DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0232
Pennthorpe School, Church Street, Rudgwick, West Sussex, RH12 3HJ

DESCRIPTION:
Retention of earth bank adjacent to all-weather sports pitch (Retrospective)

RELEVANT PLANNING HISTORY:

DC/19/0510	Removal of existing hard surface tennis courts and a replacement with multi sport astro turf pitch.	Withdrawn Application on 02.07.2019
DC/19/2573	Removal of 2no. existing tennis courts and creation of an all-weather sports (AWS) pitch.	Application Permitted on 03.08.2020
DISC/22/0019	Approval of details reserved by conditions 3, 4 and 5 to approved application DC/19/2573.	Application Permitted on 21.04.2022

SITE AND SURROUNDS

The application relates to the existing and established Pennthorpe Preparatory School located on the western side of Church Street within the build-up area of Rudgwick. The site is made up of various single and two storey buildings with a staff and visitor parking area to the east adjacent to Church Street. Access to the school is via Orchard Hill to the south of the main school building. The site also benefits from a large playing field located to the west of the school buildings which is accessed via a pedestrian pathway leading from east to west. The playing field consists of an existing concrete playground area/sports courts with metal mesh fencing surrounding it, which are proposed be replaced as part of this application. The existing concrete playground area/sports courts measures approximately 70m in length and 18m in width.

The playing fields also consist of various grass sports pitches as well as a sports pavilion. It is noted that the playing fields are located just outside of the built-up area boundary. The paying fields are bounded by mature and extensive trees and foliage to the north, east and western boundaries. The extensive woodland to the east of the application site, drops down to a water course which runs from north to south. The surrounding area consists of residential properties located to the south and east of the site with open fields located to the north and west.

DETAILED DESCRIPTION

The application seeks permission to retain an earth bank formed during the construction of a wider, all-weather astro turf pitch that replaced tennis courts. The excavated earth was used to create a bank to the east, providing access and a buffer to the watercourse. The bank has been replanted with various saplings, addressing the removal of planting along the school's eastern boundary. Cross-sections show changes in slope due to the bund's construction, with the bank remaining stable.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 41 - Parking
Policy 43 - Community Facilities, Leisure and Recreation

Neighbourhood Plan:
Rudgwick Parish Neighbourhood Development Plan
- Designated (Regulation 7)

Parish Design Statement:
Rudgwick Parish Design Statement 2009

Planning Advice Notes:
Facilitating Appropriate Development
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:

HDC Compliance: Comment – The application was invited as a result of compliance investigation for the creation of an earth bank. Confirmation was given that engineering works had taken place. An application was invited to regularise the works.

HDC Landscape: Comment - No concerns are raised with the principle of planting woodland as a means for earth bank retention, however given the 32° slope gradient in certain areas, a natural, biodegradable stabilisation blanket that allows planting to establish may be necessary.

It is noted however that due to the retrospective nature of the proposal, some planting has already been carried out. Therefore, the success of plant establishment should be monitored as priority and a stabilisation blanket applied in case of failure.

HDC Arboricultural Officer: No Objection - The extent of tree and scrub clearance that has occurred is now difficult to clearly define post development. The D & A statement refers to an area of dense woodland. A large amount of tree arisings remains stacked along the base of the bank. The few remaining trees at either end of the bund are not showing any early signs of having been significantly directly impacted upon by the levels changes to date.

The extent of planting referred to in the submissions has not been fully undertaken to date. Land slippage into the stream will foreseeably require stabilisation works prior to undertaking an appropriate scheme of mitigation planting.

Subject to the Landscape team advising and approving of a suitable scheme of landscape mitigation, re-planting and appropriate aftercare/establishment of trees in the area affected, I raise no arboricultural concerns.

Nature Space: No Objection - Thank you for consulting me on the above planning application. The type of development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats. I therefore have no comments to make at this time.

Ecology Consultant: Comment - Requires further information on European Protected Species (bats) and Priority woodland habitat.

Parish Comments:

Comments - One of the reasons Rudgwick Parish Council (RPC) gave support to the application for the all-weather sports pitch (ref: DC/19/2573) was the potential for improvement in the drainage at the site, which had previously been the cause of concern to neighbouring properties in particular.

The points raised by the HDC Asst. Arboricultural Officer are noted, particularly in relation to further stabilisation to prevent land slippage into the stream. As this is a retrospective application and the works are stated as having been completed by 25th October 2023, the addition of photographs would assist with determining whether further work may be necessary before approval can be granted.

Representations:
4 letters of representation were received 2 objecting to the application and 2 neither objecting nor supporting the application, for the following reasons:

- Destruction of animal habitat
- Privacy taken away.
- Residents backing against the bank were not made away of the works
- Visibility making it an eyesore.
- Use of the playing field
- Concerns of erosion of the bank

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

Principle of Development:

Section 8 of the NPPF relates to promoting healthy and safe communities. Paragraph 96 of the NPPF states that – “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas; and
c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

In addition, Paragraph 97 of the NPPF states that – “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

Furthermore, Policy 43 of the HDPF relates to Community Facilities, Leisure and Recreation and states that – “The provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study and other relevant studies, or contribute to the provision of Green Infrastructure. In addition to supporting facilities or services located in accordance with the Development Hierarchy and Strategic Development locations, sites located outside built-up areas will be supported where this is the only practicable option and where a suitable site well-related to an existing settlement exists”.

Planning permission is sought for the retention of earth bank created during the construction of the permitted all-weather sand based astro turf sports pitch which was given permission under planning Ref: DC/19/0510. The all-weather pitch is the same length as the tennis courts it replaced (70m) and is approximately double the width at 35m, extending further to the west. Due to the sloping nature of the site, it was necessary to excavate a significant amount of earth to accommodate the new sports pitch. The proposal in principle terms would adhere to the requirements of the above policies and would promote health, wellbeing and activity, as well as providing a community facility.

Landscape Character and Visual Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Development 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. Chapter 15 of the NPPF (2023) recognises the importance of the intrinsic landscape character, but also the wider benefits that natural capital and ecosystems play within the natural environment, along with trees and woodland.

The excavated soil was redistributed to the east of the sports pitch, forming an earth bank that created a level area for access, bordered by a low bund. Beyond the bund, the terrain slopes steeply toward a culverted watercourse on the school’s eastern boundary. This application seeks to regularize the unapproved earth bank.

Submitted plans show cross-sections of the site before and after the bund's construction. While the slope is now steeper, the bund is stable, and newly planted vegetation will reinforce its stability. This planting will also restore visual and acoustic screening for nearby residential properties, improving over time as the vegetation matures.

The pitch’s construction removed some vegetation along the eastern boundary, which has been mitigated by planting a variety of saplings on the earth bank as per the landscaping plans. This new planting will enhance the area's ecological and visual quality.

Additionally, site sections highlight the changes in slope following the bund’s creation. Despite the steeper incline, the earth bank remains secure, and the vegetation will help maintain this stability long-term.

The retention of the earth bank, along with the ongoing vegetation growth, will improve visual and acoustic screening between the pitch and nearby residential properties. As the plants mature, they will provide increased privacy and a natural buffer for the surrounding community.

However, following consultation with the Council's Landscape Officer, it has been advised that under permitted application DC/19/2573 for Removal of 2no. existing tennis courts and creation of an all-weather sports (AWS) pitch, noting the requirements of condition 6 attached to the permission.

A dense woodland area was unfortunately lost during construction, and since no tree survey was submitted, it is challenging to determine the full extent of the loss based solely on historic imagery.

The proposed whips alone are not considered an adequate replacement for the lost woodland. Therefore, in addition to the whips, we recommend planting five native, select standard trees with a minimum girth of 10-12 cm as a more appropriate replacement. While the planting schedule is appreciated, we are concerned about the establishment of the trees. Without maintenance plans for watering and weeding, it may be difficult to achieve the intended woodland. Additionally, we advise against using fertilizer in the backfill for future planting, as it hinders root development, increases maintenance needs, and reduces soil retention effectiveness.

Further information was requested to rectify these concerns. However, no such information has been forthcoming. As a result of the proposal, the perceived land levels would significantly alter the natural (existing) land levels on this part of the site. Concern is expressed at the overall resulting landscape and the lack of information provided on the establishment and maintenance of the earth bank. Therefore, the resulting earth bund is considered to lead to a significant feature in the context of the site's existing rural landform, with insufficient information provided to fully understand maintenance if the earth bank contrary to Policies 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

The proposed development, once in place, would not be expected to result in any significant harm to neighbouring amenity, on account of its siting in relation to adjoining properties, and its nature.

The earth bank constructed whilst bordering residential properties to the east, it is noted are set at a decent distance will not create significant harm to the neighbouring properties

Ecology:

Policies 25 and 31 of the HDPF seek to protect the natural environment and landscape character of the district. Protected habitats and species will be protected against inappropriate development, and opportunities to enhance green infrastructure and biodiversity will be encouraged.

The application site is noted located within the Zone of Influence for the internationally designated sites of The Mens SAC, and is considered to represent functionally linked habitat by virtue of the potential severance of flightlines for Barbastelle bats and hydrological connectivity to the Mens SAC. Pursuant to the provisions of the Habitats and Species Regulations (2017) the Local Planning Authority, accordingly, undertook an appropriate assessment pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) in collaboration with the Authority's consultant ecologists.

At this stage, no assessments or surveys have been provided in relation to priority species, priority habitat and protected species. It has therefore not been demonstrated that the proposed development would adequately preserve the integrity and viability of existing habitats and biodiversity features at or near the site, or that appropriate mitigation measures could avoid any harm, contrary to the requirements of Policies 25 and 31 of the Horsham District Planning Framework (2015).

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.

Conclusion:

While the principle of retaining the earth bank is considered acceptable, the proposal fails to adequately address key concerns related to the landscape and ecological impacts of the development. The steepness of the slope created by the earth bank, combined with the insufficient and immature planting scheme, does not provide adequate long-term ecological benefits or visual integration with the surrounding environment. The loss of established vegetation along the eastern boundary has not been sufficiently mitigated, and the replacement planting is not expected to mature quickly enough to provide effective screening or ecological enhancement in the short to medium term.

Additionally, the creation of the earth bank has resulted in a significant alteration to the natural landform, which is visually intrusive and out of character with the surrounding landscape. The lack of a more comprehensive landscaping and ecological strategy undermines the potential for the site to blend harmoniously with its surroundings.

For these reasons, the retention of the earth bank as currently proposed would have an adverse impact on both the visual amenity of the area and the local ecology. Therefore, despite the acceptability of the principle, it is recommended that planning permission be refused.

Recommendation: Application Refused

Reason for Refusal:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority the landscape management and maintenance plan for the retrospective works would adequately mitigate visual harm caused by the retrospective removal of the woodland. The development, therefore, is in conflict with the provisions of Policy 33 of the Horsham District Planning Framework (2015) and Paragraph 180(b) of the National Planning Policy Framework (2023).

2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would adequately preserve the integrity and viability of existing habitats and biodiversity features within and in the vicinity of the application site, and incorporate relevant mitigation measures such as to avoid harm to individual protected and priority species. The proposal, therefore, is contrary to the requirements of Policies 25 and 31 of the Horsham District Planning Framework (2015).

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/24/0232

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

Plan Type	Description	Drawing Number	Received Date

Location plan		02-897-05 REV A	04.03.2024
Layout plan	Existing	02-897-110 REV A	04.03.2024
Layout plan	Proposed	02-897-120	09.02.2024
Supporting Statement	Planning	none	09.02.2024
Block plan		02-897-06	04.03.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 16.09.2024

Authorising Officer sign/initial RHERMITAGE Date: 17.09.2024