

Case Officer's Report (Delegated Decision)

Regulation 3

Description of the Proposal: Installation of hardstanding and associated fencing and play equipment.

Site Address: North Heath Community Primary School, Erica Way, Horsham, RH12 5XL

Application No: WSCC/004/24

Local Member: Andrew Baldwin (Holbrook)

Local Council: Horsham District Council

Site Location and Description

North Heath Community Primary School is located on the eastern side of Erica Way, to the west of North Heath Lane. The application site is located within the Built-Up Area, as defined in the Horsham District Local Plan (2015), and the school is surrounded by residential properties beyond its northern, western and southern boundaries.

The main building stands centrally within the western part of the school campus and is surrounded by hardstanding, which comprises the main school playgrounds to the north. The hardstanding extends around the western elevation of the school, down towards the temporary unit that abuts the southern site boundary and the access onto Erica Way. Playing fields and a running track are located to the east of the main building, towards North Heath Lane and a small, enclosed play area, currently laid to hardstanding with areas of grass, is located adjacent to the southern elevation of the main school building. The wider site is enclosed by a mixture of natural and man-made boundaries which includes mature trees.

The site is not located within a designated area of landscape, historic or ecological interest, and it is not within an identified Flood Zones 2 or 3.

Relevant Planning History

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|-----------------|---|--|
| HR/203/74 | - | Proposed new first school (approved 01/01/1975). |
| DC/500/06 (NH) | - | Demolition of store, meter cupboard and bin store area. Construction of infill extension and detached bin store (approved 28/04/2006). |
| DC/1122/07 (NH) | - | Construction of infill extension (21/06/2007). |
| WSCC/064/09/NH | - | The continued siting and use of a temporary Classroom unit (approved 27/11/2009). |

- WSSC/085/13/NH - Single store extension to the existing school hall (approved 07/11/2013).
- WSSC/060/14/NH - Amendment of condition 1 of planning permission WSSC/064/09/NH to allow the continued siting and use of a temporary classroom unit (approved 10/10/2014).
- WSSC/031/19 - Development of school field to provide an artificial grass, all weather daily mile track (approved 22/05/2020).
- WSSC/031/20 - Continued siting and use of a temporary classroom unit (approved 04/08/2020).

Proposed Development

Planning permission is sought for the installation of 342m² of surfacing within the Reception outdoor play area to the south of the main school building. The surfacing would comprise; 209m² of artificial grass surfacing, 92m² of rubber wet pour and 18m² of bark surfacing. The proposed hardstanding would be constructed over the existing grassed areas and replace the existing artificial grass within the play area. The proposed wood chipping area would replace that currently located within the western corner of the application site. All additional hardstanding would be porous by design.

The other associated elements of the works include the provision of a 0.9m high bow-top timber fence around the play area and to enclose the rubber wet pour. Three pieces of play equipment are proposed, including a wooden active tree top learning den measuring 3.68m high, 3.69m wide and 4.02m in length within the central part of the play area; a dual pitched-a wooden playhouse measuring 2.01m high, 2.57m wide and 1.85m in length to be located adjacent to the northern edge of the play area, and; a wooden wigwam building measuring 1.96m high, 1.87m wide and 1.73m in length, located adjacent to the main school building within the northern part of the play area.

Environmental Impact Assessment/Habitats Regulation Assessment

The proposed development does not fall within Schedule 1 or 2 of the EIA Regulations, so that neither screening nor EIA are required.

Habitats Regulation Assessment: Under 'The Conservation of Habitats and Species Regulations 2017 (as amended)', all planning applications that potentially affect the protected features of a European Habitat Site require consideration of whether the plan or project is likely to have significant effects on that site.

The application site falls within the Sussex North Water Supply Zone, which draws its water supply from groundwater abstraction in the Arun Valley. Natural England has issued a Position Statement which states that it cannot be concluded with the required degree of certainty that any new development that would increase the use of the public water supply in this zone, would not contribute to an adverse effect on the integrity of

the Arun Valley, a Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site.

HRA screening has been undertaken, which concludes that, without mitigation in place, the proposal will not have a 'likely significant effect' on the designated features of the Arun Valley site, either alone or in combination with other plans and projects. Therefore, an Appropriate Assessment under the Regulations is not required.

Relevant Planning and Other Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework ('the NPPF')).

The key policies in the development plan that are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.

Horsham Development Framework (2015)

- Policy 1 – Sustainable Development
- Policy 32 – Quality of Development
- Policy 33 – Development Principles
- Policy 42 – Inclusive Communities
- Policy 43 – Community Facilities

National Planning Policy Framework (December 2023)

Paragraphs:

- 11 (Presumption in favour of sustainable development);
- 17 (The plan-making framework);
- 38 (Positive decision making);
- 55 (Use of planning conditions);
- 96 (Healthy, inclusive and safe places);
- 99 (Development at schools);
- 102 - 107 (open spaces and recreation);
- 123 (Making effective use of land);
- 131 – 141 (Achieving well-designed and beautiful places);
- 157 (Meeting the challenge of climate change, flooding and coastal change).

Consultations

County Councillor (Andrew Baldwin, Holbrook): Support

Horsham District Council: No comments received.

Holbrook Parish Council: No comments received.

District Level Licensing: No objection.

WSSC Drainage: No comments received.

WSSC Highways: No objection, following the submission of a Construction Management Plan (CMP).

WSSC Tree Officer: No comments received.

Representations

One third party representation has been received in response to this application, which raises comment in relation to the potential cumulative impact of hardstanding at the site, and the potential for the increased risk of flooding offsite as a result of the proposal.

Consideration of Key Issues

The main material considerations in relation to this application are:

- need for the development;
- appropriate design, and;
- impacts on local environment.

Need for the Development

The proposal is for the installation of approximately 342m² of porous hardstanding to the south of the main school building, as well as associated play equipment and fencing. The school is located within the Built-Up Area Boundary of Horsham, where new development is acceptable in principle, subject to being in accordance with Development Plan Policies.

The proposed development would replace the existing hardstanding within the Reception outdoor play area, as well as introduce additional hardstanding in place of the existing grassed areas. The play area is currently used by the school for teaching and recreational purposes, however, is becoming outdated, with some parts of the surfacing needing repair or replacement. There is a need to assess the requirement for the additional hardstanding within the context of communal and educational facilities. Policy 43 of the Horsham District Planning Framework (2015) (HDPF) 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, subject to their design according with other requirements of the Development Plan.

In this instance, the additional hardstanding to replace the existing surfacing and grassed areas within the play area would allow for the school to continue its delivery of physical and educational services to its pupils as the current surfacing has reached the end of its useful life and will either need to be replaced or removed. The proposed hardstanding is intended to be used by the school for the improved delivery of their physical education programme and other outdoor learning opportunities and would be utilised by the school on a year-round basis.

In addition to this, the school notes that their pupil numbers have been falling recently. By reinvesting in the Reception outdoor play area, the school aims to provide contemporary play equipment and safe spaces to ensure that the school can remain as an attractive and safe facility for future pupils in the interests of supporting the local community. Further, the refurbished area would be accessible for other community users during the school's various events days throughout the year.

Therefore, it is considered that there is a demonstrable educational need for the new hardstanding as it would allow for the safe, year-round use of the Reception outdoor play area. The proposal is therefore considered to comply with Policy 43 of the HDPF and is afforded significant weight in the planning balance accordingly.

Appropriate design

Policy 33 of the HDPF details the development principles to be applied to new development proposals, and emphasizes the importance of; making efficient use of land, being designed to avoid unacceptable harm to the amenity of occupiers/users of nearby land and property, being constructed to a suitable appearance, scale and mass for the site with respect to the character of the wider surrounding area and using a high standard of building materials, finishes and landscaping.

The closest neighboring properties to the application site are those on the northern side of Gorse End, located 20m to the south of the playground area. The existing boundary treatment shared between the school and these properties comprises a mixture of hedgerows and chain-link fencing. The closest properties to the application site benefit from close-board timber fencing along the shared boundary with the school.

The entirety of the proposed works would be well contained within the existing Reception play area, within the school site. The proposal seeks to replace the existing surfacing with porous hard standing of a contemporary layout and design, with the artificial grass surfaces finished in green to ensure visual continuity with the adjacent school playing fields.

While the works would introduce additional built structures within the school site, these are of a proportionate scale that would be typical of any school playground and within the realms of what could be installed under the school's Permitted Development Rights (i.e. without requiring Planning Permission). Further, the works do not seek to substantively alter the landform or layout of the play area, nor would they result in any significant change to the use of the school site beyond that currently available. Therefore, it is not anticipated that there would be any additional impacts upon the amenity of the adjacent properties.

It is therefore considered that the proposal is acceptable in terms of its design with regard to the character of the surrounding area and adjacent residential properties. The replacement of the existing hardstanding would be a significant visual improvement over the existing play area. Therefore, the proposal is considered to comply with Policy 33 of the HDPF and is afforded significant weight in favour of the development when considered against the planning balance.

Impacts upon local environment

Third party representations have raised comment with regard to the potential impact of the introduction of additional hardstanding on the surrounding local environment, specifically with regard to flooding. Policy 38 (Flooding) of the HDPF requires that, where there is the potential to increase flood risk, proposals must incorporate the use of sustainable drainage systems (SuDS) or incorporate water management measures which reduce the risk of flooding and ensure flood risk is not increased elsewhere, as well as utilizing drainage techniques that mimic natural drainage patterns and manage surface water as close to its source as possible.

As the proposal seeks to install approximately 343m² of hard standing into the existing play area to the south of the main school building, it is necessary to consider the potential impacts of the development upon the local environment. The WSCC Lead Local Flood Authority were consulted on the application but have not commented on the application. Given the comments raised by third party representations, a proportionate assessment of the proposal is considered, as follows.

The application site is not located within an area identified as being at high risk from flooding (i.e. Flood Zones 2 or 3) and is entirely located within Flood Zone 1 (as identified within the Environment Agency's Flood Map for Planning). The proposed hard standing would be porous by design and no changes to site topography are proposed. As a result, there is no obvious reason why surface water runoff from the site would not remain the same or consistent with the existing arrangement and any surface water drainage would permeate into ground through the proposed hard standing.

In line with the drainage hierarchy detailed within Policy SuDS 1 of the WSCC LLFA Policy for the Management of Surface Water (2018), the preferred management of surface water not collected for use is via discharge through the ground into the water table. Given the applicant has detailed the porous design of the proposed hard standing and the proposal constitutes minor development, comprising a total development area of less than 1000m², there is no reason to consider that the development would increase flood risk within the site or on adjoining land.

Therefore, it is not considered that the proposed development would result in any additional flood risk either within or outside of the site. The proposal is therefore considered to comply with Policy 38 of the HDPF and is afforded moderate weight in favor of the development when considered within the planning balance.

Other Considerations

Highways: Following the submission of a Construction Management Plan (CMP), as requested by WSCC Highways, they have confirmed that the proposed development would not result in any severe cumulative impacts upon the highways network. The submitted CMP shall be included as part of the approved plans and documents condition.

There are no other considerations material to the determination of this application.

Overall Conclusion

Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case that indicate a decision other than in line with the statutory development plan, that is, the granting of planning permission.

In favour of the proposal, the need for the development carries substantial weight, the appropriate design of the proposal carries moderate weight, and the impact upon the local environment carries moderate weight. There are no considerations that weigh against the proposal with regard to the planning balance. Therefore, on balance, it is considered that the benefits of the proposal significantly outweigh any disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).

Recommendation (Delegated Decision)

For the reasons given above, it is recommended that planning permission is granted under delegated powers subject to the conditions set out in Appendix 1.



Factors taken into account

Crime and Disorder Act 1998: No implications arise from this development.

Human Rights Act 1998: Article 8 of the European Convention safeguards the respect for family life and home whilst Article 1 of the first protocol concerns the non-interference with the peaceful enjoyment of private property. Both rights are subject to conditions and interference with these rights may be permitted if the need to do so is proportionate. In this particular matter, the interests of those affected by the planned development have been fully considered as have the relevant considerations which may justify interference with particular rights. All of these are set out within the body of the report and are examined in the context of relevant planning considerations.

Equality Act 2010: The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Date of Report:	Case Officer's Name:
13/03/2024	Edward Anderson

	Case Officer's Signature: 
Date of Review: 22/03/2024	Reviewer's Name: Andrew Sierakowski
	Reviewer's Signature: 

Appendix 1: Conditions and Informative(s)

Conditions

Commencement

1. The development to which this permission relates shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development shall not take place other than in accordance with the approved plans:
 - Block Plan (ref. TQRQM23167112254227, dated 16/06/2023);
 - Construction Management Programme (ref. Construction Phase Health and Safety Plan, rev. A, dated 15/03/2024);
 - Elevation Plans (received 24/01/2024);
 - Proposed Site Layout (received 24/01/2024);
 - Site Location Plan (dated 26/01/2024), and;
 - Technical Drawings (ref. PS 41900, dated 24/11/2023).

along with information submitted with the application submitted with the application including the Design & Access Statement save as varied by the conditions hereafter.

Reason: to secure a satisfactory development.

Informative

- A. The County Planning Authority has acted positively and proactively in determining the planning application by identifying issues of concern and considering whether planning conditions could be used to satisfactorily address them. As a result, the County Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.