



**TO:** Planning Committee

**BY:** Head of Development and Building Control

**DATE:** 06 February 2024

**DEVELOPMENT:** Change of use from Office to Special Educational Needs School. Construction of two storey link building. Construction of Multi Use Games Area and associated landscaping.

**SITE:** Vincent House 31 North Parade Horsham West Sussex RH12 2DP

**WARD:** Trafalgar

**APPLICATION:** DC/23/1566

**APPLICANT:** **Name:** NSS V (Properties 2) LLP **Address:** C/O Agent 33 Margaret Street London W1G 0JD

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

1.2 The application seeks full planning permission for the change of use of the building and associated land to a Special Education Needs (SEN) school, along with a two storey link extension, multi-use games area, and associated parking, access and landscaping.

### **DESCRIPTION OF THE SITE**

1.3 The application site is located to the west of North Parade, within the designated built-up area boundary of Horsham. The site comprises an office building within a reasonable sized plot, accessed from an existing entrance point to the north-eastern corner of the site. A parking area is located to the western portion of the site, with amenity grounds located centrally.

1.4 The site is bound by mature trees and hedgerows, with closeboarded fencing also separating the site from the immediate neighbours. Residential properties are located to the north,

south, and west of site, with the immediate neighbours to the north and south positioned at a distance of approximately 4m and 8m respectively.

- 1.5 The wider surroundings are characterised by residential development comprising detached dwellings and flats. A set of three-way traffic lights is located immediately outside of the site

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

#### **2.3 National Planning Policy Framework**

#### **2.4 Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 10 - Rural Economic Development  
Policy 11 - Tourism and Cultural Facilities  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 39 - Strategic Policy: Infrastructure Provision  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities  
Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

#### **2.5 Horsham Blueprint Business Neighbourhood Plan**

Policy HB1 – Location of Development  
Policy HB3 – Character of Development  
Policy HB4 – Design of Development  
Policy HB5 – Energy Efficiency and Design  
Policy HB12 – Encouraging Sustainable Movement  
Policy HB14 – Community and Cultural Facilities

#### **2.6 Planning Advice Notes:**

Facilitating Appropriate Development  
Biodiversity and Green Infrastructure

2.7	<b>PLANNING HISTORY AND RELEVANT APPLICATIONS</b>	
	HU/117/68	C/u of ground floor of existing premises to registered nursing home and extension wing. (From old Planning History)
		Application Permitted on 02.05.1968
	HU/131/84	Portacabin. (From old Planning History)
		Application Permitted on 11.07.1984
	HU/140/82	Storeroom. (From old Planning History)
		Application Permitted on 17.06.1982
	HU/21/90	Conv. office into caretakers floor, int alts to existing flat into toilets and office and a two storey extension for storage and offices. (From old Planning History)
		Application Permitted on 14.03.1990
	HU/210/81	Extension and conversion into offices and one flat, one outbuilding and car park for 18 cars and 3 visitors cars.1396/hu/81 (From old Planning History)
		Application Permitted on 26.08.1981
	HU/63/81	C/u to office. (From old Planning History)
		Application Permitted on 10.04.1981

### 3. OUTCOME OF CONSULTATIONS

- 3.1 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Arboricultural Officer (Response received 15.11.2023):** No Objection:-
- 3.3 The revised layout improves the relationship of the useable space adjacent to the Weeping beech and proposes the removal and replacement of the centrally located Sweet chestnut.
- 3.4 No concerns raised subject to conditions to protect retained trees from construction works and to ensure an appropriate scheme of soft landscape mitigation and establishment.
- 3.5 **HDC Environmental Health:** Comment
- 3.6 The premise is located in the primarily residential area of Horsham, with domestic properties immediately adjacent to the building to both the north and south, with the closest being within 4 metres. Additional residential boarder the premises grounds, notably some many within 60 metres of the proposed located of the external multi-use games area.
- 3.7 The application is supported by a noise impact assessment produced by Ian Sharland Limited and this Service accepts its conclusions and recommendations raised. The implementation of the recommendations made in the assessment intended to prevent noise breakout, including ensuring those rooms and areas within the building expected to the offer the greatest noise breakout are effectively sealed and served by mechanical HVAC and installation of acoustic fencing to the site boundary to the rear portions of the site should be secured by condition and implemented prior to the development beginning operation, should the application be permitted.
- 3.8 Conditions to protect the amenity of neighbouring residential properties are recommended.
- 3.9 **HDC Economic Development:** No Objection. The site is currently vacant and the marketing summary report provided shows that none of the offers / interest received planned to retain

the building for office use. The proposal will be significant in providing additional local employment opportunities (52 Full Time employees).

## OUTSIDE AGENCIES

- 3.7 **WSCC Education:** Comment
- 3.8 This school is being proposed as an Independent Non-Maintained School (INMS), therefore WSCC does not have any powers relating to the school - it is outside Local Education Authority control.
- 3.9 There is a shortage of special school places across the County particularly for autism and other neurodiversity conditions including within Horsham District. WSCC has not identified this site to create additional places for children with SEND. This is a private/independent school and does not work with the Local Authority to develop schools for non-fee-paying pupils. WSCC has, however, commissioned places from the Aurora Group to educate children with complex needs in their schools in Surrey. This option is only considered where a maintained school place is not available. WSCC have been happy with the quality of provision. It should be noted that work is underway to remodel Arun House on Hurst Road, close to North Parade, to provide additional places for children with SEND as an annex to the publicly funded Queen Elizabeth II Special School. The Local Authority does not raise an objection to further places in the INMS sector.
- 3.10 **WSCC Highways (Response received 19.12.2023):** No Objection.
- 3.11 The LHA consider that all matters from highway safety and capacity point of view have been addressed. The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. Conditions recommended.
- 3.12 **WSCC Fire and Rescue:** Comment. Having viewed the plans, evidence is required to show suitable turning facility to enable a fire appliance to turn and make their exit from the site. A fire appliance should not need to reverse more than 20m to make their exit or reach the facility.
- 3.13 **Ecology Consultant (Response received 02.01.2024):** Comment:-
- 3.14 The further Bat Survey Report (SLR Consulting Ltd, September 2023) confirmed no evidence of roosting bats within the building, as a result we agree that works can proceed under precautionary mitigation measures for this European Protected Species.
- 3.15 The response letter to Place Services (SLR Consulting Ltd, December 2023) provides clear evidence that other Protected Species are not present on the site and support the recommended Pre-Commencement work.
- 3.16 Satisfied that there is sufficient ecological information available for determination. 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. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 3.17 The mitigation measures identified in the Preliminary Ecological Appraisal Report (SLR Consulting Ltd, August 2023) and the Bat Survey Report (SLR Consulting Ltd, September 2023) and the response letter to Place Services (SLR Consulting Ltd, December 2023),

should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

- 3.18 Also support the implementation of a Wildlife Friendly Lighting Strategy for this application, as outlined in the Bat Survey Report (SLR Consulting Ltd, September 2023). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area.
- 3.19 Also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2023. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level.
- 3.20 **Natural England:** No Objection, subject to the delivery, management, and maintenance of measures identified in the Water Neutrality Statement to achieve water neutrality.

#### PUBLIC CONSULTATIONS

- 3.21 **Horsham Trafalgar Neighbourhood Council:** Object
- 3.22 There is no widespread objection to the change of use of the site to a school, and that the building plan seems appropriate for the site and for the intended use. However, we believe there are issues relating specifically to the greenery, access and borders of the plot that must be resolved.
- 3.23 The plot contains a number of large trees including at least one (the weeping beech) that is of community and ecological significance. Concur with the District Council Arboricultural Officer's opinion that this tree will be damaged by the proposed parking plan. The parking plan should be reviewed with more attention to impact on the largest trees, including moderating the amount of cut-back required and perhaps replacing hardstanding with permeable standing.
- 3.24 Several residents have raised issues around the plot's borders and the fencing plans shown in the application. In particular, the current area of hedges and greenery forms an important habitat and corridor for wildlife including hedgehogs, newts, stag beetles, and many birds. We do not see how the proposed changes will impact the northern border of the plot, or how the hedges to the west can be preserved given the intention to build an acoustic fence. The real boundaries of properties in the area are irregular and do not always coincide with the land registry drawings on which the application appears to be based. Residents have noted that the acoustic fence may either destroy the western hedges, or actually cross other properties. Both possibilities require review and clarification before plans proceed.
- 3.25 Residents have expressed concern about traffic and disturbance issues. The plans do not define the lighting plan for the carpark, so it's unclear how much night time light pollution there will be. The plans seem to be based on an unrealistically high estimation of ambient noise (65db). The plans do not, in many residents' view, satisfactorily account for how the already crowded North Parade will be impacted by a morning and afternoon 'rush' of vehicles visiting the school, with an entry and exit point so near the traffic lights and intersection. It would be constructive to clarify the expectations for light and sound disturbance, and to look at traffic mitigations on North Parade.
- 3.26 30 representations were received objecting to the application for the following reasons:-
- Not suitable for volume of traffic
  - Impact on function of public highway

- Undersupply of on-site parking
- Impact on on-street parking in the wider area
- Cumulative impact from recent residential development nearby
- Additional vehicle movements compared to previous use
- External lighting and impact on neighbour amenity
- Noise impacts both indoors and outdoors
- Inappropriate development
- Air pollution
- Retention of hedges and impact on trees
- Access arrangements
- Loss of privacy
- Water neutrality
- Overdevelopment
- Operation of the school

3.27 1 representation was received in support, but raising concerns regarding the boundary treatments proposed.

3.28 18 representations were received, neither objecting nor supporting but commenting as follows:-

- Insufficient information about operation of the school and outside areas
- Queries the Noise Assessment results
- Impact on public highway and parking
- Roof and screening for MUGA
- Loss of trees
- Operation hours
- Impact of MUGA on noise
- Parking

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY**

4.1 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.

4.2 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.

## **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## **6. PLANNING ASSESSMENTS**

- 6.1 The application seeks full planning permission for the change of use of the building and associated land to a Special Education Needs (SEN) school, along with a two storey link extension, multi-use games area, and associated parking, access and landscaping.

### **Principle of Development**

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted with towns and villages which have defined built-up areas. Any redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.
- 6.3 Policy 42 of the HDPF states that positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs will be encouraged and supported. Particular account will be taken of the need to address the requirements stemming from, among others, people with additional needs, including the disabled or those with learning disabilities and the co-ordination of services to fulfil the needs of young people.
- 6.4 The application seeks full planning permission for the change of use of the building (currently in Use Class E) to a Special Educational Needs (SEN) school (Use Class F1), along with the construction of a two storey link extension, Multi-Use Games Area (MUGA), and associated landscaping and access improvements.
- 6.5 The Cover Letter submitted in support of the application outlines that the education provided for the school would be the Aurora Group, who are the UK's sixth largest provider of education, care, and support services for children and young people with special educational needs and disabilities. The school would accommodate a maximum of 60 pupils and 52 members of staff, and will specifically provide educational services for pupils with 'AFC' neuro diverse issues. The school would operate from 08:30 to 15:30 throughout the week, for 40 weeks of the year.
- 6.6 The Horsham District Council Infrastructure Delivery Plan 2023 recognises that pupil numbers are rising and are likely to continue to do so across the county as a result of population and demographic changes, along with the timing, size, tenure, and location of new housing.
- 6.7 The application seeks to provide an independent SEN school within Horsham Town. The Applicant has provided a letter from West Sussex County Council dated 02 August 2023 which outlines that West Sussex County Council is seeing a year-on-year increase in demand for Education, Health, Care Plans and specialist places across most categories of special educational needs. Due to the lack of sufficient local school places, more children with special needs are being placed in out of county provision and can experience longer travelling times to school, which can be very challenging for them and their families. The premier solution being adopted by WSCC is to develop new provision close to densely populated areas where the majority of children live. The letter does however recognise that this solution is not a catch-all, and there will be some children for whom a smaller, specialist provision with higher staff ratios and additional targeted therapeutic interventions is required. Where this is the case, councils and families often utilise independent provision as the most suitable, value for money solution.

- 6.8 WSCC Educational Services have been consulted on the application, where they have confirmed that the school would be an Independent Non-Maintained School (INMS) where it would operate outside of Local Education Authority control. The site has not been identified to create additional places for children with SEND, and the independent school does not work with the Local Authority to develop schools for non-fee paying pupils. The response does however recognise that there is a shortage of special school places across the County, particularly for autism and other neurodiversity conditions, including within Horsham District. WSCC has commission places from the Aurora Group (the Applicant) to educate children with complex needs in their schools in Surrey, where this is only an option considered if no school place is available in a County maintained school.
- 6.9 The response from WSCC Educational Services notes that work is currently underway to remodel Arun House on Hurst Road (approximately 0.5km to the south-east of the application site). This will provide additional places for children with SEND as an annex to the publicly funded Queen Elizabeth II Special School. WSCC Educational Services has however, raised no objection to further places being offered through Independent Non-Maintained School provision.
- 6.10 The proposed development would provide additional SEND school places within Horsham District, and would support the needs of children with additional needs within the District. While recognised that the school would operate as an Independent Non-Maintained School, it is noted that WSCC have confirmed that there is a need for SEND school places within Horsham. Although some of this provision will be addressed by the expansion of the publicly funded Queen Elizabeth II Special School, it is recognised that independent provision often provides better suited provision for children where higher staff ratios and additional targeted therapeutic interventions are required. The proposal would contribute to meeting the needs for SEND pupils within the District and would help to create a socially inclusive and adaptable environment in this regard.
- 6.11 Policy 9 of the HDPF states that redevelopment of employment sites and premises outside Key Employment Areas must demonstrate that the sit/premises is no longer needed and/or viable for employment use.
- 6.12 The Applicant has submitted a Marketing Report dated August 2023, which outlines that marketing of the site commenced in September 2022 using a number of marketing platforms. This marketing was undertaken over a 6-week period, where multiple enquiries were received. Across the 5 weeks of initial marketing, a total of 76 enquiries were received and these related to interest for residential, care and education services. A total of 24 offers were received relating to education, care, and residential uses, with no expressions of interest received for office use. The Marketing Report outlines that there was no interest from the commercial sector, with no expressions of interest or formal bids for this use received.
- 6.13 The Northern West Sussex Economic Growth Access by Lichfields dated January 2020 outlines that approved planning permissions provide a quantum of employment floorspace that broadly matches future growth needs associated with past take-up and baseline labour supply scenarios, albeit that there will be a likely shortfall in terms of industrial space. The Report acknowledges that there is significant scope to enhance the quality of offer associated with Horsham's office market, and to support the District to strengthen its office-based economy following significant losses of office space and occupies as a result of permitted development rights over the last few years. Development schemes in the pipeline, including North Horsham and the Novartis site provide short to medium opportunities to realise this ambition in and around Horsham Town, and could be complemented by smaller scale, new office developments in smaller locations and settlements elsewhere in the District.
- 6.14 It is recognised that the development would result in the loss of office floorspace within Horsham Town. The Marketing Report has however identified that there was no expression



of interest for such use during the marketing stage, and no objections to the loss of office space has been raised by Economic Development. Notwithstanding this, it is recognised that the proposed change of use would maintain some local employment through staff requirements. It is considered that sufficient evidence has been provided to demonstrate that the existing site is no longer needed for its current use, with the proposed change of use to Use Class F1 considered to offer local employment.

- 6.15 For these reasons, the proposed change of use is considered acceptable in principle, subject to all other material considerations.

### **Design and Character**

- 6.16 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and 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.
- 6.17 Paragraph 135 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; are sympathetic to local character and history; and establish or maintain a strong sense of place. Paragraph 136 of the NPPF continues that trees make an important contribution to the character and quality of urban environments. Opportunities should be taken to incorporate trees within developments and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and existing trees are retained wherever possible.
- 6.18 The application seeks to convert the existing building with a two storey link extension to the south and minor alterations to the fenestration. The proposed extension would extend in line with the eaves of the main building, and would utilise a pitched roof to match the host building. The proposed extension would be set behind the main frontage, and given the layout of the site, would not be overly visible from the street frontage.
- 6.19 The proposal also includes the laying of a car park to the rear (east) of the site, along with the installation of a Multi-Use Games Area to the east of the building, and alterations to the access arrangement. The existing trees and hedging are proposed to be retained, with additional native hedging proposed internally within the site, and along the boundaries. A 2.2m high acoustic fence is proposed along the boundaries to the rear of the site.
- 6.20 The proposed development is considered to sit comfortably within the context of the site, and would be of a design, layout, and arrangement that would relate sympathetically to the built surroundings and settlement pattern. The proposal would retain existing natural features within the site, with the proposed landscaping considered appropriate. The alterations to the access at the front of the site would not be out of keeping with the street scene, where similar openings are apparent.
- 6.21 For these reasons, the proposed development is considered to relate sympathetically to the character and visual appearance of the street scene and wider surroundings, with the design and layout of the site considered appropriate. The development is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Amenity Impacts**

- 6.22 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both

in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

- 6.23 The application site is located within the built-up area, with the immediate surroundings characterised predominantly by residential development. The site is located to the west of North Parade, a main thoroughfare into Horsham Town, with the noise character of the site defined by noise emanating from traffic. Residential properties are located immediately to the north, south, and west of the application site, with the boundaries defined by a mix of closeboarded fencing, trees, and hedging. Residential properties, including a block of flats, are located across North Parade to the east.
- 6.24 A number of objections have been received raising concerns with respect of the impact the proposed use would have on the amenity of the nearby residential properties. Specifically, concerns have been raised regarding noise emanating from the site (specifically during use of the MUGA) and overlooking and loss of privacy.
- 6.25 The application site has previously been in long-established use as an office, with a long-standing relationship between the subject building and the adjacent residential properties. The use would have generated associated noise and activity, with both the ground and first floor used for office purposes accommodating staff. The OFFPAT figures for employment density suggest that the subject building had the potential to accommodate 82 full-time members of staff, and there are no conditions on any previous permission that restricted the number of occupants, nor the hours of use.
- 6.26 The current application seeks the change of use to an Independent Non-Maintained School which would accommodate 60 pupils and 52 full-time staff, with a total occupancy of 112. The school would operate from 08:30 to 15:30 throughout the week, for 40 weeks of the year. While it is acknowledged that the number of occupiers would increase, it is not considered that this would result in a significant intensification of activity particularly given the context of the site within the built-up area and adjacent to the main thoroughfare. It is recognised that additional vehicle movements would take place, with the parking arrangement resulting in movements to the frontage and along the southern boundary of the site. However, given the noise character of the surroundings, and the previous use of the site, it is not considered that this would result in significant adverse harm to the amenities of neighbouring properties to justify a reason for refusal.
- 6.27 It is recognised that the proposal would facilitate use of the outdoor space by pupils and staff, which would differ from the previous use of the site. It is however noted that the use of these areas would primarily be between the opening hours of 08:30 and 15:30. These hours are not considered to be unsociable, where it is recognised that many school sites with similar facilities are located within residential areas. Furthermore, it is recognised that the Applicant has made efforts to reduce noise impact through the proposed installation of acoustic fencing around the rear boundaries. Given the noise character of the area, and coupled with the proposed interventions, it is not considered that the use of the outdoor space by staff and pupils would result in significant adverse harm to the amenities of neighbouring residential properties.
- 6.28 For these reasons, the proposed development is not considered to result in adverse harm to the amenities of neighbouring properties and users of land, in accordance with Policy 32 and 33 of the Horsham District Planning Framework (2015).

### **Highways Impacts**

- 6.29 Policy 40 of the HDPF states that development should provide safe and suitable access for, among others, all vehicles, pedestrian, cyclists. Policy 41 continues that development should ensure a balance between good urban design, highway safety, residential amenity, and

promoting town centre attractiveness and vitality. Adequate parking and facilities must be provided within developments to meet the needs of anticipated users.

- 6.30 Paragraph 115 of the NPPF states that development should be prevented or refused on highway grounds if there would be an acceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.31 The Applicant has submitted a Transport Statement by TTP Consulting Ltd dated August 2023, along with an Addendum Report dated 16 November 2023 and a Travel Plan by TTP Consulting Ltd dated August 2023. A Road Safety Audit was also carried out by MB Projects Ltd dated November 2023. These documents outline that the existing access points will be retained in broadly the same position, with works to the internal road to connect with a car park (providing a total of 22 spaces). The other existing car park would be removed to accommodate the MUGA. A new turning area will be introduced at the front of the building. The existing vehicle access would be widened to allow passing, and the landscaping at the site entrance would be cut back to improve sightlines. A new vehicle entrance gate would be provided, set back from the site frontage, with a turning head provided internally to allow delivery vehicles to turn around before exiting the site. The rear car park would provide for 19no. parking spaces, 2no. minibus spaces, and 1no. disabled bay.
- 6.32 West Sussex County Council Highways have been consulted on the application. Requests were initially made for additional information in respect of swept path tracking, visibility splays, clarifications of the Transport Statement, and the submission of a Road Safety Audit. This additional information has been submitted by the Applicant and considered by the Local Highways Authority.
- 6.33 It is considered that the number of additional trips as outlined within the documentation would not have a severe material impact on the operational capacity of the nearby road network. Vehicle visibility splays of 2.4m by 43m have been demonstrated as achievable entirely within the publicly maintained highway. Pedestrian visibility splays of 2m by 2m have been shown by setting existing wall/ column back, within the application land. It is considered that these visibility splays could be reasonably and necessarily secured by condition.
- 6.34 WSCC Guidance does not stipulate parking standards for a non-residential institution use and these should be assessed on a site-specific basis. Considering the provision of a Transport Plan and sustainable location in terms of proximity to public transport and active travel modes, the quantity of staff parking provided is considered appropriate. Furthermore, the area is within Horsham's Controlled Parking Zone whereby parking restrictions are in place including double yellow lines outside the site access. Any overspill parking is not anticipated to take place in locations that would be detrimental to highway safety, with the Parking Capacity Survey indicating that there is sufficient provision available within operational hours to address any overspill if necessary.
- 6.35 The documents as submitted and recommendations contained within, are considered to satisfactorily demonstrate that the development would provide safe and suitable access for all users, and would not result in severe cumulative impact on the function and safety of the highway network. The development is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework.

## **Ecology**

- 6.36 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. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

- 6.37 The Applicant has submitted a Preliminary Ecological Appraisal by SLR Consulting Ltd dated August 2023, with additional information provided separately by email. A Bat Survey Report has also been submitted by SLR Consulting Limited dated 29 September 2023. These surveys have confirmed that there is no evidence of protected species on the site, with biodiversity enhancement measures suggested.
- 6.38 The Council's Ecologist has been consulted on the application, where further information was initially requested in relation to protected species. Following the submission of further details, it is considered that there is sufficient information to determine the application. It is not considered that the proposal would result in adverse harm to the protected species and its habitat, with the ecological enhancement measures considered acceptable. Subject to conditions securing the enhancement measures, no ecology concerns are raised.

### **Water Neutrality**

- 6.39 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.
- 6.40 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.
- 6.41 The Applicant has submitted a Technical Memorandum reference 425.064800.0001 by SLR Consulting Limited and dated 28.09.2023. This outlines that the existing building has most recently been used as offices and has a gross internal area of 1,050m<sup>2</sup> across the ground and first floor. The Technical Note outlines that the proposed school would accommodate 60 students and 45 staff, resulting in a total of 105 individuals at the site. This differs from the application documents, which outline that there would be 60 students and 52 members of staff (totalling 112).
- 6.42 The BREEAM Wat 01 Calculator for education has been used to calculate the proposed water usage. The Spreadsheet calculates the site users based on the areas of the site, however there is no Special Educational Needs category for schools. The Calculator estimates 223 site users, but the calculations are based on the stated proposed students and staff (105). The Calculator indicates that the water demand arising from the proposed use would amount to 5.38 cubic metres per year. Based upon the anticipated number of individuals using the site, this would equate to 565 cubic metres per year. Based upon the proposed student and staff number of 112, the total demand would be 602.56 cubic metres per year.
- 6.43 In order to be appropriately precautionary, the capability of the site remains relevant, where the BREEAM Wat 01 Calculator advises that 223 individuals could use the site. Based upon the figures provided within the Calculator, this number could result in a total water demand of 1,199.74 cubic metres per year.
- 6.44 To calculate the existing baseline, the Report has utilised the BREEAM Wat 01 Calculator for Offices, based upon a survey of existing fixtures and fittings undertaken on 26.09.2023. It is confirmed that the premises does not benefit from showers, washing machines, or dishwasher facilities. The BREEAM Calculator provides a total annual use of 1,442 cubic metres of water. This is calculated on the basis of 13.17 cubic metres of water per person per year, where the premises provided floor space for 109.5 individuals.

- 6.45 Based upon the information submitted, the proposed development would result in less water consumption than the existing baseline of the office use. No calculations were provided to confirm what the proposed consumption would be if the existing fixtures and fittings were retained, and it is not therefore possible to confirm whether the proposed mitigation is required to make the development water neutral. Based upon the information available, it is therefore considered reasonable and necessary to impose conditions requiring that the mitigation measures be carried out.
- 6.46 Subject to these conditions, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation 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 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

### **Conclusion**

- 6.47 The proposed development would contribute to meeting the needs for SEND pupils within the District and would help to create a socially inclusive and adaptable environment in this regard. The proposal is therefore considered acceptable in principle.
- 6.48 The proposed extension and alterations to the building would relate sympathetically to the character and external appearance of the host building and wider surroundings, where the additions would sit comfortably within the context of the site. While recognised that the proposal would encourage greater use of the outside space, this would be in social hours, and the proposed development is not considered to result in any further harm to the amenities of neighbouring properties through overlooking, loss of privacy, noise, and disturbance. In addition, the proposed development is not anticipated to result in harm to the safety and function of the public highway network, with sufficient parking capacity available. Furthermore, the proposal would not result in a likely significant effect on protected species and habitat.

## **7. RECOMMENDATIONS**

- 7.1 To approve the application, subject to the following conditions:

1 **Approved Plans**

- 2 **Standard Time Condition:** The development hereby permitted shall begin 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 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 P-006, 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).

- 4 **Pre-Commencement Condition:** The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following measures:

- i. Details of site management contact details and responsibilities;
- ii. A plan detailing the site logistics arrangements, including:
  - a. location of site compound,
  - b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
  - c. site offices (including location, height, size and appearance),
  - d. location of site access points for construction vehicles,
  - e. location of on-site parking,

The construction shall thereafter be carried out in accordance with the details and measures approved.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures required by the approved water neutrality strategy (Technical Memorandum by SLR Consulting Limited dated 04.08.2023) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

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

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a lighting design scheme for biodiversity based on GN: 08/23 shall 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 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: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve the approved use have been implemented in accordance with the approved details as shown on plan P-006 Rev 01 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).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the visibility splays for the access(es) serving the development , as shown on drawings numbers 2023-4782-006 and 2023-4782-007, have been provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the fast charge electric vehicle charging point as shown on drawing number P-006 Rev A have been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the 8no. cycle parking facilities serving it have been provided within the site. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the site. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 15 **Pre-Occupation Condition:** The development hereby permitted not shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that residential unit has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.



Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

- 16 **Regulatory Condition:** The premises hereby permitted shall be used as a school under Use Class F1 only, and for no other purpose.

Reason: In the interest of amenity and to address the District level need for SEND school places and in accordance with Policy 33 and 42 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Preliminary Ecological Appraisal by SLR Consulting Ltd dated August 2023 and Bat Survey Report has also been submitted by SLR Consulting Limited dated 29 September 2023.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

- 19 **Regulatory Condition:** The approved landscaping scheme as shown on drawing number P-006 Rev 01 shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).