Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0124
Rikkyo School, Guildford Road, Rudgwick, West Sussex, RH12 3BE

DESCRIPTION:
Approval of details reserved by conditions 3,4,6,8 and 11 to approved application DC/23/1912

RELEVANT PLANNING HISTORY:

DC/23/1912	Erection of a detached two storey Dormitory building, with associated landscaping	Application Permitted on 30.04.2024.

PLANNING ASSESSMENT
Planning Application DC/23/1912 was granted consent on 30.04.2024. This permission was for the following:

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

Consent is sought to discharge the details reserved by conditions 3,4,6,8,and 11.

Condition 3: CEMP

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).

The Council's Environmental Health Officers were consulted on the CEMP and have advised that they are satisfied with the Site Setup Plan and details of dust suppression as shown on plan no PD-0003.

The WSCC Highways department were consulted on the site set up plan and have raised no objections.

The submitted details are therefore considered to be acceptable in order to discharge the requirements of Condition 3.

The requirements of the condition have been satisfied.

Condition 4: Surface Water Drainage

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.

The WSCC Lead Local Flood Authority (LLFA) were consulted and have advised that the level of information within the submitted Flood Risk Assessment (FRA) does not contain sufficient detail and as such does not meet the requirements of the National Planning Policy Framework (NPPF) or Planning Policy Guidance (PPG) of the LLFA Flood Risk Management Strategy and the proposals will either increase the risk of flooding elsewhere or to the proposed development. Further technical information is required. The applicants are advised to refer to the Ciria SuDS Manuel. Calculations for 50% AEP and 3.33% AEP events are required.

WSCC LLFA have advised that the details relating to Condition 4 cannot be discharged in their current form.

The requirements of the condition have not been satisfied.

Condition 6: CEMP Biodiversity

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).

The Applicants have submitted a Construction Environmental Management Plan (The Ecology Partnership, May 2024) which identifies the existing ecological features within the site including woodland and opportunities for Great Crested Newts. The eDNA surveys dated 2023 in regard the offsite ponds (P1 and P2) identified positive for GCN (Triturus cristatus).

The Council's Ecology Consultants have reviewed the Construction Environmental Management Plan (The Ecology Partnership, May 2024) and have advised that the details submitted are considered satisfactory to discharge the requirements of Condition 6.

The CEMP (The Ecology Partnership, May 2024) sets out the roles and responsibilities for the Ecological Clerk of Works (ECoW) and the related duties which include (but are not limited to):

Monitoring site works; Provision of status reports and updates as necessary; Provision of advice and liaison with workers on site as necessary; Identifying environmental risks and developing appropriate environmental controls; Delivery of environmental training for site personnel and sub-contractors; Moving wildlife found within the works area to a safer area; Liaison with client.

During construction, no storage of materials will take please within the BPZ and the fence line erected will remain in situ unless for habitat enhancement work. Additional measures are set out within CEMP (biodiversity) to ensure that great crested newts are protected throughout the process.

The CEMP (The Ecology Partnership, May 2024) identifies the responsibilities of site workers and requires them to adhere to the wildlife protection zones and will be issued with a Tool Box Talk (TBT) in regard to great crested newts, breeding birds, and Biodiversity Protection Zones (BPZ) that may be on site. They will be instructed not to without supervision or permission of an ecologist, clear any trees/ shrubs; move or damage fences; enter fenced off areas (BPZ's) that are around woodland to the southern boundary which aims to prevent impacts on the retained habitat and species; have fires or stone materials in areas not previously agreed; handle or catch animals (unless sin immediate danger); or remove or disturb wildlife boxes.

The CEMP (The Ecology Partnership, May 2024) includes risk protection measures and practical measures to prevent impacts on protected species and adjacent and retained habitats.

It is advised that district licence has been obtained from the site from Nature Space and a suitable habitat to be removed will be subject to sensitive clearance with a licenced ecologist present in accordance with the outline method detailed within the CEMP (The Ecology Partnership, May 2024).

The requirements of the condition have been satisfied.

Condition 8: Ecology GCN

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.

In regard to Great Crested Newts, Nature Space have been consulted and they have advised that the District Licensing Scheme Certificate dated 6 June 2024 as provided by the Applicant is satisfactory and is therefore sufficient to discharge the requirements on condition 8.

The requirements of the condition have been satisfied.

Condition 11 - Contamination

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).

The Council's Environmental Health officers were consulted and have reviewed the Soiltechnics Ltd Ground Investigation Report, dated September 2023 and the subsequent Soiltechnics Tier 2 Contamination Assessment dated July 2024.

1. Formal comments dated 24.07.24 stated that the following investigations should include all areas of the site i.e. all land within the red boundary line, with particular emphasis on land in the western and far eastern part of the site which are covered by concrete hardstanding and where made ground soils are likely to be present. It is noted that locations have however only been advanced in the former car park area. It is appreciated that the ground investigation was undertaken on 11th June so before initial comments were made, the lateral spread of the locations does not however satisfy the aforementioned comments.
2. With the above comment in mind it is also noted that the comment in the report that made ground soils are likely to be restricted to the car park and whilst this may well be the case the site investigation needs to prove this by undertaking site investigation works outside of the car park area.
3. Environmental Health consider it could practice for trial pits to prove depths of made ground, it is noted however that only one of the four locations managed to prove the depth of the made ground – this is a concern.
4. Environmental Health also consider it could practice for samples to be taken at very change of strata, following the principles of BS 10175. From reviewing the logs it is noted that significant variation of the made ground has been detected, however only one sample from each location has been subject to chemical analysis.
5. It is appreciated that the proposed use (Erection of a detached two storey Dormitory building, with associated landscaping) is not the most sensitive end-use, however given the presence of made ground soils on the site, which the sampling to date has found to be contaminated with PAHs and asbestos fibres, and the fact soft landscaped areas are proposed where future site users could come into contact with contaminated soils the Council's Environmental Health Officers are of the view that further ground investigation and GQRA are required on the site.
6. Finally it is noted that the remedial proposals include the installation of a clean cover system and whilst the Council's Environmental Health Officers advise that they are not against the principle of this they are not in a position where they can agree on remedial proposals until they are satisfied that sufficient ground investigation works have been undertaken on the site and made ground soils have been adequately characterised.

Given the above it is advised that there the submitted details do not meet the requirements to discharge condition 11 at this time.

The requirements of the condition <u>have not</u> been satisfied.

<u>Water Neutrality</u>

The application submitted under DC/23/1912 demonstrated that the proposed dormitory is located outside of the Sussex North Water Supply Zone (SNWSZ) and would not be supplied by the SNWSZ, as such it is not necessary to demonstrate water neutrality in this case.

Recommendation: Split Decision

Approve the details submitted in respect of conditions 3, 6 & 8.

In respect of the details submitted pursuant to Conditions 4 and 11, the submitted details are refused for the following reasons:-

1) It has not been demonstrated to the satisfaction of the Local Planning Authority that the details submitted pursuant to the requirements of Condition 4 ensure the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development. The submitted details, therefore, fail to satisfy the requirements of the National Planning Policy Framework paragraph 173, 175 and 180 and Policy 38 of the Horsham District Planning Framework (2015) in this regard.

2) It has not been demonstrated to the satisfaction of the Local Planning Authority that the details submitted pursuant to the requirements of Condition 11 include the details required by Condition 11 as the Soiltechnics Ltd Ground Investigation Report, dated September 2023, does not provide the necessary assessments and investigations required. The submitted details therefore fail to satisfy the requirements of Policy 24 of the Horsham District Planning Framework (2015) in this regard.

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: DISC/24/0124
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Site Setup Plan	PD-0003	31.05.2024
Supporting Docs	Construction Environmental Management Plan (The Ecology Partnership, May 2024) - Condition 6		31.05.2024
Supporting Docs	Construction Method Statement		31.05.2024
Supporting Statement	Nature Space Certificate		12.06.2024

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Below Ground Drainage Layout	J5338-C-DR-0001 05	31.05.2024

Supporting Docs	Appendix C - Photographic Records		31.05.2024
Supporting Docs	Appendix K - Envirocheck Report		31.05.2024
Supporting Docs	Ground Investigation Report		31.05.2024
Supporting Docs	SUDS Report		31.05.2024
Supporting Docs	Soiltechnics - Tier 2 Contamination Assessment		01.08.2024

DELEGATED

Case Officer sign/initial Amanda Wilkes Date: 19/08/2024

Authorising Officer sign/initial Adrian Smith Date: 23/08/2024