



Email: committeeservices@horsham.gov.uk
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Planning Committee (North)

Tuesday, 6th September, 2022 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

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

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	7 - 12
To approve as correct the minutes of the meeting held on 2 August 2022. <i>(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.)</i>	
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** 13 - 14

Applications for determination by Committee:

6. **DC/21/0845 Southwater Skate Park, Stakers Lane, Southwater** 15 - 24

Ward: Southwater South and Shipley
Applicant: Southwater Parish Council

7. **DC/22/0469 13 Trefoil Close, Horsham** 25 - 32

Ward: Holbrook East
Applicant: Mr & Mrs Cook

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

Agenda Annex

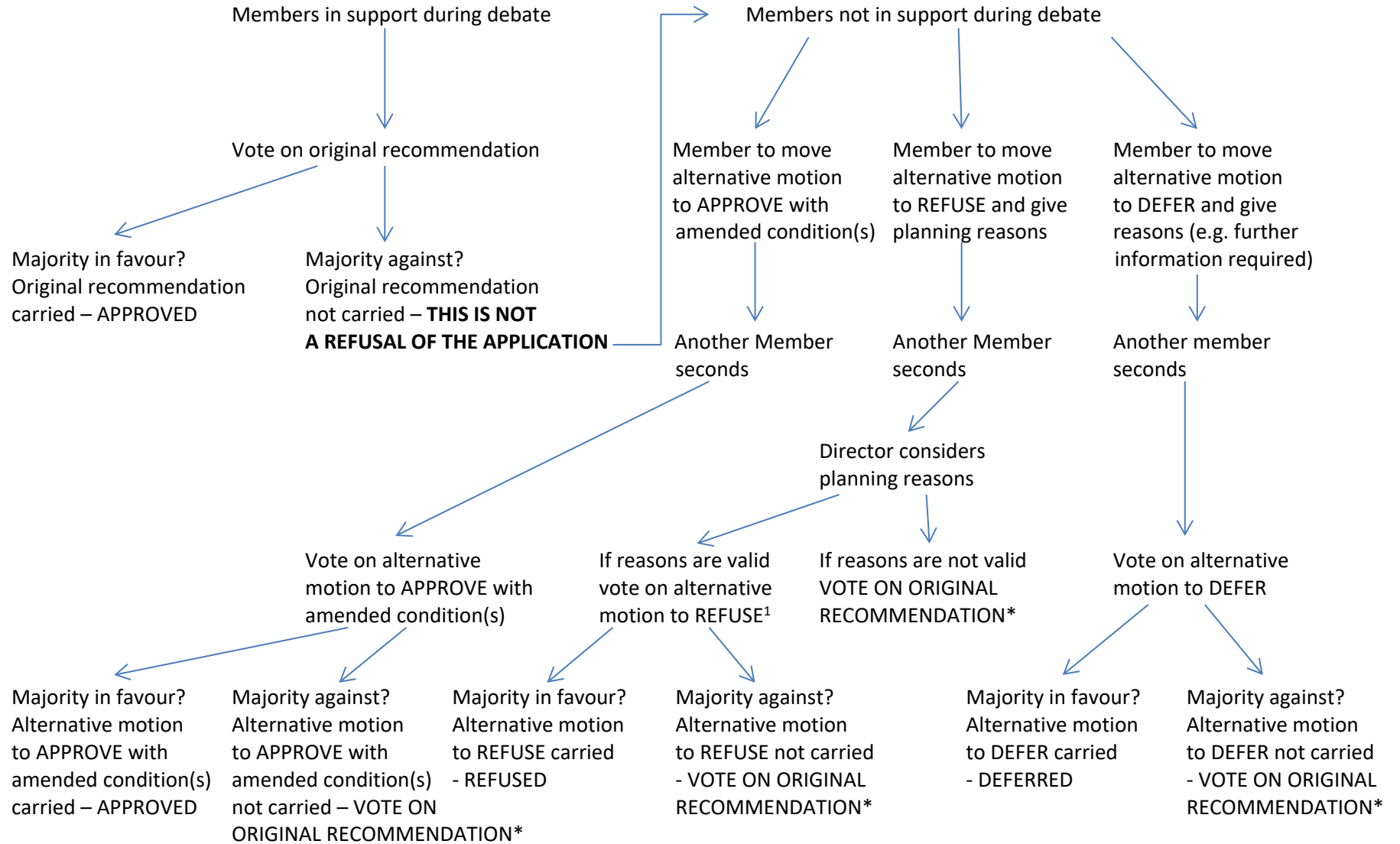
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(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>

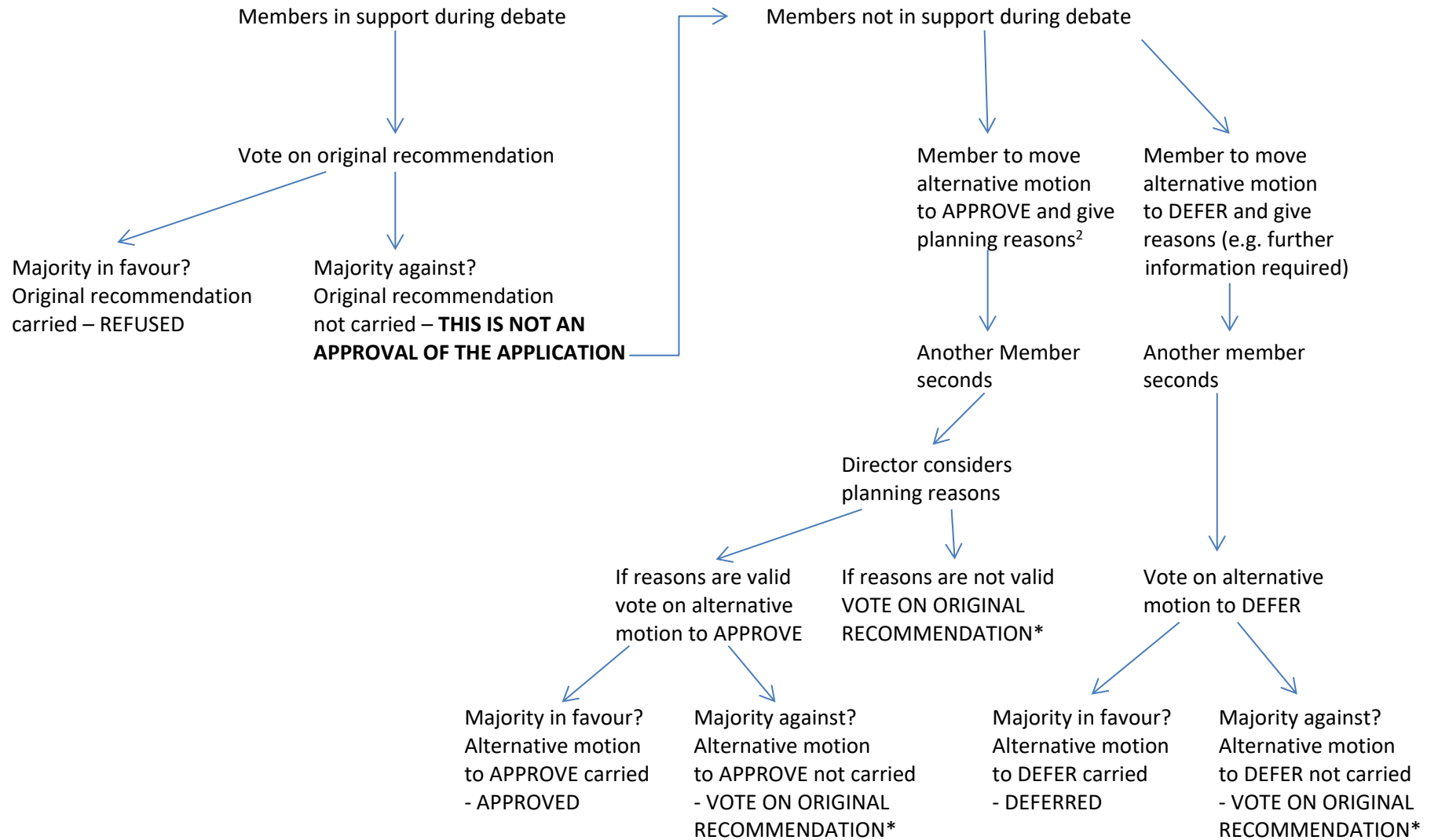
Original recommendation to APPROVE application



*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 AUGUST 2022

Present: Councillors: John Milne (Chairman), Clive Trott (Vice-Chairman), Matthew Allen, Tony Bevis, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, Christine Costin, Ruth Fletcher, Billy Greening, Liz Kitchen, Lynn Lambert, Tim Lloyd, Colin Minto, Louise Potter, Sam Raby, David Skipp, Ian Stannard, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Andrew Baldwin, Martin Boffey, Tony Hogben, Richard Landeryou, Gordon Lindsay, Christian Mitchell, Jon Olson and Stuart Ritchie

PCN/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor John Milne be elected Chairman of the Committee for the ensuing municipal year.

PCN/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor Clive Trott be appointed Vice-Chairman of the Committee for the ensuing municipal year.

PCN/3 **TO APPROVE THE TIMING OF MEETINGS OF THE COMMITTEE FOR THE MUNICIPAL YEAR**

It was proposed and seconded that Planning Committee North meet at 2.30 pm for the ensuing municipal year.

In accordance with Rule 4a.31 (d) of the Council's Constitution, it was requested that the voting in respect of the proposal to change the meeting time to 2.30 pm should be recorded.

The voting was as follows:

FOR THE MOTION:

Councillors: Toni Bradnum, Alan Britten, Karen Burgess, Billy Greening, Lynn Lambert, Tim Lloyd, Claire Vickers and Tricia Youtan.

AGAINST THE MOTION:

Councillors: Matthew Allen, Tony Bevis, Christine Costin, Ruth Fletcher, John Milne, Colin Minto, Louise Potter, Sam Raby, David Skipp, Clive Trott and Belinda Walters.

ABSTAINED:

Councillors: Peter Burgess, Liz Kitchen and Ian Stannard.

ABSENT:

Councillors: Andrew Baldwin, Martin Boffey, Tony Hogben, Richard Landeryou, Gordon Lindsay, Christian Mitchell, Jon Olson and Stuart Ritchie.

The motion was therefore declared LOST.

It was proposed and seconded that Planning Committee North would remain meeting at 5.30 pm.

This motion was CARRIED.

RESOLVED

That meetings of Planning North Committee meet at 5.30 pm for the ensuing municipal year.

PCN/4 **MINUTES**

The minutes of the meeting held on 10 May were approved as a correct record and signed by the Chairman.

PCN/5 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/6 **ANNOUNCEMENTS**

There were no announcements.

PCN/7 **APPEALS**

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

PCN/8 **DC/22/0967 HORSHAM SKATE PARK, HORSHAM PARK, NORTH STREET, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the demolition of the existing skate park and the construction of a new concrete skate park facility.

The proposed development would be slightly re-aligned to the south and would be built in concrete with some tarmac areas. The proposal would incorporate a BMX flow, impact street area, creative skate plaza and classic skateboard park elements. Existing lighting would be retained, with seating provided. A temporary construction access was proposed to be accessed from North Street, Horsham.

The application site is located in Horsham Park, within the built-up area of Horsham. The existing skate park was very worn and generally unsuitable for use.

Since the publication of the report an Arboricultural Impact Assessment had been submitted regarding the temporary access track and impact on tree root protection.

It was reported that track mats and wood chips would be laid to distribute weight from construction vehicles and tree stem roots would be boxed for protection. It was recommended that condition 3 be updated to a regulatory condition to ensure the works were carried out as stated in the impact assessment.

Members noted the planning history of this application.

The Parish Council raised no objection and no letters of representation had been received.

Members were concerned that sufficient tree protection was put in place whilst the construction work was taking place. It was advised the Arboricultural Officer had considered plans closely, reviewed concerns and protection proposals were acceptable.

Members considered the consultees' responses and officer's planning assessment which included the following key issues: principle of development, design and appearance, amenity and highways impact and water neutrality.

Concerns were also raised over suitable CCTV cameras and lighting in the new skate park. Members felt that Sussex Police should be involved in any consultation regarding CCTV provision to gain clarity on suitable locations and monitoring.

RESOLVED

That application DC/22/0967 be delegated to the Head of Development & Building Control for approval subject to consultation with Sussex Police on the provision of CCTV and lighting.

PCN/9 **DC/21/2474 81 TERN AVENUE, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the partial conversion of the existing garage to form a home office including replacing the garage door with double doors.

The application site comprised a detached house occupying a corner plot on the north side of Tern Avenue in the built up area of Horsham. The house faces a wooded area to the east and includes a semi-detached garage with a pitched roof.

The Parish Council did not object to the application.

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

RESOLVED

That planning application DC/21/2474 be approved subject to conditions stated in the report.

PCN/10 **DC/22/0897 C AND H FABRICS LTD, 7 WEST STREET, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the replacement of 2 existing sets of double entrance doors with a single set of double entrance doors and alterations and repairs to the shopfront façade.

Improvements to wheelchair access were proposed through the main entrance on the ground floor and to the rear of the building.

The application site was an existing commercial premises located on the southern side of the pedestrianised West Street within the town centre and built up area of Horsham. The site is also within Horsham Conservation Area. West Street consists of a mixture of different shop front designs and colours.

The Neighbourhood Council did not object to the proposal.

Members were pleased that the retail unit would be utilised again and expressed the importance of improving wheelchair access within shops.

Members considered the consultees' responses and officer's planning assessment which included: character and appearance, impact on conservation area, impact on neighbouring amenity and water neutrality.

RESOLVED

That application DC/22/0897 be approved subject to the conditions outlined in the report.

The meeting closed at 6.30 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (NORTH)

Date: 6th September 2022



Report on Appeals: 21st July - 23rd August 2022

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/22/0495	Marlpost Meadows Bonfire Hill Southwater Horsham West Sussex RH13 9BU	21-Jul-22	Application Refused	N/A
DC/22/0062	Westbrook Lodge Bognor Road Broadbridge Heath Horsham West Sussex RH12 3PT	22-Jul-22	Application Refused	N/A
DC/22/0883	Corner of Brighton Road and Tanyard Close Horsham West Sussex	27-Jul-22	Prior Approval Required and REFUSED	N/A
DC/21/1832	Land Parcel 520329 137805 Capel Road Rusper West Sussex	28-Jul-22	Application Refused	N/A
DC/21/0535	Silver Birches Bashurst Hill Itchingfield Horsham West Sussex RH13 0NY	09-Aug-22	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
DC/22/0166	Hillside Farm Billingshurst Road Coolham Horsham West Sussex RH13 8QN	Written Representation	01-Aug-22	Application Refused	N/A
DC/21/2102	Sussex Topiary Naldretts Lane Rudgwick West Sussex RH12 3BU	Written Representation	16-Aug-22	Application Refused	N/A

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/20/2465	Land Adjacent To Pucks Croft Cottage Horsham Road Rusper Horsham West Sussex RH12 4PR	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/21/1507	Broadbridge Heath Retail Park Wickhurst Lane Broadbridge Heath West Sussex	Fast Track	Appeal Dismissed	Split Decision	N/A
DC/21/1483	3 Vaughan Copse Mannings Heath West Sussex RH13 6GN	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/21/0276	Netherledys Blackbridge Lane Horsham West Sussex RH12 1SD	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/20/2564	Woodfords Shipleigh Road Southwater Horsham West Sussex RH13 9BQ	Written Representation	Appeal Dismissed	Application Refused	Application Refused



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 6th September 2022

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:** 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

1.1 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.
- 1.5 This application was previously due to be heard by this Committee in December 2021. The applicants (Southwater Parish Council) decided to withdraw this from the agenda in order to consider the proposed Noise Attenuation condition further. Since then, this has been the subject of ongoing discussions and further details of the proposed materials and their noise impact has been provided in consultation with the Council's Environmental Health team.

DESCRIPTION OF THE SITE

- 1.6 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.

- 1.7 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.

Initially Environmental Health considered that a formal noise assessment was required along with some noise control measures to avoid noise complaints that are difficult for EH to resolve.

However ,after further details were provided through the provision of a 'Technical Note' received 05/08/2022 Environmental Health have concluded that no additional information or formal testing is required and that the department have no objection to the scheme.

Community Crime Prevention: No response received

OUTSIDE AGENCIES

3.3 **Natural England (standing advice):** 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.

3.4 **Sussex Police Designing Out Crime Officer:**

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in Horsham district being above average when compared with the rest of Sussex, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles.

In order to reduce the opportunity for crime and the fear of crime and having spoken at length with the local policing team Inspector at Horsham - consideration needs to be given to the implementation of localised crime prevention measures at the site.

Areas of play should be situated in an environment that is stimulating and safe for all children and young people and be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Given as indicated in point 6.4 above that the skate park has 'naturally become more densely wooded' in order to ensure clear arcs of surveillance for users of the facility - consideration needs to be given to clearing this wooded area to ensure the personal safety of users. I also recommend that any associated ground planting be no higher than 1 metre with tree canopies no lower than 2 metres.

This arrangement provides a window of observation throughout the area by creating as much natural surveillance as possible. This will allow for the interaction of capable guardians

across the site to observe and report any incidents and occurrences. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime.

Given that the former skatepark was lost to fire all materials used within the construction of the new facility need to be of a non-combustible nature. In order to reduce incidents of tagging graffiti preventative coatings should be used.

To reduce potential incidents surrounding knife crime or drug use/dealing the siting of CCTV will act as a visual deterrent and can help assist in offender identification should an incident occur.

Given the probability that the skate park will be used until late into the evening especially during the summer months – the siting of lighting needs to be a consideration. Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid potential issues.

Recent events that have made national news have become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020. Additionally, all lighting should be commensurate with any installed CCTV system, ensuring imagery is adequate during daytime, dark and low-level periods.

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective – but would respectfully ask that the suggested measures aimed at tackling vandalism and antisocial behaviour as detailed above are given due consideration.

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 at Stakers Lane. Concern was also raised around who will police the area for litter and anti-social behaviour.

PARISH COUNCIL CONSULTATION

- 3.5 Parish Council are the applicant

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

- 6.3 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, surrounded by mature trees is considered to have little visual impact from surrounding neighbours/ viewpoints or the Public Right of Way.
- 6.4 The skate park is intended to be a framework structure of hybrid design comprising of glulam beams (a manufactured timber product consisting of layers of very strong glued laminated timber), and steel posts underneath. These substantial materials will support a structured riding surface in the form of various ramps.

Amenity Impacts on Neighbours

- 6.5 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
- 6.6 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.
- 6.7 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 therefore the potential impact on neighbouring residents through potential noise and disturbance does need to be considered.
- 6.8 The Council's Environmental Health Officer initially raised some concerns regarding potential noise from the site and requested further detailed design information on the proposed materials, and the construction methods for the replacement skate park. Officers has been in correspondence with the applicant and a further Technical Report has been received setting out these details which Officers have agreed are acceptable and appropriate. It is

therefore considered that no additional acoustic impact assessment or Noise Attenuation measures are required prior to commencement in this instance.

- 6.9 A condition is suggested requiring the applicant to submit details of CCTV should that be proposed to be installed at the site, to ensure that any design and fixings are appropriate. It is understood that the applicants are actively looking at installing CCTV at the site and officers would welcome this in accordance with the aim of providing safe and accessible places for all, and the concept of 'Crime Prevention through Environmental Design.'. Officers note a skatepark was permitted and implemented at this site previously.
- 6.10 No details of proposed additional lighting have been provided. It is considered appropriate to require details of all lighting to be submitted prior to the occupation of the site. Controlling the hours of use of any lighting and the use of the skate park will also help the potential impact on local wildlife and ecology in this location as well as mitigating the potential impact on nearby residential properties. It should be noted that no floodlighting is proposed as part of this application, and any such lighting cannot be subject to condition. If floodlighting is subsequently proposed this would require a separate planning application to be submitted for consideration.

Water Neutrality

- 6.12 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'.
- 6.13 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

- 6.14 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 Noise Management Plan condition 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- Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of the installation of any CCTV and all external lighting have been submitted to and approved, in writing, by 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).

- 4 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the 'Skate Park Technical Note' received 05/08/2022 (Cambian Engineering Solutions).

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

INFORMATIVE

The application does not propose floodlighting, and this application does not approve any floodlighting. If floodlighting is subsequently proposed a separate planning application will need to be submitted for consideration.

It is strongly advised that CCTV is provided at Southwater Skate Park as well as a lighting scheme that will collectively provide an effective security measure. Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020. Additionally, all lighting should be commensurate with any installed CCTV system, ensuring imagery is adequate during daytime, dark and low-level periods.

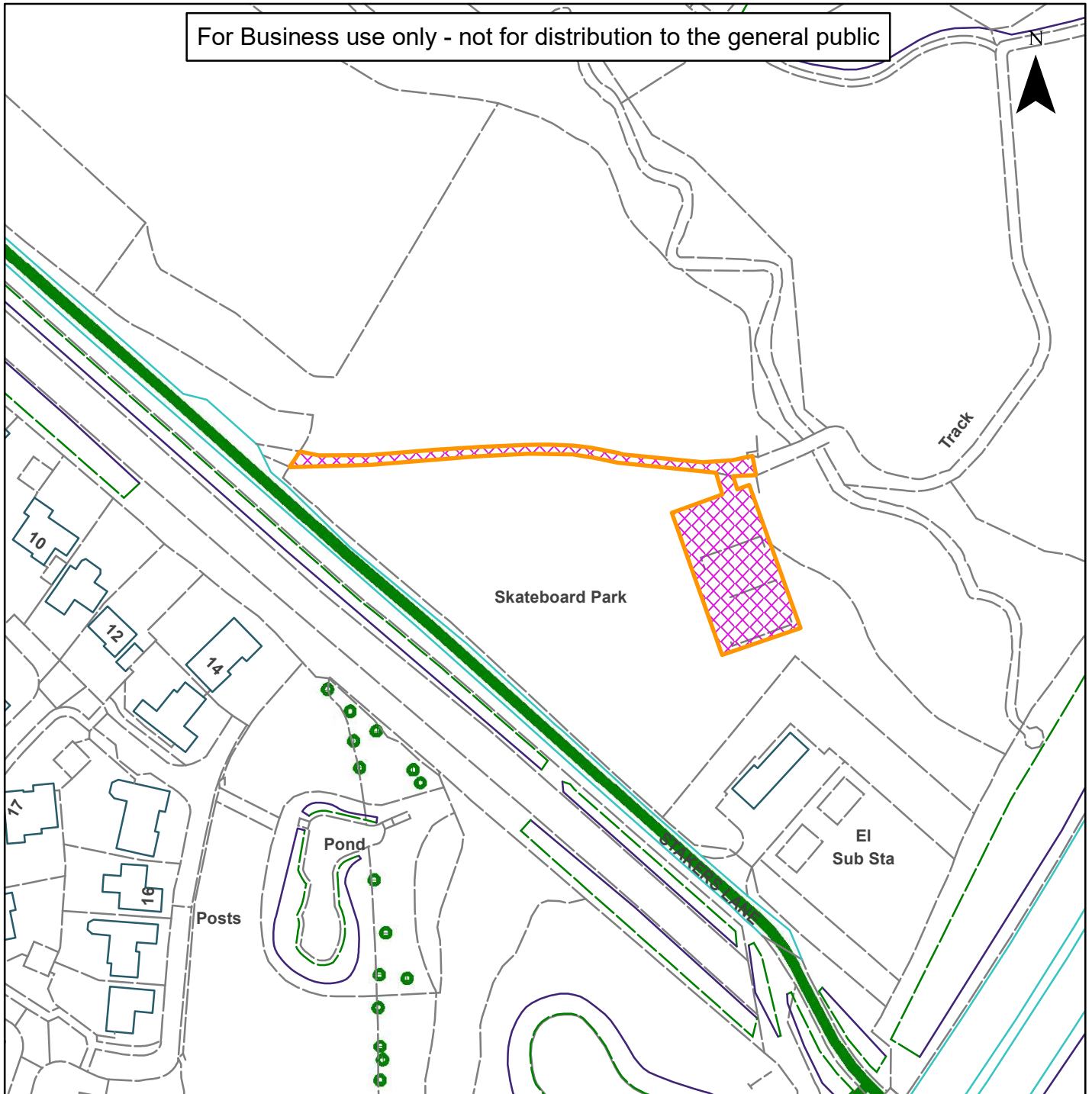
Background Papers: DC/21/0845

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Southwater Skate Park, Stakers Lane, Southwater, West Sussex

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 6 September 2022

DEVELOPMENT: Erection of a two-storey and single storey rear extension.

SITE: 13 Trefoil Close Horsham West Sussex RH12 5FQ

WARD: Holbrook East

APPLICATION: DC/22/0469

APPLICANT: **Name:** Mr & Mrs Cook **Address:** 13 Trefoil Close West Sussex
Horsham RH12 5FQ

REASON FOR INCLUSION ON THE AGENDA: The applicant is an employee of 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 is seeking planning permission for the erection of a two-storey and single storey rear extension. The proposed extensions would have an overall height of approximately 6.2m and a width of 3.5m. The proposed extension would be constructed in material to match the existing dwelling. In order to facilitate the proposed extension, an existing single storey rear conservatory would be removed. The proposal also includes a single-storey infill extension to the rear east side of the dwelling with a lean-to roof.

1.3 It is noted that the application has been amended as a result of officer concerns regarding impact on neighbouring amenity with the proposed first floor element reduced in depth.

DESCRIPTION OF THE SITE

1.4 The application site comprises a two-storey detached house that occupies a moderately sized plot in Trefoil Close within the built-up area boundary of Horsham. The dwelling is part of a row of houses linked by garages. To the rear is the Holbrook Club and an area of unoccupied public land. It is noted that the surrounding area consists of a mixture of property of varying designs and extensions present to the rear elevations.

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 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Supplementary Planning Guidance:

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 North Horsham Parish Council voluntarily withdrew their parish from the Neighbourhood Development Plan process on the 30 July 2018.

PLANNING HISTORY AND RELEVANT APPLICATIONS

None relevant

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

OUTSIDE AGENCIES

- 3.2 **Natural England: (Standing Advice) 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.

- 3.2 **North Horsham Neighbourhood Council:** Objection to initial design and subsequent amendments on grounds of overdevelopment and design

PUBLIC CONSULTATIONS

3.3 A total of 9 letters of objection were received from 3 separate householders during three separate consultations periods. These representations can be summarised as follows:

- Extension would block out natural light
- Proposed extension will have an overbearing impact on property and garden
- Out of character for the area and too large for the surroundings, with the projection to the rear being out of keeping with the adjacent properties.
- Loss of privacy
- Access to neighbouring property, extension sits along the boundary line.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE EQUALITY AND 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

6.1 The main issues are the principle of the development in the location and the effect of the development on;

- The character of the dwelling and visual amenities of the area
- The amenities of the occupiers of adjacent properties

Design and Appearance

6.2 Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building and adjoining neighbouring properties.

6.3 Policy 33 states amongst other criteria that extensions should have regard to their natural and built surroundings in terms of their design, scale and character. An extension should be of a scale which is sympathetic to and does not overpower the original building.

6.4 The proposed erection of a two storey and single storey rear extension would be of an appropriate scale when viewed against the existing dwellinghouse. The proposed single

storey section of the extension extends no further than 3.5m from the rear elevation, which is a reduction from the existing conservatory that is replaced, with an eave's height of 2.53m, which again would be similar to the existing conservatory. As amended, the two-storey element represents a subservient form of development, with a ridgeline that sits below the host property. It extends 2.25m from the rear elevation and sits comfortably within the existing footprint of the conservatory.

- 6.5 As matching materials to the existing dwellinghouse are proposed in the design, it is considered that the proposal would reflect the form, scale and detailing of the existing building and appear a coherent and sympathetic addition.
- 6.6 It is noted that there is evidence of similar two-storey rear extensions within the street and wider locality; for example, at 3 Trefoil Close (NH/111/03) and 6 Trefoil Close (NH/30/95). The proposal is not considered to be out of character nor is it considered an uncommon form of development within a dense residential area such as this, with a number of dwellings having at least a single storey rear projection on their property. Overall, the proposed development is considered to comply with Policies 32 and 33 of the HDPF.

Impact on Neighbouring Amenity

- 6.7 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.8 As detailed above the proposed-first floor has been amended in terms of overall size and depth in order to ensure that there would be no detrimental impact on neighbouring amenity.
- 6.9 It is noted that the neighbouring property at 12 Trefoil Close, which is the closest property to the proposal to the west, has a rear window close to the curtilage boundary which serves a dining / utility room area. However, this window is considered to be a secondary window, as the main dining room area further along the garden towards the west benefits from a large fully glazed bay window at the rear, as well as two rooflights, which are considered primary sources of light to this area. It should also be noted that no.12 would be separated from the proposed extensions by an existing gap between the houses. As detailed on the plans, the proposed first floor element of the extension would adhere to the 45 degree rule when measured from the secondary window which primarily serves the utility area, and as such, it is not considered that the proposal would not result in a harmful loss of light or outlook to the neighbouring property which would warrant a refusal.
- 6.10 It is noted that a high level side window is proposed at first floor level to the eastern elevation of the proposed extension. In order to ensure that there is no impact on neighbouring amenity in this regard, a condition is recommended requiring that this window is positioned at least 1.7m above floor level and is obscure glazed.
- 6.11 In relation to adjacent property to the east (14 Trefoil Close), the proposed infill extension would not extend beyond the existing addition to the rear of the garage at no.13. The proposed single and two storey extensions are also set a suitable distance from this property. As such, there would be no impact on no.14 in relation to loss of light, outlook or an increased sense of enclosure.
- 6.11 Taking the above into account, overall, the proposal would not result in harm to neighbouring amenity, in accordance with Policy 33.

Water Neutrality

- 6.12 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 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

- 6.13 Overall, the proposed two-storey and single storey rear extension is appropriately designed and scaled, with evidence of similar developments within the wider street scene. The proposal is also considered to be acceptable on amenity grounds and as such, the application is considered to be in accordance with Policy 32 and 33 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below.

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.

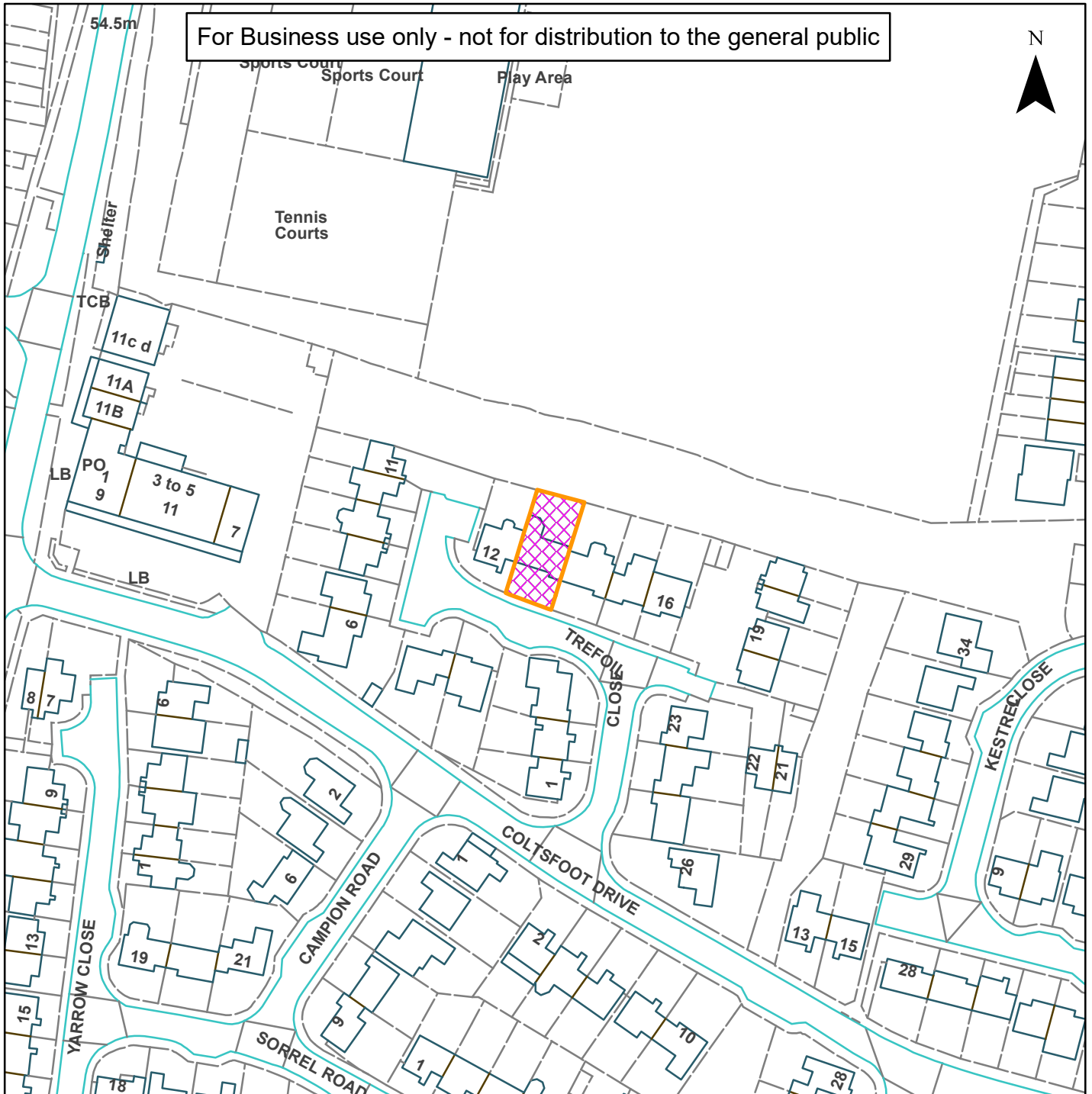
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 4 **Regulatory Condition:** The lowest part(s) of the proposed window to the eastern side facing elevation at first floor level of the proposed development hereby permitted, indicated on drawing C4/13-1 REV 3 received 19 July 2022, shall be no less than 1.7 metres above the floor of the room in which it is installed and shall be fitted with obscure glazing. Once installed the window shall be retained at the minimum height with obscured glazing permanently thereafter.

Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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