



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 4 July 2017

DEVELOPMENT: Non material amendment to DC/16/1263 to amend the position and size of the MUGAs and the footpath access

SITE: Land South of Broadbridge Heath Leisure Centre Wickhurst Lane
Broadbridge Heath Horsham RH12 3YS

WARD: Broadbridge Heath

APPLICATION: DC/17/1286

APPLICANT: Mr Brian Elliott, on behalf of Horsham District Council

REASON FOR INCLUSION ON THE AGENDA: The proposed amendment relates to an approved planning application made by this Council

RECOMMENDATION: To approve the amendments as non-material to planning permission DC/16/1263

1. THE PURPOSE OF THIS REPORT

1.1 To consider the proposal.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks amendments to full planning permission DC/16/1263 (which permitted the development of 5 Multi Use Games Areas [MUGAs] and ancillary facilities) for the following elements:
- Reduction in length and width of one the five MUGAs and the re-positioning of all five MUGAs to the west. The supporting statement advises the shortening of one of the MUGAs is required to avoid impacting on the root protection area to the trees covered by a Tree Preservation Order (TPO) adjacent
 - Re-positioning and widening of the access footpath from the Leisure Centre to the north
- 1.3 The submitted plans also alter the finished levels of the development relative to datum, but with the relationship with the existing and adjacent ground levels remaining the same as approved.
- 1.4 As a result of the Applicant's discussions with the relevant end users of the MUGAs, the application was amended following submission to reduce the length of one of the MUGAs by 2m as opposed to all five by 2m as initially proposed.

DESCRIPTION OF THE SITE

- 1.5 The site forms part of a larger parcel of open space situated to the south of the Horsham District Indoor Bowls Club and lies inside the settlement boundary. It is bounded to the east by the slip road from the A24, to the west and south by wider sports pitch land associated with the adjacent Wickhurst Green housing development, and to the north by the boundary with the Bowls Club. Broadbridge Heath Leisure Centre and associated MUGAs sits adjacent to the west of the Bowls Club. Beyond the sports pitches to the west is a large housing development at Wickhurst Green which is currently under construction. Beyond the Bowls Club to the north lies the Broadbridge Heath Tesco and car park. Wire fencing runs along the northern boundary of the site, demarcating the site with the Bowls Club and Leisure Centre facilities.
- 1.6 A group of TPO trees sits along the northern boundary with the Bowls Club and adjacent Leisure Centre MUGAs.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework 2012

Horsham District Planning Framework (HDPF 2015)

HDPF1 - Strategic Policy: Sustainable Development
HDPF2 - Strategic Policy: Strategic Development
HDPF24 - Strategic Policy: Environmental Protection
HDPF25 - Strategic Policy: The Natural Environment and Landscape Character
HDPF32 - Strategic Policy: The Quality of New Development
HDPF33 - Development Principles
HDPF35 - Strategic Policy: Climate Change
HDPF36 - Strategic Policy: Appropriate Energy Use
HDPF37 - Sustainable Construction
HDPF40 - Sustainable Transport
HDPF41 - Parking
HDPF42 - Strategic Policy: Inclusive Communities
HDPF43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

None

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/1263	Development of 5no MUGA playing pitches with associated floodlights, fencing and access footpath on open land south of Broadbridge Heath Leisure Centre.	Application Permitted on 07.09.2016
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3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

None

OUTSIDE AGENCIES

None

PUBLIC CONSULTATIONS

11 letters have been received objecting to the application on the following grounds:

- The proposal is not non-material
- The proposed modification to reduce the scale of the MUGA provision is potentially in breach of NPPF 74 & also HDPF 43 which seeks to ensure 'equivalent or better' re-provision. Shorter & non Sport England Standard provision is (in our view) clearly not therefore the changes should not be considered as being 'non-material'.
- The revision to keep 4 of the 5 MUGAs at the approved size (37m x 18.5m) with the fifth reduced to 35m in length is encouraging however, given the 'equivalent or better' planning policy requirements there is a need to understand if this is completely unavoidable.
- It is not clear whether all options to keep the fifth MUGA at the Sport England standard size have been explored. If it is impossible to have the full size fifth MUGA this would be reluctantly accepted but conditional on user engagement in a thorough review of options.
- The s106 required 5 standard MUGAs
- The reduction to the MUGAs would destroy their purpose to allow for tennis
- Only one of the MUGAs should be reduced to accommodate the TPO trees, not all five

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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 main issue is whether the nature of the amendments falls to be considered as "non-material" under S96A of the Town and Country Planning Act 1990. The Planning Practice Guidance advises that:

'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application.'

- 6.2 In considering what a local planning authority should take into account when making its decision, the PPG further advises that:

'The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of

notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.'

- 6.3 NPPF74 sets out that *'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless.. [amongst others]... the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.'* Policy 43 of the HDPF sets out that the loss of community facilities (which can include MUGAs) will be resisted unless *'an alternative facility of equivalent or better quality and scale to meet community needs is available, or will be provided at an equally accessible location within the vicinity.'*
- 6.4 The existing MUGA provision at Broadbridge Heath Leisure Centre comprises four tarmac areas each 36.6m by 18.3m totalling 2676sqm of MUGA provision. The replacement MUGAs granted planning permission under DC/16/1263 comprise five areas 37m by 18.5m of all-weather macadam porous polymeric surfacing totalling 3422.5sqm, an improvement in both area and quality.
- 6.3 In this instance, although one of the MUGAs would reduce by 2m in length, the size of the other four would remain as approved. The overall MUGA provision would remain both larger (at 3385.5sqm) and of better quality than the existing, with four of the five courts meeting the Sport England standard, the same quantum as existing. As such despite the small reduction to one of the courts, the overall MUGA provision would remain an improvement on the existing. As such this application does not result in policy conflict such that the proposed amendment should be considered material.
- 6.4 The alterations to the size and position of the MUGAs and footpath access would not appreciably alter the appearance of the site or its impact on the surrounding area, including the relationship with the adjacent A24 and to ensure no harmful impact on TPO trees.
- 6.5 The approved drawings also included annotated site levels. These have since been re-surveyed and the annotations updated to reflect the more accurate recent survey. The proposed site levels, both within and adjacent the site, remain as approved. As such, the correction of the annotated site levels on the drawings does not amount to a material change.
- 6.6 The amendments are therefore considered non-material and as such would not require the submission of an application for, or the grant of, a further planning permission.

7. RECOMMENDATIONS

- 7.1 To grant the amendments as non-material to planning permission DC/16/1263.

Conditions:

None required

NOTE TO APPLICANT

1. The applicant is reminded that the conditions of planning permission DC/16/1263 remain valid and the development must be completed in accordance with their requirements.

Background Papers: DC/17/1286 & DC/16/1263