



Planning Committee (North)

Tuesday, 7th December, 2021 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:	Karen Burgess (Chairman)	
	Liz Kitchen (Vice-Chairman)	
	Matthew Allen	Richard Landeryou
	Andrew Baldwin	Gordon Lindsay
	Tony Bevis	John Milne
	Martin Boffey	Colin Minto
	Toni Bradnum	Christian Mitchell
	Alan Britten	Jon Olson
	Peter Burgess	Louise Potter
	Christine Costin	Stuart Ritchie
	Ruth Fletcher	David Skipp
	Billy Greening	Ian Stannard
	Frances Haigh	Claire Vickers
	Tony Hogben	Belinda Walters
	Lynn Lambert	Tricia Youtan

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

Page No.

GUIDANCE ON PLANNING COMMITTEE PROCEDURE

1. **Apologies for absence**

2. **Minutes**

7 - 14

To approve as correct the minutes of the meeting held on 2 November 2021
(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)

3. **Declarations of Members' Interests**

To receive any declarations of interest from Members of the Committee

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

To consider the following reports of the Head of Development & Building Control and to take such action thereon as may be necessary:

5. **Appeals** 15 - 16

Applications for determination by Committee:

6. **DC/20/1164 - Deerswood, Southwater Street, Southwater** 17 - 26

Ward: Southwater North

Applicant: Mr Scott Andrews

7. **DC/21/0845 - Southwater Skate Park, Stakers Lane, Southwater** 27 - 34

Ward: Southwater South & Shipley

Applicant: Southwater Parish Council

8. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

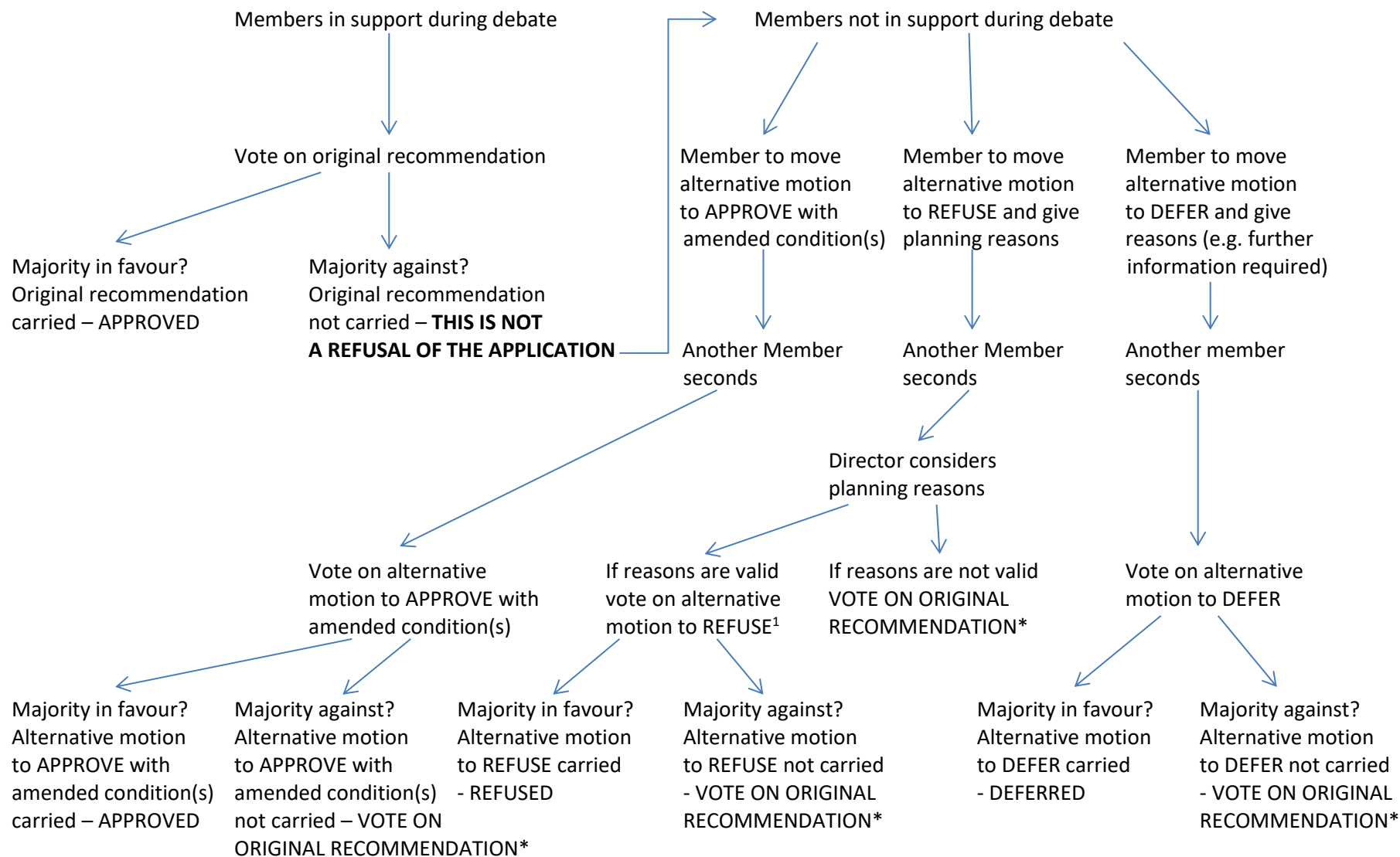
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

Addressing the Committee	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only.
Quorum	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
Declarations of Interest	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
Announcements	These should be brief and to the point and are for information only – no debate/decisions .
Appeals	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
Agenda Items	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
Public Speaking on Agenda Items (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed 5 minutes each to make representations; members of the public who object to the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes; applicants and members of the public who support the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes. Any time limits may be changed at the discretion of the Chairman.
Rules of Debate	<p>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max 5 minutes or longer at the discretion of the Chairman) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment to a motion o To move a further amendment if the motion has been amended since he/she last spoke o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of original motion

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> ○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. ○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman's ruling on the admissibility of the personal explanation will be final. <ul style="list-style-type: none"> - Amendments to motions must be to: <ul style="list-style-type: none"> ○ Refer the matter to an appropriate body/individual for (re)consideration ○ Leave out and/or insert words or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
Alternative Motion to Approve	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer's recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
Alternative Motion to Refuse	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer's recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
Voting	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - Two Members request a recorded vote - A recorded vote is required by law. <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
Vice-Chairman	<p>In the Chairman's absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

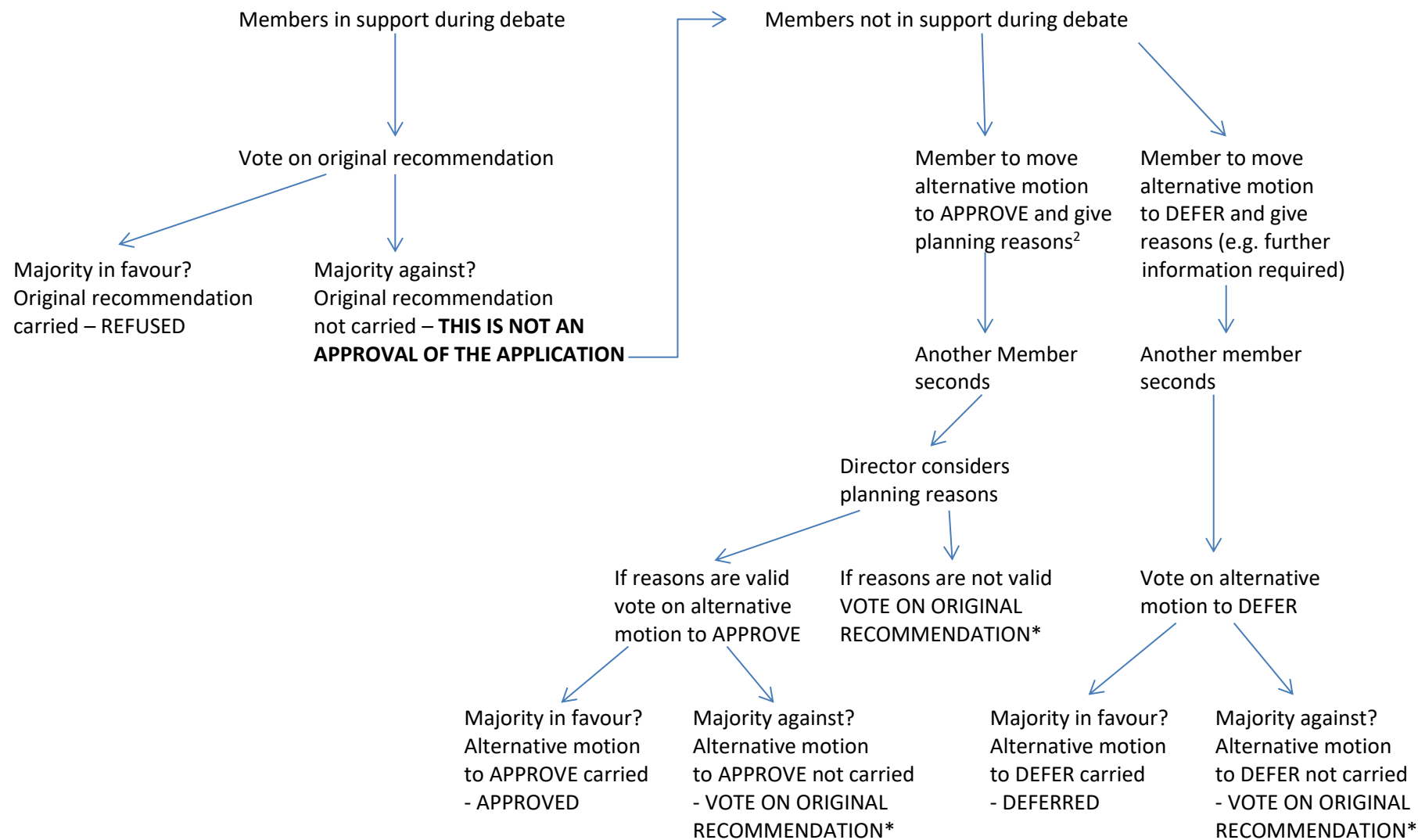
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ Subject to Director's power to refer application to Full Council if cost implications are likely.

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

² Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

Planning Committee (North)
2 NOVEMBER 2021

Present: Councillors: Karen Burgess (Chairman), Liz Kitchen (Vice-Chairman), Matthew Allen, Andrew Baldwin, Tony Bevis, Martin Boffey, Toni Bradnum, Christine Costin, Ruth Fletcher, Billy Greening, Tony Hogben, Lynn Lambert, John Milne, Christian Mitchell, Jon Olson, Louise Potter, David Skipp, Ian Stannard and Claire Vickers

Apologies: Councillors: Alan Britten, Peter Burgess, Richard Landeryou, Gordon Lindsay, Colin Minto, Stuart Ritchie and Tricia Youtan

Absent: Councillors: Frances Haigh and Belinda Walters

PCN/37 **MINUTES**

The minutes of the meeting held on 7 September 2021 were approved as a correct record and signed by the Chairman.

PCN/38 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/21/1539, DC/21/0510, DC/21/0511: Councillor Vickers and Councillor Stannard both declared a prejudicial interest in these items as they were Parish Councillors for Southwater and the applicant was Southwater Parish Council. They both withdrew from the meeting and took no part in the determination of these items.

DC/21/0799: Councillor Boffey declared a prejudicial interest in this item as he was the applicant. He withdrew from the meeting and took no part in the determination of this item.

DC/21/1539, DC/21/0510, DC/21/0511: Councillor Olson declared a personal interest in these items as a family member previously attended the setting.

PCN/39 **ANNOUNCEMENTS**

Members welcomed Councillor Olson to his first meeting of the Committee.

PCN/40 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated were noted.

PCN/41 **DC/21/1067 - PLOT C1, OAKHURST BUSINESS PARK, WILBERFORCE**

WAY, SOUTHWATER

The Head of Development & Building Control reported that this application sought permission for a variation of conditions 1 and 25 of previously approved application DC/19/0123, which was for the erection of two employment buildings (one class B1(c) for light industrial use, one for B8 storage use). The variations would allow for amendments to the boundary treatments and changes to the hours of operation.

The application was a resubmission of application DC/21/0087, which had been refused by the Committee in June because of the detrimental impact that the proposed extended opening hours would have had on the amenities of neighbouring occupiers (Minute No PCN/11 (08.06.21) refers).

Members were advised that the wording to Condition 25 (hours of operation), as set out in the report, had since been simplified to reflect the original wording of condition 25, and the presentation detailed this revised wording.

The current application sought to overcome the reason for refusal with the removal of unrestricted internal 24 hour operations and an increase of 0.4 metres to the height of the acoustic fence to provide additional protection to the private amenities of dwellings on Martindales.

The application site was located in Oakhurst Business Park, an established business facility in Southwater within the defined Built-Up Area Boundary of the village. The site was also located within a designated Key Employment Area, approximately 4km to the south of Horsham.

The Parish Council objected to the application. There had been 18 representations objecting to the application including one relating to noise disturbance received after publication of the report.

One member of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal.

Members considered the consultees' responses and the officer's planning assessment, which included the following key issues: the principle of development; the need for variation of hours of operation; and amenity impacts.

Members discussed their concerns regarding the amenity impacts of the proposal on neighbouring residents, and weighed these against the potential benefits to the local economy.

Members considered that, with further marketing, the units could be let with the current hours of operation and there was concern that by extending the hours a precedent could be set for other units within the business park. There was also concern that it would not be possible to control the type of noise that future occupiers of the units might generate.

Members therefore concluded that the reasons for refusal of application DC/21/0087 had not been overcome.

RESOLVED

That planning application DC/21/1607 be refused for the following reasons:

The proposed alteration to the hours of operation condition would result in significant harm to the amenities of neighbouring occupiers by way of noise and disturbance that would not outweigh the benefits, contrary to policy 33 of the Horsham District Planning Framework (2015).

PCN/42 **DC/21/1539 - LAND AT EASTEDS BARN, EASTEDS LANE, SOUTHWATER**

The Head of Development & Building Control reported that this application sought retrospective permission for the change of use of 67 square metres of public open space so that it can be used by children attending the day nursery at Easteds Barn. An area of 559 square metres east and west of Easteds Barn, which currently has permission for use by the nursery, would be retained as public open space. The application included planting at Nutham Lane open space to compensate for a stretch of mature hedging that had been removed from the 67 square metres site.

Since publication of the report, officers recommended that the 1.1m height restriction on proposed shrub planting within the amended planting plan be removed and the wording of condition amended accordingly to reflect the original planting plan.

The application site was located within the built-up area of Southwater adjacent to Nutham Lane open space. There was a range of dwellings around this space. The site bordered the Easteds Barn site and included an area of grassy open public space.

There had been 12 representations from nine households objecting to the application. Since resubmission of the planting plan to include a height restriction on the shrub planting, a further two objections had been received and since publication of the report a further 11 objections, from seven households, relating to the hedge height restriction had been received.

Two members of the public spoke in objection to the application and the applicant and applicant's agent addressed the Committee in support of the proposal.

Members considered the consultees' responses and the officer's planning assessment, which included the following key issues: the principle of

development; design and appearance; impact on heritage assets; neighbouring amenity; landscape and trees; and ecology.

Members discussed the need to ensure the additional planting was appropriately positioned and maintained so that biodiversity was allowed to flourish whilst concerns about safety were met. It was therefore proposed that Condition 2 relating to a Biodiversity Planting Strategy be agreed in consultation with Local Member Councillor Billy Greening, the other Local Member having declared a prejudicial interest.

RESOLVED

That planning application DC/21/1539 be granted subject to:

- (i) an amendment to Condition 2 so that the Biodiversity Planting Strategy be agreed in consultation with the Local Member.
- (ii) Condition 3 reverts to the original planting plan not the revised planting plan.

Regulatory Condition: All planting works shall be carried out in accordance with the details contained in the Planting Plan 07 (Decimus Designs, received 22 July 2021) within the first planting season following the approval of planning permission. Any 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).

PCN/43 **DC/21/0510 - EASTEDS BARN, EASTEDS LANE, SOUTHWATER**

The Head of Development & Building Control reported that this application sought retrospective permission for the erection of an external bin store.

The application site was located within the built-up area of Southwater adjacent to Nutham Lane open space.

The applicant and applicant's agent addressed the Committee in support of the proposal.

Members considered the consultees' responses and the officer's planning assessment, which included the following key issues: the principle of development; design and appearance; impact on heritage assets; and neighbouring amenity.

RESOLVED

That planning application DC/21/0510 be granted subject to the conditions as reported.

PCN/44 **DC/21/0511 - EASTEDS BARN, EASTEDS LANE, SOUTHWATER**

The Head of Development & Building Control reported this application sought retrospective permission for the erection of a covered play area within the north eastern boundary of Easteds Barn.

The application site was located within the built-up area of Southwater adjacent to Nutham Lane open space.

The applicant and applicant's agent addressed the Committee in support of the proposal.

Members considered the consultees' responses and the officer's planning assessment, which included the following key issues: the principle of development; design and appearance; impact on heritage assets; and neighbouring amenity.

RESOLVED

That planning application DC/21/0511 be granted subject to the conditions as reported.

PCN/45 **DC/21/1364 - ST PETER'S HALL, THREE ACRES, HORSHAM**

The Head of Development & Building Control reported that this application sought part-retrospective permission for alterations to the buildings at St Peters Hall. These included; construction of a new roof, installation of solar panels, an air source heat pump and installation of rooflights and windows.

The application site was located within the built-up area of Horsham and owned by Horsham District Council. It related to a cluster of community centre buildings sited on the western side of Three Acres on the junction to Blackbridge Lane.

The Parish Council raised no objection to the application. No letters of representation had been received.

Members considered the consultees' responses and the officer's planning assessment, which included the following key issues: design and appearance; amenity impact; climate change; and the loss of one car parking space and the addition of two cycle parking stands.

RESOLVED

That planning application DC/21/1364 be granted subject to the conditions as reported.

PCN/46 DC/21/0799 - 54 MERRYFIELD DRIVE, HORSHAM

The Head of Development & Building Control reported that this application sought permission for the conversion of the loft to form habitable living space, creation of dormer to side elevation, installation of rooflights to side and front, and amended and additional fenestration works.

The application site was located in Merryfield Drive Horsham within the built up area of Horsham.

The Parish Council had not commented on the application and no public representations had been received.

Members considered the consultees' responses and the officer's planning assessment, which included the following key issues: design and appearance, and the impact on neighbouring amenity.

RESOLVED

That planning application DC/21/0799 be granted subject to the conditions as reported.

PCN/47 DC/21/0127 - LOWER TOAT BARN, FIVE OAKS ROAD, SLINFOLD

The Head of Development & Building Control reported that this application sought permission for erection of a single storey side extension with associated internal modifications.

The application site is a barn conversion located on the northern side of Five Oaks Road. The building is set in open countryside, characterised by sporadic

residential development. It is set outside any built-up area boundary and in a countryside location.

The Parish Council objected to the application. There were 10 public representations objecting to the application.

The applicant addressed the Committee in support of the proposal.

Members considered the consultees' responses and the officer's planning assessment, which included the following key issues: design and appearance, and impact on neighbouring amenity,

RESOLVED

That planning application DC/21/0127 be granted subject to the conditions as reported.

The meeting closed at 7.48 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (NORTH)

Date: 7th December 2021



Report on Appeals: 21st October – 24th November 2021

1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/21/1285	11 Elgar Way Horsham West Sussex RH13 6RH	27-Oct-21	Application Refused	N/A
DC/21/1554	Crabtree Inn Brighton Road Lower Beeding Horsham West Sussex RH13 6PT	12-Nov-21	Application Refused	N/A

2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
— None during period —					

3. Appeal Decisions

HDC have received notice from the Ministry of Housing, Communities and Local Government that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/20/2463	Lower Batchelors Emms Lane Barns Green Horsham West Sussex RH13 0QH	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/20/1933	19 Gardeners Green Rusper Horsham West Sussex RH12 4QY	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/20/1490	28A Warnham Road Horsham West Sussex RH12 2QU	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/20/0618	Land at The Junction of East Street, Burnt House Lane and Lambs Green Road Chowles Rusper West Sussex RH12 4RG	Written Representation	Appeal Allowed	Application Permitted	Application Refused



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 3rd August 2021

DEVELOPMENT: Removal of Condition 6 of previously approved application DC/18/0363 (Retrospective application for the erection of a two storey detached dwelling, a detached triple garage with store and BBQ area, a detached garage, the creation of a new highway access with associated landscaping and amenity land) to allow for the bunds to the west and south of the site to be removed.

SITE: Deerswood Southwater Street Southwater Horsham West Sussex RH13 9BN

WARD: Southwater North

APPLICATION: DC/20/1164

APPLICANT: **Name:** Mr Scott Andrews **Address:** Deerswood Southwater Street Southwater RH13 9BN

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.

By request of Southwater Parish Council

By request of the Local Ward Members

RECOMMENDATION: To approve planning permission subject to appropriate conditions and the completion of an amended Section 106 Agreement.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

BACKGROUND TO THE APPLICATION

1.2 This current application to allow for the removal of the bunds along the southern and western boundaries of the site follows retrospective planning permission, granted under planning reference DC/18/0363, which sought to regularise the development that had been undertaken to date. This also included seeking to regularise the breaches of conditions and the amendments made to the dwelling and garages.

- 1.3 The initial permission for the site allowed for the construction of two dwellings on the wider site under planning reference DC/15/2127, now known as Deerswood (current application site) and Stags Leap. A further application for a detached triple garage with store and BBQ area within the curtilage of Deerswood was approved under planning reference DC/17/1368.

DESCRIPTION OF THE APPLICATION

- 1.6 The application seeks permission to remove condition 6 on previously approved application DC/18/0636 to allow for the removal of the bunds to the southern and western sides of the site. The bunds were previously retained on site for the purposes of noise attenuation and landscaping. The applicant is purporting that there is no requirement for the bunds with regards to these two elements and is seeking their removal.

DESCRIPTION OF THE SITE

- 1.10 The application site lies to the northern side of Southwater Street, within the built-up area boundary of Southwater. Planning permission for two detached dwellings and carport structures was granted permission in 2016. These dwellings have now been constructed and occupied since late 2017.
- 1.11 The site, prior to planning permission for the dwellings being granted, formed part of a much larger area of undeveloped land on the north side of Southwater Street, which exists as a landscaped buffer between Oakhurst Business Park to the north and residential properties to the south, west and east and was required to be provided by legal agreements associated with the applications for the business park and residential development.
- 1.12 The site is bounded by residential development to the west (Roberts Close), south and east (properties along Southwater Street including Stags Leap) and to north by the remaining landscape buffer area with Oakhurst Business Park beyond. The area where the bunds are located is therefore not visible from a public vantage point to the south and west and their presence is only apparent from very localised views from within the site itself and from the immediate neighbouring properties.

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 24 - Strategic Policy: Environmental Protection.
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character.
Policy 32 - Strategic Policy: The Quality of New Development.
Policy 33 - Development Principles.
Policy 35 - Strategic Policy: Climate Change.
Policy 36 - Strategic Policy: Appropriate Energy Use.
Policy 37 - Sustainable Construction.
Policy 38 - Strategic Policy: Flooding.

Policy 40 - Sustainable Transport.
Policy 41 - Parking.

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Southwater Neighbourhood Plan was 'made' on 23 June 2021.
SNP2.1- Proposals for Residential Development
SNP16- Design
SNP18.1- A treed landscape

RELEVANT PARISH DESIGN STATEMENT

- 2.6 Southwater Parish Design Statement (2011).

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.7 The most recent and relevant planning history is summarised as follows:

DC/15/2127	Erection of two detached dwellings, two detached double carports, provision of footpath and associated works	Application Permitted on 30.06.2016
DC/17/1368	Proposed erection of single storey triple garage with store room and covered BBQ area	Application Permitted on 22.08.2017
DC/18/0363	Retrospective application for the erection of a two storey detached dwelling, a detached triple garage with store and BBQ area, a detached garage, the creation of a new highway access with associated landscaping and amenity land.	Application Permitted on 29.08.2019

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect: No Objection**

My understanding of the plans is that the bund proposed to be removed is the one to the western boundary of Deerswood and not the one to the north between the properties and the industrial estate. The existing landscape belt along the boundary is to be retained. Provided this does not result in removal of any boundary planting (which from the submitted plans doesn't seem to be the case) then I don't think there is a landscape need or justification for the bund

Further discussions have taken place with the Council's Landscape Architect, with regards to the background of the site and the bunds. As such, comments remain unchanged.

3.3 **HDC Environmental Health: No Objection**

We have reviewed the South Down Environmental Consultants Noise Assessment of Earth Bund, dated April 2021, and we agree with the conclusions in the report in that an increase in noise levels at the Wheels and Roberts Close properties due to noise generated by activity in Oakhurst Business Oak is considered unlikely following any removal of the bund.

Given the above we therefore not do object to the granting of planning permission.

OUTSIDE AGENCIES

3.4 **Natural England: Objection**

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

3.5 **WSCC Highways: No Objection**

3.6 **Southern Water: No Comments**

PUBLIC CONSULTATIONS

3.7 **Southwater Parish Council: Objection**

3.8 A total of 13no letters of objection from 12no separate households were received during the initial consultation period. The nature of the objections can be summarised as follows –

- Noise impacts from the removal of bunds
- Impact on privacy
- Bunds act as a buffer zone from commercial development
- Existing garden of site considered to be adequate
- Findings of Noise information not acceptable
- Wildlife impact
- Bunds there to protect neighbours not the site

4no letters of support from 3no separate households were received during the initial consultation period. The nature of the support letters can be summarised as follows –

- No longer a requirement for the bunds

3.9 Following submission of additional noise information, a re-consultation was carried out. An additional 6 letters of objection from 5 separate households were received. The nature of the objections were similar to those outlined above

2no letters of support from 2no separate households were received following the re-consultation. The nature of the comments were similar to the points above.

3.10 Following submission of a final detailed noise assessment report and a further re-consultation, a further 5no letters of objection from 5no separate households were received. In addition to the above points, further points raised can be summarised as follows –

- The assessment was carried out during coronavirus restrictions
- Findings do not represent the reality from the neighbouring properties

1no letter of support from 1no separate household was received following the re-consultation. The nature of the comments were similar to the points above.

MEMBER COMMENTS

3.11 Cllr Vickers and Greening requested that the application be heard at Planning Committee.

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

4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

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 and Equalities 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

Landscaping & Visual Amenities of the Street Scene

6.1 As detailed above, the site is bounded by residential development to the west (Roberts Close), south and east (properties along Southwater Street including Stags Leap) and to north by the remaining landscape buffer area with Oakhurst Business Park beyond. The area where the bunds are located is not visible from a public vantage point to the south and west and their presence is only apparent from very localised views from within the site itself and from the immediate neighbouring properties.

6.2 From a case officer site visit, it was apparent that the western and southern boundaries of the site are bounded by extensive soft landscaping in the form of trees, bushes and shrubs. The proposals would retain this existing screening and would allow for additional soft planting and landscaping to be provided.

6.3 Given the presence of the existing soft screening to be retained, the bunds are not considered to offer any visual enhancements. Indeed the bunds, by their nature, are not considered to be of any aesthetic merit and their removal would not detract from the make-up of the site, the visual relationship between the site and neighbouring properties and the wider area. The Council's Landscape Architect has advised that there is no landscape need for the bunds and as such, their removal is considered to be acceptable in this regard.

- 6.4 A further landscaping condition is recommending which would secure additional soft planting and landscaping to be provided along the southern and western boundaries of the site, details of which would be sought to be provided within a period of 3 months, in order to maintain and enhance the relationship with neighbouring properties.

Impact on Neighbouring Amenity

- 6.5 It is noted that a number of objections have been received with regards to noise from the commercial site to the north of the site and that the bunds provide a buffer from this. It is acknowledged that historically, the reason that the bunds were retained was to provide this buffer to neighbouring properties to the west and south when the site was undeveloped.
- 6.6 Notwithstanding this position, it is considered that the granting of permission for the two dwellings on the site, Deerswood (the application site) and Stags Leap (the neighbouring property to the east), has altered the context and composition of the site. Previously the undeveloped nature and distances maintained formed the buffer to the neighbouring properties to the west and south. Now that the site has been developed, the new residential nature of the site, with the built form of the host dwelling and the recently approved garage/outbuilding to the north, is now considered to form the main buffer to neighbouring properties.
- 6.7 The distances to the neighbouring properties (minimum distance from closest neighbouring property to Charwood House measuring approximately 130m) remain and while it is noted that a further commercial development has been approved to the west of this building, there remains a clear landscape buffer in place in the form of extensive mature trees and landscaping between the commercial site and the neighbouring properties to the south and west. Indeed it is noted that from a case officer site visit, it is considered that the northern section of the bund, being at a low level, does not offer screening from noise from the commercial site at Oakhurst Business Park, and that this is instead provided by the soft landscaping along the northern boundary of the site and the constructed garage/outbuilding.
- 6.8 In addition to the above contextual change of the site, officers have requested additional information with regards to noise, and noise assessments have been carried out from within the site and the neighbouring properties to ensure that an accurate assessment can be made with regards to noise levels present.
- 6.9 Sensors were stationed within the site and within neighbouring properties to the west and south for varying periods to monitor noise. The findings of the noise report state the following –
- “Based on the results of the noise survey, noise associated with the Oakhurst Business Park does not appear to significantly contribute to the ambient noise levels at the dwellings located behind the earth bund, and any significant change in the ambient noise levels due to the removal of the earth bund at the Wheels and Roberts Close properties is considered unlikely”.*
- “An increase in the daytime and night-time background noise levels at the properties located behind the earth bund may occur due to the exposure to road traffic in the surrounding area, which is the main contributor to the background noise levels in the area. However, an increase in daytime and night-time noise levels would not be expected due to the commercial activity in Oakhurst Business Park”.*
- 6.10 The findings of the report have been assessed and analysed by the Council's Environmental Health Department, who have advised that they agree with the conclusions in the report in that an increase in noise levels at the properties to the west and south due to noise generated by activity in Oakhurst Business Oak, is considered unlikely following any removal of the bund.

- 6.11 It is therefore considered that following detailed testing and consideration, the bunds do not provide the noise mitigation as was previously considered to be the case and their removal would not result in any further noise disturbance to neighbouring amenity beyond that of the existing situation on site.
- 6.12 Furthermore, from a case officer site visit, it was evident that the size and height of the bunds offer extensive views into neighbouring properties, particular along Roberts Close, when standing on top. The removal of the bunds would therefore result in an enhancement with regards to neighbouring amenity in this regard.

Water Neutrality

- 6.13 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 dwelling/use 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 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

- 6.14 Overall, taking the above points into account, it is considered that the removal of the bunds would not be detrimental in terms of landscaping and would not result in an increase in noise generation to neighbouring properties. A landscaping condition is recommended to provide additional soft boundary treatments to enhance the site and the relationship with neighbouring properties. While the bunds are not considered to be required for noise mitigation purposes, the additional landscaping would, by its nature, act as a natural buffer and the removal of the bunds would eliminate any harmful overlooking into neighbouring amenity space. The application is therefore recommended for approval

7. RECOMMENDATIONS

Conditions:

- 7.1 It is recommended that planning permission is permitted subject to the following conditions-

1 A list of the approved plans

- 2 **Standard Time Condition:** The development hereby permitted shall be begun 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 **Regulatory Condition:** Within 3 months of the date of this permission, and notwithstanding the details submitted in support of this application and previously approved details, full details of all hard and soft landscaping works shall be submitted to the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained.
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details.
- Details of all boundary treatments

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the approval of the submitted details. 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 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.

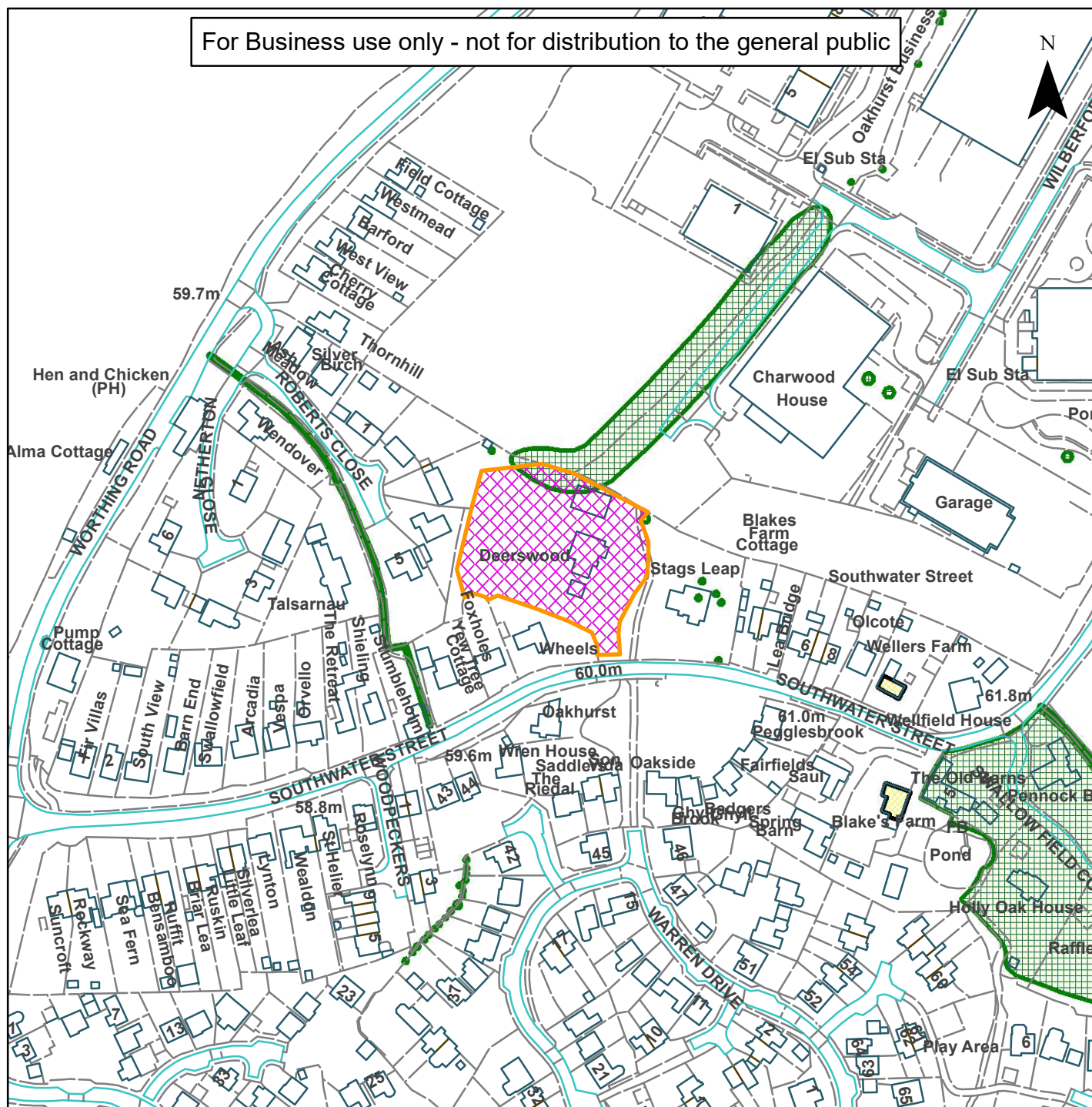
Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/1164



Deerswood, Southwater Street, Southwater, Horsham,
West Sussex, RH13 9BN

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee (North)

BY: Head of Development and Building Control

DATE: 07 December 2021

DEVELOPMENT: Installation of replacement street sports facility.

SITE: Southwater Skate Park Stakers Lane Southwater West Sussex

WARD: Southwater South and Shipley

APPLICATION: DC/21/0845

APPLICANT: **Name:** Mr Justin Tyler, Southwater Parish Council **Address:** Beeson House Lintot Square Southwater Horsham RH13 9LA

REASON FOR INCLUSION ON THE AGENDA: The site is owned by Horsham District Council.

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 to re-build the 'street sports facility' or 'skate park facility' that was removed after the previous facility (permitted in 2006) burnt down in 2020.
- 1.3 The proposed facility is in the same cleared and hard surfaced location as previously permitted (known as Ben's Field) and of similar construction to the one that it replaces except that the frame is steel, rather than timber.
- 1.4 The built structure of the new skate park facility would measure 20 metres in length and be 13.8 metres wide and consist of various ramps, 'pipes', wall-rides, jump boxes, sub boxes and decks, all similar to the original facility. The highest point of the structure would be 3.5 metres high to the middle section of the ramps at one end with 1.7 to 2.3m high flat decks.

DESCRIPTION OF THE SITE

- 1.5 The application site is the site of the Southwater Skate Park, permitted under DC/05/2308 that was lost to a fire in 2020. The site is located outside of the Built Up Area on the edge of Southwater Country Park accessed via pedestrian access from Stakers Lane.

- 1.6 The site sits within a clearing in the wooded area known as Ben's Field, around 25 metres from the electricity sub- station to the south east and 95 metres from the nearest residential property to the west. The site covers around 590 square metres and is flat and hard surfaced.

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

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

- 2.2 **RELEVANT NEIGHBOURHOOD PLAN**

Southwater Neighbourhood Plan

SNP6: Local Community Space

SNP16: Design

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.3 DC/05/2308

Change of use of land from agricultural grazing land to country park incorporating overflow car parking for country park for up to 100 days per year and establishment of a street sports facility (Bens Field)

Approved - 27-01-2006

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:**

The Councils' Environmental Health Officer requested further information in relation to the materials to be used at the skate park and what measures would be taken to control impact and reverberant noise from the ramps. A formal noise assessment is required along with some noise control measures to avoid noise complaints that are difficult for EH to resolve. Conditions recommended in relation to a scheme of design and assessment of acoustic impact prior to commencement and a Noise Management Plan.

OUTSIDE AGENCIES

3.3 **Natural England:** Objection:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

PUBLIC CONSULTATIONS

- 3.4 One letter of objection was received from the closest neighbouring resident. Concern was raised relating to noise to residential gardens and the possibility of extra traffic and noise if Stakers Lane. Concern was also raised around who will police the area for litter and anti-social behaviour.

PARISH COUNCIL CONSULTATION

- 3.5 None Received

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

- 4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

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 and Equalities 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**

Principle of Development

- 6.1 Policy 43 of the HDPF relates to 'Community Facilities, Leisure and Recreation'. It 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'.

- 6.2 The principle of development of a skate park/ street sports facility on this site was established through the granting of planning permission, ref DC/05/2308. The skate park was in place from 2006 to 2020 when it burned down. The site has since been cleared. This application approved a skate park in the location, with a similar design to that currently proposed. The principle of this development is therefore considered to be established on this site and is acceptable.

Design and Appearance

- 6.2 The application relates to the re- building of a sports facility in the form of a Skate Park. The design of the skate park is considered to be commensurate with its intended use and its location in the same location as the previous skate park, surrounding by mature trees is considered to have little visual impact from surrounding neighbours/ viewpoints or the Public Right of Way.

Amenity Impacts on Neighbours

- 6.3 Concern has been raised by a resident of Turners Close in relation to noise and the possibility of extra traffic and noise on Stakers Lane. Concern was also raised in relation to the management of the facility
- 6.4 As noted in the original planning permission, the distance to the nearest properties is at least 96 metres away and this remains the same. The area has matured since the original planning permission was granted and the area of trees between the PROW and the skate park has naturally become more densely wooded.
- 6.5 Officers are not aware of any reported incidents of noise disturbance to the previously approved scheme or issues with additional traffic. The route to the Skate Park is not accessible to vehicles and users can only access the skate park via foot. It is acknowledged however that the re-building of the site will bring more people to the location once again and this can naturally bring with it unwelcome anti-social behaviour if no control measures are out in place.
- 6.6 The Council's Environmental Health Officer has raised some concerns around potential noise from the site, and it is considered appropriate to recommend that two different conditions are attached to the planning permission in relation to Noise Attenuation measures and Ongoing Management of the Site. These are discussed below.

Noise Attenuation Measures

- 6.7 A condition is suggested requiring the applicant to carry out an acoustic impact assessment on the detailed design of the skate park and to ensure a scheme of attenuation is in place to ensure the impact and reverberant noise will not exceed representative background noise levels. These details are to be submitted to the Council and approved in writing prior to commencement of the development.

Site and Noise Management Plan

- 6.8 A condition is suggested requiring the applicant to submit a Noise Management Plan to the LPA that sets out management responsibilities during all opening hours, measures to control noise and disturbance, playing of music or other amplified sound, and minimising the effects of patrons coming and going from the site. The Management Plan should consider creating a 'Management Team' for the Skate Park and the timetabling of regular inspections of the site. It should include the use of clear signage setting out the rule of the skate park and who to contact with any concerns relating to the use of the skatepark. The applicants should also consider through their Site and Noise Management Plan whether the installation of CCTV and additional lighting would be appropriate to ensure the safety of the users of the site.

Water Neutrality

- 6.9 The site lies within the Sussex North Water Supply Zone where Natural England has advised that water extraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site. As it cannot be concluded that existing abstraction is not having an impact on the Arun Valley site, Natural England have advised that new developments (within this zone) must not add to this impact, and that one way of achieving this is to demonstrate water neutrality, whereby 'the use of water in the supply area before the development is the same or lower after the development is in place'.
- 6.10 The development subject of this application pertains solely to the re-provision of a sports facility on the existing Southwater Skate Park site. The proposal, therefore, is not considered of a scale and/or nature which would materially influence water-abstraction such as to contribute to the potential adverse impact on the Arun Valley sites by way reason increased abstraction. The proposal, therefore, would be considered compliant with the provisions of HDPF policy 31 in addition to the relevant provisions of the Habitats Regulations 2017.

Conclusions

- 6.11 This application seeks planning permission to re-build the Southwater Skate Park that was permitted in 2005, and lost to fire in 2020. The proposal is similar in size and scale to the previous skate park and within the same location in a cleared area within the woodland, to the south east of Southwater Country Park. It is considered that the design of the skate park is appropriate given the history of the site and with the two conditions outlined above, the application will have no unacceptable impact on the amenity of nearby residents or users of the surrounding Countryside or open spaces.

7. RECOMMENDATIONS

- 7.1 To grant planning permission, subject to the conditions listed below:

Conditions:

- 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 hereby permitted shall take place until a schedule of materials and finishes and colours to be used for ramps, railings and surfaces has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** Prior to commencement of construction a scheme of design and assessment of the acoustic impact arising from the use of the skatepark shall be submitted to and approved in writing by the local planning authority. The assessment of the acoustic impact shall include impact noise events and reverberant noise generated by use of wheeled equipment on the ramp decks. A scheme of attenuation measures to ensure the impact and reverberant noise will not exceed representative background noise levels at the nearest noise sensitive receptor shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be implemented as approved and thereafter maintained for as long as the use continues.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 5 **Pre- Occupation Condition:** Prior to any use of the development hereby permitted a Site and Noise Management Plan must be submitted to and approved in writing by the Local Planning Authority. This should include but not be limited to the follow:

- Management responsibilities during all operating hours
- Measures to control noise and disturbance
- The possible creation of a 'Management Team' for the Skate Park
- A timetable for regular safety inspections of the site
- Details of signage for the skate park that set out rules for the use of the skate park
- Potential for the installation of CCTV and security lighting

Where any management practices give rise to reported concerns of impact to local amenity received by the operator or Horsham District Council, this must be brought to the attention of the Local Planning Authority and any necessary changes to the management plan implemented to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** The Street Sports Facility (Skate Park) hereby permitted shall only be used between the hours of 08:00 to 19:00 or sunset (whichever is sooner) Mondays to Sundays including Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** No amplified sound system or public address system shall be installed without the prior written approval of the Local Planning Authority

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

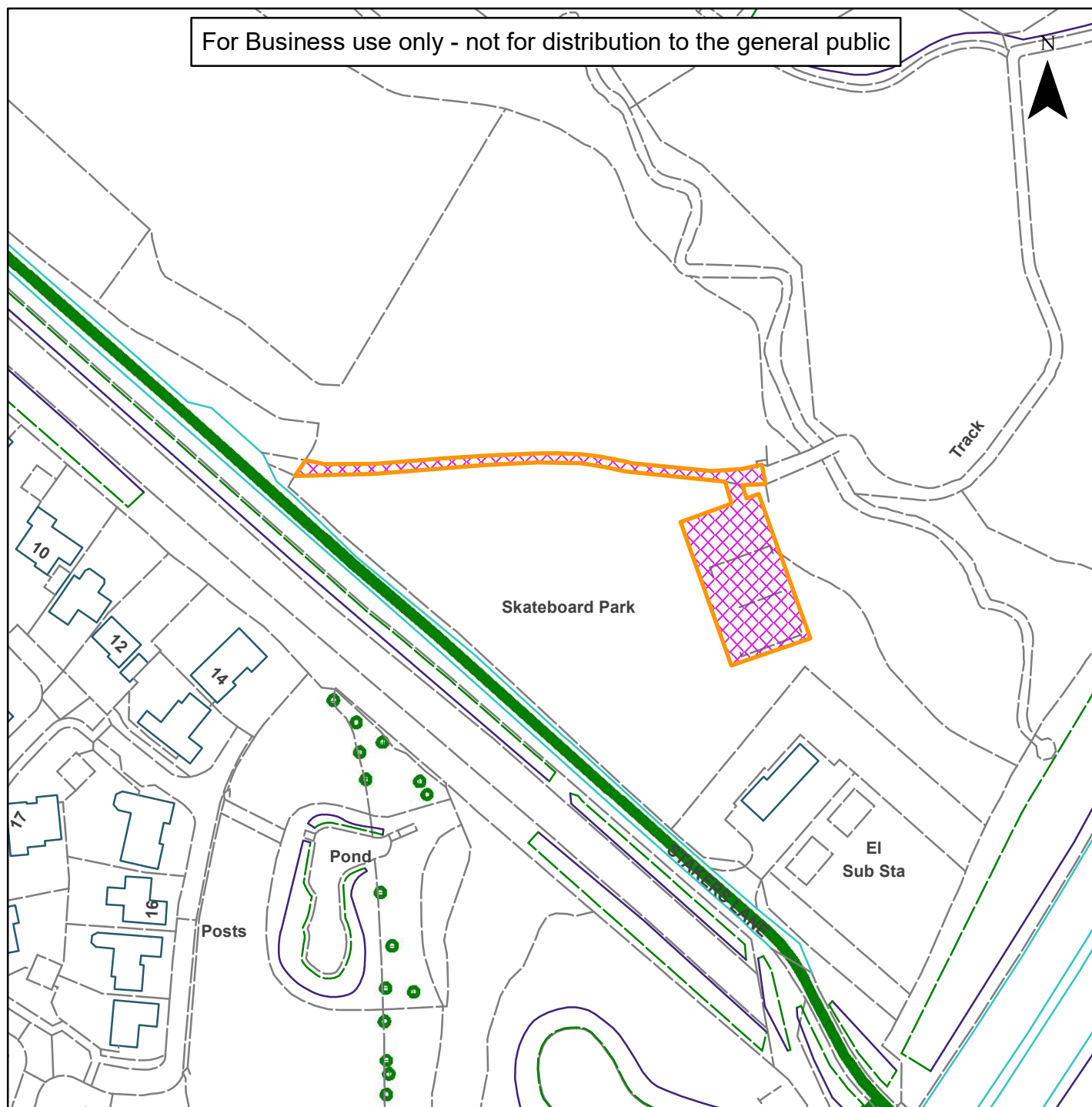
- 8 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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



Southwater Skate Park, Stakers Lane, Southwater, West Sussex

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