (FAD)
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
INTERNAL CONSULTATIONS

HDC Landscape Architect: No Objection

HDC Arboricultural Officer: No Objection

OUTSIDE AGENCIES

WSCC Highways: No Objection

Archaeology Consultant: No Objection

Ecology Consultant: No Objection

2nd Response – (dated 18 December 2023)
The Ecologists have reviewed the Bat – Ground Level Tree Assessment (Ecology Partnership, December 2023) and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership, October 2023), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

The Ecologists advise that there will be no Adverse Effect on Integrity of the SAC. We advise the LPA to prepare a project level HRA Appropriate Assessment to record its decision and consult Natural England on the conclusion.

The Ecologists are now satisfied that there is sufficient ecological information available for determination. No objections are raised on ecological matters excluding Great Crested Newt. The Councils Ecologists have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

1st Response – (dated 24 November 2023)
Holding Objection pending further information on European Protected Species (bats)

Southern Water: No Objection

Thames Water: Comment
Site is outside of Thames Water operating area.

WSCC Flood Risk Management: No Objection (subject to condition)
2nd Response: following a review of the additional information provided the LLFA have no objections

1st Response - Objection (dated 24 November 2023)
The WSCC LLFA raised an objection to the proposals on the grounds that there was an unacceptable Flood Risk Assessment (FRA) and Drainage Strategy and not in accordance with the NPPF paragraph 167 and 169.

WSCC Rights of Way: No Objection

Natural England: (standing advice) Objection
It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Health and Safety Executive: Comment

'This application does not fall within the Consultation Distance Zones of either a Major Hazard Site, Major Accident Hazard Pipeline or Explosive Site'.

Rudgwick Parish Council: No Objection
Subject to HDC being satisfied with water neutrality.

Representations:
None received.

Member Comments:
None received.

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Background

Rikkyo School is a private Japanese boarding school which follows a curriculum that is based on both the Japanese and English education systems. The school is subject to Ofsted assessments and all legislation enacted by the Department of Education. Current boarding provision is considered to be of poor quality with some safeguarding issues raised by pupils and Ofsted. In addition to the replacement of the boy's dormitory accommodation as sought within the current application, it is advised that the girls dormitory accommodation will also need to be replaced in time and a masterplan for the school is being prepared to this end.

It is advised that the school accommodates up to 205 boarding pupils between the ages of 10-18 years. Pupils board on site throughout term time and typically return home to Japan during the school holidays (three times per year). The existing dormitory accommodation was not designed for the current purpose and as such is not fit for purpose. The existing accommodation does not meet the functional needs of the boarders and is of a poor layout and condition; is cramped, has poor accessibility, ventilation, heating, and storage facilities.

Paragraph 11.5 of the Planning Statement states that… '*The school must meet the National Minimum Standards for Boarding accommodation, which requires all accommodation to be, "Well organised and managed with ongoing assessments of risk (which should be documented) and findings acted upon to reduce risk for all boarders. Accommodation gives boarders appropriate privacy, taking into account sex, age and any special requirements. Where children share a bedroom, they are able to express a preference about whom they share with."*

Paragraph 11.8 of the Planning Statement states that…*'The proposed building will also ensure the school can comply with its responsibilities under the Disability Discrimination Act 1995, as amended by the SEN and Disability Act 2001 (SENDA) and, most recently, the Equality Act 2010.*

The application seeks to '*improve and meet the functional needs of the school to upgrade, improve and deliver better accommodation*' as supported by Policies 42 and 43 of the HDPF.

Principle of Development:

Paragraphs 2 and 12 of the NPPF (2023) require that planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise; and that proposed development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise.

The site lies outside of a defined Built-up Area Boundary and is therefore located within the countryside. Given this countryside location, the initial principle of the proposal moves to be considered in the context of Sections 2, 6, 8, 11 and 15 of the NPPF, and policies 2, 3, 26, 42 and 43 of the Horsham District Planning Framework (HDPF).

Policy 2 of the HDPF seeks to maintain the rural character of the district and states new development will be focused in and around 'the key settlement of Horsham', with growth in the rest of the Council's area being allowed when it accords with the identified settlement hierarchy. This is reflected by Policy 3 of the HDPF which seeks to focus development to built-up area boundaries, with policy setting out the criteria for settlement expansion, which includes a site being allocated in a Local Plan or Neighbourhood Plan.

The location of the site outside of any defined Built-up Areas Boundary and not being an allocated site for development within Horsham's adopted development plan (comprising the Horsham District Planning Framework (HDPF) or a 'Made' Neighbourhood Development Plan) means development in the countryside is more tightly controlled.

Policy 26 of the HDPF has the objective of safeguarding the countryside from ‘inappropriate development’ and requires that development outside the Built-Up Area must be ‘essential’ to its countryside location and either serves the need of agriculture or forestry; enables the extraction of mineral or the disposal of waste; provides for quiet informal recreation; or enables the sustainable development of rural areas. In addition, any development must not lead to a significant increase in the overall level of activity in the countryside.

Notwithstanding the above it is considered that there are material considerations that may influence the acceptability of the proposed development. In order for the scheme to be considered acceptable, material considerations must demonstrate that any benefit provided by the scheme outweighs the resulting harm to the countryside.

In addition to Policy 26 which seeks to protect the district’s valuable countryside character; the provisions of HDPF Policies 42 (Inclusive Communities), and 43 (Community Facilities Leisure and Recreation) are considered to be relevant.

Policy 42 (Inclusive Communities) states that positive measures which help create socially inclusive and adaptable environments for a range of occupiers and users to meet their long-term needs will be encouraged and supported. The preamble to Policy 42 states that it is important that development should contribute towards meeting the needs of all sections of the community and help the community and help to encourage social cohesion. The proposals for a new building to replace existing dormitory provision, on land within the countryside that has been previously built on is considered in accordance with policy 42.

Policy 43 (Community Facilities, Leisure, and Recreation) of the HDPF supports the provision of new or improved community facilities particularly where they meet a demonstrable and identified need. Whilst as a whole Policy 43 prioritises new facilities in locations that accord with the HDPF Development Hierarchy; HDPF Policy 43 accords with the aspirations of Chapter 8 of the National Planning Policy Framework (NPPF, 2023) to achieve healthy, inclusive and safe places (para 99 refers) and the provision of local services to enhance the sustainability of communities and residential environments.

As the proposal seeks to address a school ‘community facility’ need it is considered that the proposals broadly accord with Policies 42 and 43 of the HDPF and Paragraph 99 of the NPPF (2023), subject to a thorough assessment and consideration of all other relevant policies and material considerations.

Paragraph 99 of the NPPF (2023) advocates that a '*sufficient choice of school places is available to meet the needs of existing and new communities, and that there should be sufficient choice of school places available to meet the needs of existing and new communities. This paragraph further states that Local Planning Authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. Specifically, they should:*

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'.

Policy 10 (rural economic development) of the HDPF is also considered to be relevant to the application. This policy encourages appropriate sustainable rural economic development within the countryside in order to generate local employment opportunities and economic, social and environmental benefits or local communities subject to relevant criteria.

Criteria 1[b] sets out that development should:

> '*result in substantial environmental improvements and reduce the impact on the countryside particularly if there are exceptional cases where new of replacement buildings are involved'* and that '*new development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria [a] has been considered first'.*

Policy 10 [2] requires proposals to *'demonstrate that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative logical solution proposed'.*

Although a new building, it should be noted that the development would occupy partially brownfield land (previous overspill car park area) and as such this is considered favourably.

Rudgwick Neighbourhood Plan Policy RNP10 – Local Economy is also considered to be relevant to the application.

RNP10.1 Parish Employment Areas, as designated on the Policies Map, are safeguarded for employment generating uses. Development proposals within these areas should:
a) provide new or replacement high quality employment floorspace, and b) not result in unacceptable noise or disturbance for nearby properties (such as residential, or quieter commercial uses such as offices).
c) Not result in a reduction in the net employment floor space.

The economic benefits of the proposal within the rural area are also supported by Chapter 6 of the NPPF, and specifically Paragraphs 85 which advises that planning policies should help create conditions in which businesses can invest, expand and adapt; and Paragraph 88 which states that planning policies and decisions should enable (amongst other things):

> '*The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the retention and development of accessible services and community facilities, such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship'*.

Paragraph 89 of the NPPF states that '*planning policies and decision should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport'.*
Paragraph

In principle, the proposals are broadly considered to comply with Policies 10, 42 and 43 of the HDPF 2015.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves, and enhances the townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional, and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Relevant Rudgwick Neighbourhood Plan policies include:

Policy RNP6.1 – Materials states that '*development should utilise materials that reflect the common building styles across the Parish. This means that:*
a) Brick should be the main building material complemented by tile hanging on the upper floor where appropriate. Barn style cladding or clapboard is an acceptable alternative to tile hanging in Rudgwick.
b) New or reclaimed brickwork should match existing frontages.
c) Tiles should be used as roofing material whether traditional handmade or modern'.

RNP7.1 – Architectural Style states that '*new development proposals should be designed with reference to the surrounding architecture, paying particular attention to features of the local vernacular and locally characteristic details which may include:*
a) Rooflines with hipped, half hipped with gablets and catslides.
b) Chimneys as centrally located ridge stacks and end of gable stacks.
c) Sash windows
d) Timber fielded panel or more simple plank doors
However, proposals that apply such details as a poorly integrated part of the overall design, will not be considered to have achieved a high quality of design and, therefore, will not be supported'.

RNP8.1– Development Height states that 'n*ew developments should reflect the local tradition and be of two storeys in height. Development proposals of more than two storeys in height will be supported where they:*
a) provide an appropriate relationship with existing built development in the local area; or
b) are informed by the character and topography of the site and respond positively to their relationship with the site and with other buildings on the site; or
c) bring a distinct character to the development by providing variation in form and establishing focal points; or
d) are located within Rudgwick Village Centre.'

RNP8.2 - Irrespective of their location, the scale and massing of new developments should respect the character and appearance of the surrounding built and natural environment.

The application seeks planning permission for the erection of a detached two storey dormitory building for pupils (boys) and supporting staff, to the west side of the school grounds between the main school building complex (approx. 33m to the south) and the sports hall (approx. 19.9m north) and adjacent to the PROW 399sy. The proposed dormitory building would be sited on an east to west orientation with associated hard and soft landscaping. The soft landscaping proposals include understory planting, hedging and trees as well as ornamental and decorative planting.

The character of the surrounding area predominantly comprises countryside with a matrix of fields and field boundaries, and wooded areas along with sporadic residential and agricultural buildings. The buildings within the school complex itself are varied in terms of their architectural style and are of an eclectic mix which reflects the period of architecture of their time. The existing buildings comprise a traditional mix of red brick and tile hanging ((Pallingshurst House and the original stable buildings) and more recent red and yellow brick-built buildings. Whilst an interesting building, the original Pallingshurst House is not listed for architectural merit, and none of the other buildings to the north have any overriding architectural style.

The proposed dormitory building includes 60 bed spaces for students and two teachers flats, and overall comprises 14 x 4 bed dorms, 2 x 2 bed sick bay rooms and 2 x 1 bed overnight duty rooms. The proposed H shaped building has a gross internal floor area of approximately 1,256.7 sqm. Each wing measures approximately 30m in length and 11m in width; the connecting central hub measures approximately 12m

in length and x 11.5m in width. Each 2 storey wing has a maximum height of approximately 11.6m and the height of the connecting single storey element is 5.12m. Each wing would be under a single pitch roof, with pupil and staff accommodation joined by a connecting central communal and study atrium. Together, this would provide the overall general living space for students. The proposed materials include timber clad elevations with bespoke made window shutters under a steel roof with solar panels.

The submitted plans indicate that the proposed part two storey and part single storey building, whilst a more modern addition to the site, reflects the scale and mass of the main school building complex to the south (approx. 46m away from the existing hardstanding area and set on higher ground) and the sports building to the north (approx.19.2m from the existing hardstanding area and set on lower ground). The design of the building, would sit comfortably between the existing sports complex (a relatively modern building with a crown roof) and the more traditional and established complex of school buildings which are eclectic mix of older buildings dating from the 1940's and those constructed in the 1970-90's. Whilst the application site grounds area relatively flat, the wider topography of the land across the school site slopes from upwards from north to south, and as such the proposed dormitory building would sit at a higher level than the sports building set into the ground (north of application site), however this should be viewed within the wider context of the site with the main school buildings which sit at a higher level to the south. It is considered therefore that there would be an acceptable transition in building heights across the site.

The building has an east to west orientation set out on the existing brownfield car park in order to improve the buildings accessibility for students and staff and for sustainability. The proposed building would be visible from the adjacent PROW 399sy, located immediately north of the proposed dormitory building.

Officers advise that the location of the building, its scale and design are considered to be acceptable and would not result in any harm to the character of the immediate surrounds or the wider countryside and are in accordance with policies 32 and 33 of the HDPF. Whilst not strictly in accordance with Policy 6 (Materials) and 7 (Architectural Design) of the Rudgwick Neighbourhood Plan (RNP), the use of alternative materials and the alternative architectural design approach taken and the proposed modern design along with use of timber and metal materials for elevations and roof are considered acceptable within this countryside location. The proposed building is well separated from the settlement of Rudgwick and as such it is your Officers opinion that the modern design approach would not result in any appreciable harm to the settlement of Rudgwick which Policies 6 and 7 more specifically relate to. The proposed building is considered to accord with RNP Policies 8 (development height) and 9 (scale and massing).

Amenity Impacts:

Policy 32 and 33 of the HDPF states that development should, amongst other things, provide an attractive, functional, accessible safe and adaptable environment that should complement locally distinctive characters and heritage of the district, and should integrate with their surroundings, and the historic landscape in which they sit. Development should respect amenities of neighbouring properties and the locality.

The proposed building is set against a backdrop of woodland trees and as such is well shielded from views from the east. The proposed building would be visible from the public vantage points along PROW 388sy which runs along the northern boundary of the site and from the car parking area to the west of the application site on approach to the application site. The design of the building comprises two separate 2 storey wings joined by a central single storey element. The single-story element assists in providing a visual break in the overall mass of the building and as such it is considered that the new building would not overly dominate the surrounding countryside or built form. In visual amenity terms the proposed building provides a transition in the building heights across the north / south axis of the site and adds interest to an otherwise hard landscaped area which is currently used for overspill parking. It is not considered that there would be any resulting adverse or appreciable visual harm arising from the proposals.

It is noted that the topography of the site slopes from higher ground to the north and west towards lower ground to the east and south. The plans therefore seek to demonstrate the relationship of the proposed building in terms of their heights and the proximity with existing buildings, particularly to the north and

south. The site elevations plan demonstrates this relationship and shows the proposed section across the site.

In this respect, the development proposals are considered to accord with Policies 32 and 33 of the HDPF.

Landscaping:

Policy 25 of the HDPF states that the Natural Environment and landscape character of the district, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development.

The application site is identified as being located within the Landscape Character Area known as Wooded Ridges (Part I1 – Rowhook & Rudgwick Wooded Ridge). The area is identified as having key characteristics including Undulating ridges; densely wooded character; secluded small and medium size pasture fields.

The Council's Landscape Officer has been consulted and has advised that there are no concerns in principle from a landscape point of view. It is advised that use of green roof would provide suitable habitats for plants, birds and insects would improve biodiversity and that the landscape strategy is therefore welcomed. Additional information to include landscape details and boundary treatments, as well as a Landscape Management and Maintenance are required but can be considered at discharge of conditions stage.

It is therefore considered that the proposals comply with policy 25 and 33 of the HDPF subject to imposition of suitable conditions to secure the additional landscaping details.

Trees

Policy 31 of the HDPF requires development to maintain or enhance the existing network of green infrastructure and states that proposals which would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained.

Rudgwick Neighbourhood Plan Policy RNP17 - Green Infrastructure & Trees, states, "*Development that enhances Rudgwick's Green Infrastructure will be positively supported. In doing so, development should not result in the net loss of existing trees or hedges."*

The site is surrounded on its western and southern boundaries by mature trees and woodland, none identified as having any Tree Preservation Orders (TPO), however there is an area of Ancient Woodland to the north of the application site, but this is outside the application site boundaries and is well separated from it.

The applicants have submitted supporting information by way of an Arboricultural Impact Assessment (AIA) (SJ Stephens Associates) including a Tree Survey, Tree Protection Plan and an Aboricultural Method Statement (dated 7th June 2023). The proposals would involve the loss of one group of trees and 22 individual trees. It is advised that 22 two small trees will be retained, three small trees transplanted. It is noted however that 12 small and 21 medium urban trees will be planted.

The Council's Arboricultural Officer has been consulted and has advised that the loss of trees and understorey to the south of the site would significantly change the relationship with the boundary PROW 399sy which is relatively well screened at present. However, no objections have been raised '*subject to compliance with a robust scheme of tree protection measures to conserve the retained trees and woodland of landscape merit and a comprehensive scheme of acceptable mitigation planting'*. It is also advised that the development proposals would also '*require arboriculturist involvement to both agree revised protection measures and to oversee installation of new no-dig path hardstanding in areas of recommended tree rooting constraint'.*

It is therefore considered that the proposals comply with Policy 31 of the HDPF subject to imposition of suitable Tree Protection and Implementation and Arboricultural Method Statement conditions.

Ecology:

Policy 25 of the HDPF aims to conserve the natural landscape and biodiversity and aiming to enhance biodiversity where possible. Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Policy 31(2) states that development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

The policy also states that the Council will support new development which retains and /or enhances significant features of nature conservation on development sites and will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks. Part 4. (b) of the policy states that where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that:

i. The reason for the development clearly outweighs the need to protect the value of the site; and,
ii. That appropriate mitigation and compensation measures are provided.

The Applicants have submitted a full suite of Ecological reports, including a Preliminary Ecological Appraisal; Biodiversity Net Gain Assessment (Ecology Partnership, October 2023), and a subsequent Bat Ground Level Tree Assessment (Ecology Partnership, December 2023) relating to the likely impact of development on protected and priority species and habitats, and identification of proportionate mitigation. It was agreed by the Councils Ecology Consultants that no further reports were required.

The applicants Preliminary Ecological Appraisal; Biodiversity Net Gain Assessment (Ecology Partnership, October 2023), sets out that the proposals avoid most impacts on commuting, foraging and roosting bats by retaining the majority of the boundary woodland, the only exception being a small section of woodland along the southern boundary of the site which is to be removed. It is advised that further avoidance and severance of habitats arises from the fact that the application site is mostly hardstanding carpark and the modified grassland is not considered to be significant.

The Bat – Ground Level Tree Assessment recommends that ivy remains on tree T140 and that the tree remains unmanaged and that any vegetation removal elsewhere should be undertaken outside of the breeding season (March – September inclusive) or immediate after a nesting bird check by a suitably qualified ecologist. If active nests are found it is advised that works within the vicinity of the nest should cease until birds have fledged the nest.

The Council's Ecologist note that there are no buildings on site and that none of the trees to be removed support potential roost features (Bat – Ground Level Tree Assessment (Ecology Partnership, December 2023)). The Ecology Consultants therefore agree that no further surveys for bats are required.

Mitigation is recommended in the form of sensitive lighting schemes, it is advised that any proposed as part of the development should consider bats in the surrounding area as well as the site and a sympathetic lighting scheme for the development produced including, installing lighting only if there is a specific need; using sodium lamps instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics, directing lighting to where it is needed and avoiding light spillage; using baffled lighting where light is directed towards the ground and avoid putting lighting near trees suitable for roosting bats, woodland trees or hedgerows and angling light away from these linear features which are used by commuting and foraging bats. It is also advised that bat boxes be hung on mature trees around the site to create new roosting opportunities. In addition to bird and bat boxes it is advise that ecological enhancement include provision of log piles along the field margins for hibernating small mammals and insects as well as foraging birds.

Biodiversity enhancement measures (BNG) include a strip of mixed scrub to be planted in the northern part of the site (0.02ha) (Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership, October 2023)) including additional planting of 12 small and 21 medium urban trees and creation of two biodiverse green roofs (Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership, October 2023)) is considered to be welcomed resulting in a BNG

of 80.85% for habitat units (Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership, October 2023). The details are required to be secured by a long-term Landscape and Ecological Management Plan (LEMP) for a period of 30 years in order to deliver the biodiversity habitats created.

The design and access statement states that a green roof would be located above the study and common room areas either side of the accessible terrace running centrally across the roof it is advised that the substrate depth required would be between 135mm and 195mm and would include variations and areas et aside for wood piles and other refugia. Key ecological enhancements within the ecologist's report include Biodiversity Net Gain of 80%, enhancing existing woodland by targeted removal of non-native species and improved management, new areas of woodland to replace the existing hard standing; and planting of additional cherry trees that will attain 30cm diameter at maturity (30 years). It is advised that woodland and hedgerow trees and shrubs will be planted at 1.5m centres and larger nursery stoke specimens will be distributes amongst the planting matric to provide short term cover as the smaller plants establish. Larger tree species include oak birch and alder, smaller edge species include thorn, field maple and rowan. It is advised that two large species will be planted within the courtyard squares

Mitigation measures identified in the Bat Ground Level Tree Assessment (Ecology Partnership, December 2023) and (Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership, October 2023)) are required to be secured through condition in order to conserve and enhance protected and Priority species. A CEMP – Biodiversity is required as a pre commencement condition should planning permission be granted.

Habitats Regulations Assessment Appropriate Assessment Record (HRA AA)

The Council's Ecology Consultants advise that Barbastelle bat has not been recorded within 2km of the site (Sussex Biodiversity Record Centre – accessed under licence) and MAGIC maps. The development is within the 12km "wider conservation area" for The Mens and Ebernoe Common SACs and lays within a 'bat sustenance zone' for Barbastelle bats, a designated feature of the SACs as identified in the Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol.

The Council has carried out a Stage 1 HRA screening opinion in accordance with the requirements of the Habitats Regulations Assessment Appropriate Assessment Record in regard to this application for the erection of a detached two storey Dormitory building. The Stage 1 HRA screening determined that likely significant effects (LSE) are possible at The Mens SAC as a result of impacts on habitat connectivity and availability for foraging and commuting Barbastelle bats. These pathways have been screened in, and the potential for adverse effects on site integrity, either alone, or in-combination and have been assessed, HRA screening concluded that it is not possible to rule out likely significant effects without mitigation in place. In line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a development is likely to result in significant effects on a Habitats site.

In accordance with the Sussex Bat SAC planning and landscape scale enhancement protocol, A Stage 2 HRA Appropriate Assessment report has therefore been prepared by the Councils Ecology Consultants (on behalf of the Council) as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The Stage 2 HRA AA considers, with mitigation, the impacts of disturbance from lighting on Barbastelle bats from the above designated site, either alone or in combination with other plans and projects.

The Stage 2 HRA AA advises that in regard to 'p*otential for adverse effects on the integrity (AEOI) of a Habitats site from the development alone',* that *'Barbastelle may commute and forage along the treelines adjacent to the site therefore the site could be important for Barbastelle bats within the bat sustenance zone of a bat SAC designated for this Appendix II species'* and that *'based on published data1 Natural England recommends that the Zone of Influence of 12km (as detailed on Defra's MAGIC map 2022) is used for the wider conservation area for the Sussex Bat SACs and all impacts are assessed'.* A full assessment has been carried out as necessary.

The Council's Ecology Consultants conclude that '*having considered the proposed avoidance and mitigation measures above, Horsham District Council concludes that, the project will avoid an Adverse*

Effect on the Integrity of the Habitats sites listed in this assessment, either alone or in combination with other plan and projects' and that *'having made this appropriate assessment of the implications of the project for the sites in view of those sites' conservation objectives and having consulted Natural England and fully considered any representation received where necessary, the authority may now agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the mitigation has been considered after HRA screening, this HRA Appropriate Assessment is in line with the People over Wind CJEU Court ruling.'*

Natural England have been consulted and have provided non-specific advise advising the Council to refer to Standing Advice including Habitats Regulations Assessment (Appropriate Assessment). Natural England advise that '*it is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process*.'

NatureSpace have also been consulted as part of the District Licensing Scheme for Great Crested Newts and they have advised that they have not objections subject to the imposition of their mandatory conditions and informative (*in verbatim*). The Applicants have now provided a copy of the Nature Space Report and Certificate.

The Council is satisfied that the proposed development comply with Policy 25 of the HDPF 2015, the NPPF 2023 and the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

Highways Impacts:

Whilst 39 car parking spaces would be lost in order to accommodate the proposals, it is considered that there would still be ample provision for staff and occasional visitors given the remaining 121 car parking spaces available. Given the boarding nature of the school, along with the age group of the pupils, most of which therefore do not drive, the existing car parking is significantly underused for much of the time.

WSCC Highways have been consulted and they have advised that given that the majority of pupils would be under the age to drive and would therefore use coaches and public transport / airports and minibus when arriving from / returning to their native countries, and as [*the majority]* of students would not have access to cars, it is considered that the traffic increase would be considered as negligible. Given that the parking survey undertaken by the applicants demonstrated a residual capacity of 68% , it is concluded by WSCC Highways that there would be ample capacity for any additional staff / service users even with the reduction in capacity from 160 to 121 spaces.

WSCC Highways are therefore satisfied that it would be unlikely that the proposals would have any significant impact on the public highway and therefore raise no objection.

It is therefore considered that the proposals comply with Policy 40 of the HDPF subject to imposition of necessary conditions.

Climate change:
Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Integration of SUDS and green infrastructure to manage flood risk
- Opportunities for biodiversity gain
- Less than 110 litres per person per day

The Applicants have submitted an Energy Statement (by Max Fordham dated 22 September 2023) which advises (amongst other things) that the new boarding house would utilise energy reduction measures to

make it lean, clean, and green maximising onsite renewables using passive and active elements of energy via high insulation and an airtight fabric; high spec glazing; natural ventilation; an air source heat pump (used to generate hot water); underfloor heating; low flow outlets to reduce the buildings water consumption; mechanical ventilation and heat recovery and photovoltaic panels on roofs to generate carbon free electricity on site.

It is advised that '*Water usage will be kept low by specifying low flow outlets for taps and showers. The new boarding house will target 90litres/person/day water consumption, which is lower than the figure of 110 litres/person/day given in the Local Plan. On site water storage will be sized based on this figure, scaled down to provide 6 hours of backup'* and that '*High efficiency LED light fittings will be specified throughout. Absence detection will be applied where appropriate to minimise the risk of lights being left on in unoccupied rooms. Artificial lighting in spaces with large windows will be daylight controlled so that lights are only on when there is inadequate daylight'.*

The building has been designed to have an extensive PV array on both South-facing pitches (200sqm coverage) to maximise on site electricity generation. This allows the building to significantly.

It is advised that '*a mechanical ventilation with heat recovery system (MVHR) has been specified throughout the building (pictured across), where a heat exchanger uses the waste heat from outgoing air to pre-warm the incoming fresh air, leading to lower heating demands. Filters in the air handling unit also mean air quality is better than in a naturally ventilated space. Additionally, the MVHR will provide some additional night cooling in occupied spaces to further mitigate overheating*.'

The proposals are considered to accord with Policy 35, 36 and 37 of the HDPF 2015.

Other Matters:

<u>Drainage</u>

Policy 38 of the HDPF is designed to ensure development adapts to the likely changes in the future climate and flood risk is not increased.

The Applicants have submitted a Flood Risk Assessment Flood Risk Assessment (Aegaea, 18 July 2023, AEG02595_RH12_Rudgwick_07) and Drainage Strategy Technical Note (Webb Yates Engineers, 22 September 2023, Rev 00, J5338-C-TN-0001).

The site is located within Flood Zone 1 where the risk of flooding is at its lowest. There are no identified risks from either fluvial, tidal canals, pluvial, reservoirs, sewers surface or ground water. The proposed dormitory is located on high ground above the level of the existing sports hall and surrounding fields and the car parks.

Drainage solutions have been prepared and assessed against SuDS hierarchy so as to contain surface water on site. It is advised that the surface water drainage solution is soft and has been incorporated into the landscaping for the site, it is aimed to create a new water feature and areas of ecological enhancements including a new surface water pond located to the east of the development on lower ground within the adjacent car park. It is advised that this would result in the loss of a row of parking spaces.

WSCC LLFA have been consulted and initially requested additional drainage information to the satisfy requirements of the NPPF. Additional information was subsequently provided by the Applicant to address issues identified in the WSCC LLFA Planning Application Technical Response. WSCC LLFA have now confirmed that they are satisfied that subject to imposition of conditions relating to submission of construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement and details of the maintenance and management of suitable drainage scheme and a subsequent survey and report from an Independent surveyor to demonstrate that the surface water system has been constructed in accordance with the details approved, that there is sufficient information provided to demonstrate that the development would not increase the risk of flooding to the site or elsewhere.

As such, it is considered that the proposed works are appropriate within Flood Zone 1 and would not increase flood risk elsewhere in accordance with the requirements of Chapter 14 of the NPPF, and Policy 38 of the HDPF.

Water Neutrality

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

The proposed dormitory is located outside of the Sussex North Water Supply Zone (SNWSZ) therefore as the development would not be supplied by the SNWSZ, it is not necessary to demonstrate water neutrality in this case. The applicant has provided evidence that the fresh water supply to this postcode originally came from Thames Water and that Southern Water supply waste water for the postcode. There are no Southern Water Fresh Water supply assets within the vicinity of the site.

Evidence submitted with the application demonstrate that Castle Water took over both Portsmouth and Thames Water commercial water clients in 2016. Water bills from Castle water to the school have been supplied with the application and demonstrate that the school have been customers for the past 6 years and that the original water supply asset from Thames Water are still used to supply water albeit that Castle Water deal with all aspects of invoicing, billing, and service queries as well as collecting payments.

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:
Whilst the proposed development does not strongly accord with any of the 4 criteria required by Policy 26 (Countryside Protection), it is recognised that there is an existing community/school facility provision on site to which the proposals relate, and as such, the needs of the school to provide appropriate dormitory facilities for its students for safeguarding purposes as required by OFSTEAD is considered to be sufficient justification for its functional need and is considered to be 'essential' in this countryside location. The proposed dormitory would occupy partially brownfield land and as such its location is considered to be acceptable within the wider context of the locality. As the proposal seeks to address a school 'community facility' need, it is broadly considered to accord with Policies 42 and 43 of the HDPF and Paragraph 99 of the NPPF.

In regard to the economic benefits that arise as a result of the proposed building, whilst not within an identified employment area, the school provides employment opportunities within the District and as such

the proposals would continue to support existing and future employment opportunities at the school, therefore Policy 10 of the HDPF is broadly supportive of the proposals.

The proposals are considered to accord with Policies 10, 26, 42 and 43 of the HDPF and with overarching government legislation within paragraph 99 of the NPPF 2023.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
All Other Development	1256		1256
		Total Gain	**1256**
		Total Demolition	**0**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Permitted

Conditions:

1. PLANS

2 **Regulatory (Time) Condition:** 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.

3. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil) and temporary parking areas for contractors vehicles
ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities
The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, SuDS Report (Webb Yates Engineers Ltd, Ref: J5338-C-RP-0001) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local

Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Planning Policies.

5. **Pre-Commencement Condition:** The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
I. a timetable for its implementation,
II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

   Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and local planning policy.

6. **Pre-Commencement Condition:** No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.
   The CEMP (Biodiversity) shall include the following.
   a) Risk assessment of potentially damaging construction activities.
   b) Identification of "biodiversity protection zones".
   c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
   d) The location and timing of sensitive works to avoid harm to biodiversity features.
   e) The times during construction when specialist ecologists need to be present on site to oversee works.
   f) Responsible persons and lines of communication.
   g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
   h) Use of protective fences, exclusion barriers and warning signs.

   The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

   Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

7. **Pre-Commencement Condition:** No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Rikkyo School: Impact Plan for great crested newt District Licensing (Version 2)", dated 11th April 2024.

   Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

8. **Pre-Commencement Condition:** No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR136, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

   The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

   Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

9. **Pre-Commencement Condition:** No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence') and in addition in compliance with the following:

   - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
   - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
   - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

   Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

10. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:
    - All trees on the site shown for retention on approved drawing number [insert number], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
    - Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
    - Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

    Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

    Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

12. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

    Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat – Ground Level Tree Assessment (Ecology Partnership, December 2023) and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership, October 2023), has been submitted to and approved in writing by the local planning authority.
    The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

    Reason: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

14. **Pre-Occupation:** No part of the development hereby permitted shall be occupied until A Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority prior to commencement of the development.
    The content of the LEMP shall include the following:
    a) Description and evaluation of features to be managed.
    b) Ecological trends and constraints on site that might influence management.
    c) Aims and objectives of management.
    d) Appropriate management options for achieving aims and objectives.
    e) Prescriptions for management actions.
    f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
    g) Details of the body or organisation responsible for implementation of the plan.
    h) Ongoing monitoring and remedial measures.
    The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

15. **Pre-Occupation:** No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity based on GN: 08/23 has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

    Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

16. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking necessary to serve that development have been implemented in accordance with the approved details as shown on plan [Proposed Site Plan PD-1000] and shall be thereafter retained as such.

    Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

17. **Pre-Occupation Condition:** Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 4. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Local Planning Policy.

18. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 11(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 11(b), unless otherwise agreed in writing by the Local Planning Authority.

    Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

19 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

20. **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement [by Simon Stephens dated 23 November 2023].

    Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

21. **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat – Ground Level Tree Assessment (Ecology Partnership, December 2023) and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership, October 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
    This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

    Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

22. **Regulatory Condition:** The building hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

    Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

23. **Regulatory Condition:** The development shall strictly accord with the Energy Statement (by Max Fordham dated 22 September 2023) unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority, prior to commencement of development.

    Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/23/1912
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality (Letter from Castle Water) dated 13/11/2023		

Supporting Statement	Biodiversity Metric 4.0 Calculation Tool Table	NONE	27.11.2023
Design & Access Statement	Part 1 of 5	NONE	17.10.2023
Design & Access Statement	Part 2 of 5	NONE	17.10.2023
Design & Access Statement	Part 3 of 5	NONE	17.10.2023
Design & Access Statement	Part 4 of 5	NONE	17.10.2023
Design & Access Statement	Part 5 of 5	NONE	17.10.2023
Location plan	As existing	PD-0001	17.10.2023
Location plan	As proposed	PD-1000	17.10.2023
Site plan	External lighting, as proposed	31000	31.10.2023
Elevation plan	Site, as existing and proposed	PD-0050	17.10.2023
Floor plan	Ground, as proposed	PD-1010	31.10.2023
Floor plan	First, as proposed	PD-1011	17.10.2023
Floor plan	Loft, as proposed	PD-1012	17.10.2023
Roof plan	As proposed	PD-1013	17.10.2023
Section plan	As proposed	PD1200 REV A	31.10.2023
Elevation plan	As proposed	PD-1300 REV A	31.10.2023
Supporting Statement		NONE	17.10.2023
Supporting Statement	Energy	NONE	17.10.2023
Supporting Statement	Transport	DS/LJ/ITS19072-001B R	17.10.2023
Supporting Statement	Phase I Contamination and Geotechnical Assessment	LS6938	17.10.2023
Supporting Statement	Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment	NONE	17.10.2023
Supporting Statement	Planning and Water Neutrality	2.3	17.10.2023
Supporting Statement	Arboricultural Impact Assessment	NONE	13.12.2023
Supporting Statement	Drainage Strategy Technical Note	J5338-C-TN-0001 REV 00	17.10.2023
Supporting Statement	Flood Risk Assessment	NONE	17.10.2023

DELEGATED

Case Officer sign/initial Amanda Wilkes Date: 30/04/2024

Authorising Officer sign/initial Adrian Smith Date: 30/04/2024